

?????????? T-211/04 ??? T-215/04

**Government of Gibraltar ??? ??????? ?????????? ??? ??????? ?????????? ??? ???
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?????????? ??? ?????????? ????????????

«?????????? ?????????? ??? ?? ????? – ??????? ?????????? ??? ?????????? ???
?????? ??????? ??????? ?? ?? ?????????? ??? ????? ?????????? ?????????? ??? ???
????????? ??? ?????????? – ??????? ?? ??? ????? ?? ?????????? ?????????? ???
????????? ??? ??? ????? ??? – ?????????? ?????????? ?????????? – ??????????
?????????»

????????? ??? ??????????

1. ?????????? ?????????? ??? ?? ????? – ?????? – ?????????? ??? ?????????? ???
????? – ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???

(????? 87 § 1 ??)

2. ?????????? ?????????? ??? ?? ????? – ?????? – ?????????? ??? ?????????? ???
????? – ?????????? ??? ?? ????? ? «?????» ?????????? ??? ??????

(????? 87 § 1 ??)

1. ?? ??? 87, ???????? 1, ?? ??????? ?? ?????????? ??, ?? ??????? ??
????????? ??????? ????????, ??? ??????? ?????? ?????? ?? ??????? «?????????
????????? ? ??????? ?????? ?????? ??????» ?????? ????? ?? ??????, ??? ??????
?? ?????? ??? ?????????? ?? ?? ?????? ?????, ?? ?????????? ?????????? ??? ??????
?????????. ?? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????
?? ??? ??? ?????? ???????, ??? ??? ?????????? ???, ?????? ?????? ?????? ??????????
?? ?????????? ?????? ?????????? ??? ??? ??? ??? ?????? ?????????? ?????????? ???
????????? ?????? ?????? ?????? ?????????? ?? ?????????? ??? ?????? ?????? ?????.
????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??????
?????, ?????? ? ??? ?????? ?????? ?????????? ?????? ??? ?????? ?????????? ?????? ???
????? ??? «?????» ???????. ?? ?????? ?????? ?????????? ?????????? ??? ?????? ?
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???.

?????????, ??? ?? ?????????? ? ?????????? ?????? ?????????????? ???
????????????? ??? ?? ?????? ?? ??????????, ?? ??? ??? ?????? ??? ?????? ?????? ??????,
????????? ?????????? ?????????? ?? ?????? ?? ??? ?????? ?????? ??? ?????? ?????? ??????,
??????, ??????, ?? ?????????? ?? ?? ??? ?????? ?????? ?????????? ??? ?? ??? ?????????? ??????
?????? ?????? ?? ??????, ??? ?????????????? ??????, ?????????? ?? ?????????? ??? ?????????? ??????
????????? ?????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ? ?????????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ???, ??????, ?? ?? ?????????????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????
??? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????????? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

(???. ??????? 78-80, 86)

2. ?? ?????? 87, ?????????? 1, ?? ?????????? ?? ?????????? ??, ??? ??????? ???
????????? ??????? ?????????, ??? ?????? ?????? ?????? ?? ?????? «?????????
????????????? ? ?????????? ?????? ??????» ?????? ?????? ??? ??????, ??? ??????
??? ?????? ??? ?????????? ?? ?? ?????? ??????, ?? ?????????? ?????????? ??? ??????
?????????. ? ?????????? ?????? ?????? ?????????? ?????? ?? ?????????? ?? ?????? ???
????????? ?????????? ???' ??????, ??????, ??? ?? ??? ?????? ?????? ?????????? ??? ??
????????? ?? ?????? ??? ?? ?????? «?????????» ?????????? ?????????? ??? ??????????
??? ?????????? ??? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??? ?????? ???
???? ?? ?????? «?????????» ?????????? ?????? ?????? ? ?????? ?? ?????? ?????? ??? ??
????????????? ??? ?? ?????????? ?????? ?????????? ?????? ??? ?????????? ??? ??????????
??? ?????? ?????? ??????????, ?????? ?? ?????? ?????? ?????????? ?????? ??????????
?? ?????? ??????????, ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ???
????????? ??????, ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??????.

???? ?????????? ??? ?? ?????????? ?????? ??? ?????????, ??? ?????? ??? ?? ??????
????????? ??? ?????????? ???, ??? ?????? ?????????? ??? ?? ?????? «?????????»
????????? ??????, ?? ?????? ?? ?????????? ??? ?????????? ??? ??????????, ??? ??????
????????? ?????? ??? ?? ?????????? ?????? ??? ?????? ???' ???' ??? ??????????, ???
????????? ??? ?? ???? ??? ?? ?????????? ??? ?????????? ?????? ?????? ??? ??????
?????????. ??????????, ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
???????????, ??????, ??? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???,
????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???,
????????? ??? ?????? ?????? ?????? ???, ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ???, ??????, ??? ?????? ?????? ??? ?????? ?????? ??? ?? ??? ??
????????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???.

? ? ?????????? ??? ?? ?????????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????? ???
????????? ?????? ???, ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ???, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ? ?????????? ??? ?????? ???, ??????, ?? ?????? ??? ?????? ?????? ??? ??????????
?? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? «?????????» ?????? ?????? ?????? ???, ?????????????? ???,

????? ????? ??????? ??, ??? ??????? ?? ???? ??????? ?? ?????? ?? ?????? ?? ??????? ??
?? ??????????? ??, ???, ???????, ?? ?????? ??' ????? ?? ?????? ?? ?????? ??
?????? ?? ??????????? ??, ??? ??????? ??, ?? ??????? ?? ??????? ??, ?? ?????? ??
?? ??????????? ??, ??? ??????? ??, ?? ??????? ??, ?? ??????? ??, ?? ??????? ??
?????????? ??, ?? ?????? ? «??????» ??????? ??, ?? ??????? ??, ?? ??????? ??, ??
?? ????? ??????????? ??, ??????? ??.

(???. ??????? 141,143-145)

?????? ? ? ?????????????? (????? ?????????? ?????)

??? 17?? ?????????? 2008 (*)

«????????? ??????????? – ?????????? ??????????? ???? ??????????? ???? ?????????? ???? ?????????? ???? ?????????? ????
????????? ???? ??????????? – ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ????
????????? – ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ????
????? ?????? – ??????????? ???? ??????????? – ?????????? ???? ???????????»

???? ?????????? T?211/04 ??? T?215/04,

Government of Gibraltar, ??????????????? ??? ??? M. Llamas, barrister, J. Temple Lang, solicitor, ????? ???, ???????, ??? ??? A. Petersen, K. Nordlander, ??? ???????, ??? ??? K. Karl, ????????,

????????????? ??? ????? T?211/04,

????????????????? ???

?? ??????? ??????? ?? M. Bethell, ??????????? ?? D. Anderson, QC, ??
?? H. Davies, barrister, ?? E. Jenkinson ?? E. O'Neill,

??????????????.

????????? ?????????? ??? ??????? ?????????? ??? ??? ?????? ?????????? ??????????,
????????????????? ??????? ??? ??? M. Bethell, ??? E. Jenkinson, ?????????????????? ??? ??? D.
Anderson, QC, ??? ??? H. Davies, barrister, ??? ???????, ??? ??? ?. Jenkinson, E. O'Neill ???
S. Behzadi?Spencer,

????????????? ???? ??????? T2215/04.

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?????????? ??? ??????????? ???????????, ??????????????? ??? ??? N. Khan ??? V. Di Bucci,

?????,

????????????????? ????

?? ?????????? ??? ????????, ?????????????? ??? ??? N. Díaz Abad, abogado del Estado,
???????????,

?? ?????????? ?????? ?????????? ??? ?????????? 2005/261/EK ??? ????????, ??? 30??
?????? 2004, ??? ?? ?????? ?????????? ??? ?????????? ?? ?????????? ?? ?????????? ?? ???????
????????? ?? ?????? ?? ?? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? (?? 2005, L 85, ?. 1),

?? ?????????? ??? ?????????? ?????????? (????? ?????????? ????),

????????? ??? ??? M. Jaeger, ???????, V. Tiili, J. Azizi, E. Cremona (?????????) ??? O.
Czucz, ???????,

?????????: ?. K?????, ?????????? ??????????,

?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ??' ?????????? ?????????? ???
14?? ??????? 2007,

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I – ?????????? ??????????

1 ?? ????? 87, ?????????? 1, ?? ??????:

«????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????? ? ?? ?????????? ???
??? ??? ?????? ? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??????????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ?????????? ???
????????????? ?? ??? ?????? ??????, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
?????????, ??? ?? ?????? ?????? ?????? ????.»

2 ?? ?????? 2 ??? ?????????? 98/C 384/03 ??? ????????, ??????? ?? ?? ??????????
??? ?????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????????? ?? ?? ??????? ?? ?? ??
????????? ??? ?????????? (?? C 384, ?. 3, ?? ??????: ?????????? ?????????? ?? ?? ??
????????? ?????????? ??? ?????? ??? ?????? ?????????? ???), ?????????? ??? ?????? ???
????????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? 87, ??????????
1, ??.

3 ?? ?????? ?? ?? ?????? 16 ??? ?????????? ??? ?????? ?? ?? ?????? ??? ??????????
????? ??? ?????? ??? ?????? ??????????:

«[...] ??? ??? ??? ?????? ??? ??? ?????? ??? ?????? [87], ?????????? 1, [?] ?? ??
????????? ???, ??? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? . ???
????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?? ??

?????????? ?? ??? ??????? ?? ??? ??? ?????????? ?? ??? ?????????? ?????? ? ??? ???????????????
??? ?????????? ?? ??? ?????????????? “??? ?? ??? ? ??? ?????????? ??? ?????????? ???
?????????”, ????, ?? ??? ?????????? ??? ???? ?????????? ? ??? ?????????????? ??? ?????????????? ???
??? ?????? ?????? ??????. ??? ?, ?????????? ??? ?????? ?????? ??????»

4 ?? ?????? 299, ?????????? 4, ??, ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??????????
????????????? ??? ?????????? ???, ??? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??????
????? ??? ?????? ???.

II – ?????????? ??? ??????????

5 ?? ?????????? ??? ?????? (? ?????????? ???) ??? ?????????? ?????????? ???
?? 1713 ??? ?? ??????? ?????????? ??? ?????? ?????????? ??? ??? ?????? ?????????? ???
????????? ??? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????
?????????.

6 ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ?????? ??????????, ??
????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
Gibraltar Constitution Order 1969 (?????? ??? 1969 ??? ?? ?????????? ??? ??????????
??? ????: ??????? ??? 1969) ??? ?? Accompanying Despatch (????????? ??? ??????) ???
23?? ??? 1969.

7 ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???
?????????, ??? ?????? ??? ??????????, ???, ??? ?????????? ?????? ?????????? ???
?? ?????????? ?????????? ??? ??????????. ?? ?????????? ?????????? ?????????? ???
Chief minister ??? ??? ???????, ??? ?????? ?????? ? ?????? ??? ?????? ???
????????? ??? House of Assembly.

8 ? ?????????? ??? ?????? ??? House of Assembly ??? ??? ???????.
?? House of Assembly ?????????? ??? ??? Speaker, ??? Attorney General, ??? Financial and
Development Secretary ??? ??? ?????? ??? ?????? ????. ?? ?????? ??? House of
Assembly ????????, ???' ????, ??? ?????? ???.

9 T? ?????????? ??? ?????? ?????????????? ????. ???????, ?????? ??????????
????????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
Judicial Committee of the Privy Council (????????? ??? ?????? ??? ?????????? ???
?????????) ??? ?????? ???.

10 ?????? ?? ?????????? ??? ?????? ??? ??????, ??? ??? ?????? ??? ?????? 299,
????????? 4, ??, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ??? ?????????? ?' ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? 28
??? ?????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? [?? (????? ?? ?????????? ????) 1972, L 73, . 5], ?? ?????? ??? ??????
??? ?????????? ?? ?????? ??? «????????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,

????????? ??? ??????.

I – ?????????? ??? ??????????????? ??? ?????? ?????????? ??? ??? ?????????? ??? ??????????

11 ??? 11 ?????? 2001, ? ?????? ?????? ?????????? ?? ?????? ??? ?????? ?????????? ??????????
?????? ?????? ??? ?????? 88, ?????????? 2, ??, ?????? ?? ??? ?????????? ??? ?????? ??????
????????? ??? ?????????? ?????? ?? ??? ?????? ?????????, ?? ?????? ?????? ?????? ???
«????????????? ??????» (?? 2002, C 26, ?. 13) ??? ??? «????????? ?????? ?????????? ??????????
?????????» (?? 2002, C 26, ?. 9).

12 ?? ?????????????? ?????? ??? ?????? ?????? ?????????? ??? ??????????, ??? ??
????????? ??? ?????? ?????????? (????? «a bricks and mortar presence») ??? ???
????????????? ??? ?????????? ??????.

13 ??? ?? ?????????????? ??? ?????? ?????????? ??????????????, ?????? ?? ?????? ??????
????????????? ??? ?????? ?????????????? ?????? ?????????????? ? ?????????? ??????????
????????? ? ??? ?????? ?????????????? ??? ??????????, ?????? ?? ?????????? ??? ??????
????? ?????????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ?????????? ?????????? ???
????????? ??? ?????????? ??? ?? ?????????? ?????????? ??? ?????? ?????????? ?? ?????????????? ???
????????? ??? ?????????? ?? ?????????? ?????????? ?????? ?????? ?????? ?????? ??????????
????????? ??? ?? ??? ?????????? ??? ?????????? ??? . ??? ?? ?????????? ??????????
????????????? ??? ??????????, ? ?????????????? ?????? ?????????? ?????????? ?????? ??? ??? ???
????????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????????? ?????? ?????? ?????? ???
????? 225 ??? ?????? (GBP).

14 ?? ?????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? . ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??? ?????? ?????? ?????? ??? ??? ??????
????????? ?????? 2 ??? 10 % ??? ??? ?????? ???.

15 ?? ??? ?????? ??? 30? ?????? 2002, T?195/01 ?? T?207/01, Government of
Gibraltar ??? ?????? (?????? 2002, ?. II?2309), ?? ??????????, ??????, ?????? ???
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? ??? ?????????? ???
????? ???, ?????? ???, ?????? ??? ?????? ?????? ?????? ??? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ?????? ?????? ??? ??? ?????? ?????? ??? ?????? ???.

16 ??? 27 ?????? 2002, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?? ?????????? ??????????
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
?? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
????????? ??? ??? ?????? ??????.

II – ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???

17 ?? ?? ??? 12 ?????? 2002 ??????, ?? ?????? ?????? ?????? ?????????? ???
??????, ???' ?????? ??? ?????? 88, ?????????? 3, ??, ?? ?????????? ??? ??????
????????? ??? ??? ?????? ??? ??????.

18 ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (?)

???????) (top?up tax) ??????????? ???? ??? ??????? ?????????????????????? ??????????? ???
???? ??????? ?????? ??????? ??????? ?????? ?????? ?????????????? ?????? ?????? ???????
????????????????? ?? ?????????????? ??? ?????????????????? ?????? ?????? ?????? ???
?????????????????, ?????????? ?????????? ??? ??????.

19 ? ?????????? ?????????????? ?? ?????????? ???:

- ??? Companies (Payroll Tax) Ordinance [????????? ??? ?????????? (????? ????????)
?????????)]?
- ??? Companies (Annual Registration Fee) Ordinance [????????? ??? ?????????? (??????
????? ??????? ??? ?????? ??????)]?
- ??? Rates Ordinance [????????? ??? ??????]]?
- ??? Companies (Taxation of Designated Activities) Ordinance [????????? ??? ??????????
(????????? ?????????????? ??? ?????? ?????????? ?????????? ??????????)].

20 ? ?????????? ?? ?????????? ?????????????? ?? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?? House of Assembly. ??? ?????? ??? ??????????????
?????, ? ?????????? ??? ??? ?????????????? ?????????? ??? ??? ?????????? ??????
????????????? ?????????? ?? ?????????? ?? ?????? ??????????.

? – ??????? ?????????????? ?????????????? ?? ?? ?????????? ??????????????

21 ?? ??????? ?????????????? ??? ?????????? ?? ?? ?????????? ?????????????? ???
????????? ?? ??? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?????????? ??????????????
??? ??? ??? ?????? ?????????? (payroll tax), ??? ??? ??? ?????????? ?????????????? ???
????????????? (business property occupation tax) ??? ?? ?????? ??? ?????? ?????????? ???
????????? (registration fee):

- ? ?????? ??????? ??????????: ??? ?? ?????????? ??? ?????????? ?????????????? ???
????????? ?? ?? ??? 3 000 GBP ??? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ?? ?????????? ??? ?????????? ?????????? ??? ??? ?????????? ???
????????????? ??? ?????????? ?? ?????? ?????? ?????? ? ?????? ?????????? ?????????????? - ?
????????? ??? ?? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ???
????????????? ??? ??????
- ? ?????? ?????????? ?????????????? ??? ?????????? (Business Property Occupation
Tax, ??? ???: BPOT): ??? ?? ?????????? ??? ?????????? ?????????? ?????????????? ???
????????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ? ?????? ??
????????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??????????
- ?? ?????? ?????????? ?? ?????? ??????????: ??? ?? ?????????? ??? ??????????
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? 150 GBP ?????? ??? ??
?? ?????????? ??? ?????? ??? 300 GBP ?????? ??? ??? ?????????? ?????? ??? ??????????.

22 ?? ??????? ??????? ?????????? ??? ??? ?????? ?????????? ?????????? ??? ?? ??? ??
????????? ?? 15 % ??? ?? ?????? ??????, ?? ?????????? ?? ?????????? ??? ??????????
????????? ?? ??? ?????? ?????? ?????? ???, ??? ?? ?????????? ??? ?????? ??? ?????? ??
????????? ?? 15 % ??? ?? ??????.

? – ?????????? ??? (? ????????)

23 ?????????? ??????????????, ?????????? ? ?????? ?????????????????? ??????????
??? ?????????? ?????? ???????, ?? ?????????? ?? ?????????? ??? (? ??????) ??? ??
?????? ?? ?????????? ?? ??????. ?? ?????????? ?????????? ??? ?? ??????????
????? ?? ?????? ?? ?????? ??? ?????????? ??? ?? ??? ?? ??????????.

24 ???, ?? ?????????? ??????? ?????????????????? ??????????, ?????????? ??? ??
????????? ?????????? ??? ?????????? ??????????????, ?? ?????????????? ?? ?????????? ??? (?
?????) ?? ?????????? ??? 4 ??? 6 % ??? ?? ?????? ??? ?????????? ??? ?? ??????
????????????????? ?????????? (? ?? ?????? ?? ?????????? ?????? ?? ?? ??????
????????? ?????????? ?????????? ?????????? (? ?? ??? ?????? ?????? ??????????, ???
????????? ?????????? ??? ?????????? ???) ??? ?????? ??? ?????? ?? ?????????? ?????? ??
% ??? ?? ?????.

25 ?? ?????????? ??????? ?????????? ?????? ??????????, ?????????? ??? ?? ?????? ??????????
????????? ??? ?????????? ??????????????, ?? ?????????????? ?? ?????????? ??? (? ??????)
????? 35 % ??? ?? ?????? ??? ?????????? ??? ?????????? ?????????? ?????? ?????????? (?
????? ?? ?????????? ??? ?????? ?? ?? ?????? ?????????? ?????????? ?????????? ??????). ??? ??
????????? ????, ? ?????? ?????????? ?????????? ??? ?????????? ?????????????? ?????? ??
????????? ??? ?? ?????????? ?????????? ?????????? ??????. ?????? ??? ?? ?????????? ??????
????????? ??? ?????????? ?? ?????????? ?????????? ???' ?????? ??? ?????????? ?????????? ???
????? 15 % ??? ?? ?????? (? ?? ??? ?????? ?????????? ??? ?????? ??? ?? ?????????? ???
?????????????), ?? ??? ?????????? ??? ?????????? ?????? ??? ?? ?????????? ?????? ??? ??
????????? ?????????? ??? ?? ?????????? ?????? ?? ?????????? ?????? ??? ?? ?????????? ???
% ??? ?? ?????.

III – ?????????? ?????????? ??? ?????????? ??????

26 ?? ?? ?? 16 ?????????? 2002 ??????, ? ?????????? ?????????? ??? ?? ?????? ??? ??????????
????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????????? ?????????????? ?????????? ??? ??????
88, ?????????? 2, ??, ??? ?????? ?? ?????????? ?????????????? ?????????????? ??? ?????? ???
????????????? ?? ?????????? ??? ?????????? ?????? (?? C 300, ?. 2). ?? ??????
????????? ?????????? ??? ?????????? ??? ?? ??? 13 ?????????? 2002 ??????.

27 ?? ?????????? ??? ?????? ?????????????? ??? Confederación Española de Organizaciones
Empresariales (????????? ?????????????? ??? ?????? ?????????? ??????????????), ??? Ålands
Landskapsstyrelse (????????? ?????? ??? ?????? Åland ??? ??????????), ??? ??????????
??? ?????? ??? ?? ?????????? ??? ?????????? . ? ?????????? ?????????? ???
????????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ??
?? ??? 13 ?????????? 2003 ??????.

28 ??? 30 ?????? 2004, ? ?????????? ?????? ??? ?????????? 2005/261/??, ??? ?? ??????????
????????? ??? ?????????? ?? ?????????? ?? ?????????? ?????????? ?? ?????? ?? ?? ??????????????
??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? (?? 2005, L 85, ?. 1, ??? ????:
????????????? ??????).

29 ?? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ?? ???:

«????? 1

? ?????????? ??? ?????????? ?? ?????? ?????????? ?????????? ?? ?? ?????????????? ???
????????? ?????????? ??? ?????????? ?? ?????? ?????????? ?????????? ?????????? ???

?????????? ?? ??? ???? ??????????? ?? ??? ???? ????.

???? ?????, ?? ?????? ?????? ??? ???? ???? ???? ???? ????.

????? 2

? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????.

30 ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????????? ???
????????????? ???????????????, ? ?????????? ???????, ???' ??????, ?? ??? ??????????????
????????? 98 ??? 152 ??? ?????????????? ???????, ??? ? ?? ??? ????? ?????????????? ???
????????? ??? ?????????????? ??? ?????? ?????????????? ??????. ?????? ?????????????? ???
????????????? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ?????? ??? ??????
?? ?????????? ??? ?????????? ??????????????, ???????, ?? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????????? ?????????? (????????????? ??? 127 ??? ??????????????).
?????????). ? ?????????? ?????? ??? ?? ?????????? ?????? ??? ?????????????? ??????????????
????? ?????????? ??? ?????????? ??????: ??????, ? ?????????? ?????? ?????? ???
??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? (????????????? ???
128 ??? 133 ??? ?????????????? ??????????)? ???????, ?? ?????????? ??? 15 % ??? ???
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??????????????, ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????????????? ??
??????, ?? ?????????? ?????? ???????, ?????? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
(????????????? ??? 134 ??? 141 ??? ?????????????? ??????????)? ??????, ? ??????
????????? ?????? ??? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??????, ??? ?? ??? ???, ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?? ??????, ?? ?? ??????, ??? ?????????? ??? ?????? ?????? ?????? ??????
(????????????? ??? 142 ??? 144 ??? 150 ??? ?????????????? ?????????). ? ??????
????????? ??? «?? ?????????????? ??? ?????? ?????????????? ??? ?????? ??? ?????????????? ??? ???
?? ?????????? ??????????????, ? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
????????????? ??? ?????????????? ??????????, ??? ??? ??? ??? ??? ?????? ??? ???
?????????» (????????????? ??? 152 ??? ?????????????? ??????????).

????????? ??? ?????? ??? ??????

31 ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ?????? 9 ?????? 2004,
? ?????????? ??? ?????????, ?????????????? ??? ?????? -211/04, ??? ?? ??????
????????, ?????????? ??? ?????? -215/04, ?????? ??? ?????????? ?????????? ??????????
????? ??? ?????????? ??????.

32 ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 4
????????? 2004, ?? ?????? ??????, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????
????? T?211/04.

33 ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 7
????????? 2004, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? T?211/04 ??? T?215/04.

34 ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 1?
????????? 2004, ? ?????????? ??? ?????? T?211/04 ??????, ?????? ??? ??????
????????? 2, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

????????????? ??? ?????????????? ? 2 ??? ?????????? ??? ?????????? ?????? ???
?????????????. ??????? ?? ?????? ??? ?? ?????? ?????? ?????????? ??? ?????? ???
????????? ??? ?????????????? ??? 26 ?????? 2005.

35 ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????????? ??? 14??
????????? 2004 ??? ?? 15?? ?????????? 2005, ?????? ?????? ?? ?????? ?????????? ??????????
???? ?????? T?211/04 ?? T?215/04.

36 ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? 8
????? 2005, ?? ?????? ?????????? ??? ?????????? ??? ?????????? T?211/04 ??
T?215/04, ??? ?????????? ??? ?????????? ?????????? ??? ?????? ?????? ??????
?????????, ?????? ??? ?????? 50 ??? ?????????? ???????????. ?? ??????????????
????????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??????????.

37 ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? 16 ?????? 2005
??? ??? 15 ?????? 2005, ??????????, ?? ?????????? ??? ?????? ?????? T?211/04 ??
T?215/04 ?????? ??? ??? ?????????? ?????? ??? ?????? ?????? ?????? ???
????? 55, ?????????? 2, ??? ?????????? ??????????.

38 ?? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ??? 29 ?????? 2005 ???
????? T?215/04 ?? ??? 20 ?????? 2005 ??? ?????? T?211/04. ?? ?????? ??????
???? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ??? ?????????? ???
??????????. ?? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ???
T?211/04.

39 ?? ??? ??? 12 ??? 2005 ?? 13 ?????? 2006 ??????, ?? ??????????
??????, ??? 55, ?????????? 2, ??? ?????????? ??????????, ??? ?????? ???
???? ?????????? ??? ?????? T?211/04 ?? T?215/04.

40 ??? 6 ?????? 2005, ?? ?????????? ??? ?????? ?? ?????? ??? ??????????
T?211/04 ?? T?215/04 ?? ??? ?????? ?????????? ???.

41 ?? ?????? ??? 18?? ?????? 2006, ?? ?????? T?211/04 ?? T?215/04 ??????
?? ?? ?????? ??? ?????????? ??? ??????????.

42 ?????? ?????? ??? ?????? ??? ?????? ??????, ?? ?????????? (????? ?????????? ????)
????????? ?? ?????????? ??? ?????????? ?????? ?????????? ???, ?? ?????? ??? ??????
????????? ??? ?????????? ??? ?????????? ?? ?????? 64 ??? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? T?211/04 ?? T?215/04 ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ??????
?? ??? ?????? ??? ?????????? ??? 6?? ?????? 2006, C?88/03, ?????????? ???
????????? (????? 2006, ?. I?7115, ??? ???: ?????? ??? ?? ?????????? ?????? ???
?????). ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????????.

43 ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??' ?????????? ??? ?????? ??? 14?? ?????? 2007.

44 ?? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ???
?????????, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ??????.

45 ? ?????????? ??? ?????? T?211/04 ?????? ??? ?? ??????????:

- ?? ?????????? ??? ?????????????? ???????.

- ?? ?????????????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????.

46 ?? ?????????? ??? ??????? T?215/04 ????? ??? ?? ??????????:

- ?? ?????????? ??? ?????????????? ???????.

- ?? ?????????? ??? ?????????? ??? ?????????? ??? ???????.

47 ??? ?????????? T?211/04 ??? T?215/04, ? ?????????? ?????? ??? ?? ??????????:

- ?? ?????????? ??? ???????.

- ?? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????.

48 ??? ?????????? T?211/04 ??? T?215/04, ?? ?????????? ??? ?????????? ??? ?????? ??? ?? ??????????:

- ?? ?????????? ??? ???????.

- ?? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????.

?????????

49 ?? ?????????????? ????????????, ???' ??????, ?????? ?????? ?????????? ??????????. ? ??????
????????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????????? ?????????????? ??? ?????????? ?, ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
??? ? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ??????
????????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??????
????????? ??? ?????????? . ? ?????????? ??? ?????? ?????????? ??? ?????????? ?? ??? ?????, ??? ?? ?????? ???
????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???.

I - ??? ??? ?????? ?????? ??????????, ??? ?????????? ??? ?????? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ??????????????????

? - ?????????? ??? ??????????

50 ?? ?????????????? ?????????????? ??? ? ?????????? ?????????? ?????????? ???, ??
????????? ??? ?????????? ??? ?????????????? ?????????????? ???, ?????????? ?? ??? ?????? ???
????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ?? ?? ??? ??????????
????????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????????? ??? ?????????? ???
????????? ???, ???' ??????, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

51 ??? ??????, ?? ?????????????? ?????????? ??? ? ?????????? ??? ?????????? ??? ??????????????
????????????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ??????????
????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????? ??? ?????????? ??? ??????. ? ?????????? , ? ?????????? ??? ?????? ?? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???.

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52 ??? ?????? ?? ??????????? ?? ?????? ????.
?????????? ?????????? ?????? ??? ?????????? ?????????? ???, ?????? ?? ???? ?????? ??? ??
?????????? ?????????? ?????? ??? ?????????? ?????????? ???, ?????? ?????????? ??? ?????????? ???
?????????? ?? ?????????? ?????? ??? ??????, ?????? ??? ?????? ?????? ?????? ?????????? ???
????????? ?? ?????????? ?????? ??? ??????, ?????? ??? ?????? ?????? ?????? ?????????? ???
????????? ?? ?????????? ?????? ??? ??????, ?????? ??? ?????? ?????? ?????? ?????????? ???
«?????????», «?????????» ? «?????????» ??? ?????????? ?????????? ??? ?????????? ???
????????? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ?? «?????????» ?????????? ???
?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? ??????????, ??? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ???
?????????????.

53 ???????, ?? ?????????????? ??????????????, ??????, ??? ?? ?????????? ??? ??
????????? ?????????? ??? ?????????????? ?????? ??? ?????????? ??? ?????????? ???
????????????? ?????????????? ??? ?????????? . ??? ?????????? ??????, ?? ?????????? ???
?? ?????????? ??? ?????? ??????????????, ?????????? ??? ?????????? ?????? ??????????????, ??
????????? ?????????? ??? ?????? ?????????????? ?????????? ??? ?????????? ?????????? . ???
????????????? ???????, ?? ?????????? ??? ?????????? ?????? ?????????????? ?????????? ? ???
?? ?? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ?? ????. ??????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ???
?? ?????? ???, ?????? ??? ?????????? ?????? ??? ?????????? ?????????? ??? ?????? ???
?????????. ??????? ??? ?????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?. ?????????????? ??? ?????? ???
????? ??? ?? ?????????? ?????? ?? ?? ?????????? ??? ??? ??? ?? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???.

54 ?? ?????????????? ??????????????, ???????, ??? ?? ?????????? ??? ?? ????
????????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ????. ? ??????????
?? ?????????? ??? ?? House of Assembly ?????????? ?? ?????????? ??? ?? ???? ??????
????????? ?????????? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ???
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? . ? ?????????? ???
?? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?? ?? ??? ?????? ?????????? ?????? ??? ?????????? ??? ?????????? . ??????????, ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????? ?????? (????????? ??? 121 ??? ?????????? ???), ?
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ?????? (????????? ??? 109 ??? ?????????? ???) ??? ? ??????????
?? ?????????? ??? «?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? » (????????? ??? 112 ???
????????????? ??? ??????????).

55 ??????? ?? ??? ?????????? ??? ??????????, ?? ?????????? ??? ?????????????? ???
????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ???, ??????? ??? ?????? ??? ?????, ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? . ?????? ?????????? ???' ?????? ??? ??
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

56 ???????, ?? ??????????????? ??????????????? ???, ?????????? ??? ???? ??? ?????? ???
????????? ??? ??????????????? ???????, ? ?????????? ??? ?????????? ?????????? ???
????????? ??? ??????????????? ??? ?????????? ?????????? ?????????? ??? ??? ?????????? ???
????????????? ?????????? ?????????? ?????????? ??? ????? ?????????????? ??? ??? ??? ??? ??? ???????,
????? ??? ??? ??? ?????????? ??? ?????????? ??????????, ? ?? ??? ??? ?????????? ???
????? ?? ??????? ?? ?????????? ??? ?????????? ??????????.

57 ????? ???????, ?? ??? ??????? ?????????????? ????. ?? ????. ??? ?????? ??? ?????????? ???
????????? ??? ?? ?????????? ?????? ??? ??????, ????. 42 ??????, ?? ??????????????,
????????? ??? ?? ?????? ?? ?????????? ??? ?????????????? ?????????????? ??? ?? ???? ??
????????? ???????, ?????? ?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??????????
?? ?? ?????????? ?????? ?????? ?????????? ?????? ?????? ??? ??, ??????????????,
??????????, ??? ?? ??????? ?????????? ?? ?????????? ?????? ??? ?? ?????? ??? ?????????? ??? ?????????? , ???'
??????????, ??? ?? ??????? ?????????? ?? ?????????? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? .
67 ??? 68 ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ??????, ??? 42 ??????.

58 ????????, ?? ?????????????? ?????????????? ???, ????? ?? ? ? ??????????
????????????? ??? ?????????? ??? ??? ??? ??????????, ?????????????? ??? ??
???? ? ?? ?????? ???????? ???.

60 ? ?????????? ??????????? ?????? ??? ? ?????????????? ?????? ?????????? ??? ?????????
????????? ?? ?????????? ?????? ??? ?????? ?????? ?? ?????? ?????? ?? ??????????. ?????? ??????
????????? ?????? ?????? ?????? ??? ?????????????? ?????? ?????????? ??????????????, ??????, ?????? ??
?? ?????????? ?????? ?????????????? ?? ?????????? ?????? ?????? ??? ?????????? ?????????? ??????????
??? ??? ?????????? ??????????, ?? ?????? ??? ?????? ?????? ?????????? ?????????????? ??????????????
????????????? ?????????????? ?????????????? ?????? ??? ?????? ?????? ?????????????? ?????????????? ???
????????? ?? ?????????? ?????????????? ?? ?????? ??? ?????? ?????????? ??? ?????????????? ?? ??????????????
????? ?? ?????? ?????? ??????.

61 ?? ???? ??????????, ? ??????? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ?? ?????? ?? ?? ?????? ?????????, ??? ?????? ?????????????? ??
?????????????, ??? ?????? ?????????? ?????????????? ?????????? ??? ?????????? ??? ?????????? ??
?? ?????? ???????.

62 ? ?????????? ????????????, ???????, ?????????? ?????? ?????? ?????? ?? ???? ??????????????, ???
?? ?????????? ?????? ??? ?????????? ?????????? ?????????????? ?????????????? ?????????? ??? ?????? ???

? ?????????? ??? ?????????? ??? ?????????????? ?????????????????? ??? ?????????????? ???, ??????
?????, ??? ??? ?? ??????? ?????????? ?????? ?????????????? ??? ?????????????? ?? ??? ?????????? ??? ??????????
????????? ??? ?????????? ??? ??? ??? ? ?????????? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ??? ??? ?????????? ?????? (?? ??????? ??? ?????????? ??? ?????????? ??? ??????
???? ??? ? ??? ?????????? ?? ??? ?????????). ?? ??? ??? ??????????????, ? ??????????
????????? ??? ? ?????? «????????????? ?????????? ??????????», ?????? ??? ??????
????????? ??? ?????????? ?????? ?? ??? ?????????????? ???, ????? ?????????? ?????????? ??? ??????
????????? ??? ?????????? ???????, ??? ??? ?????? ??????: ??????, ?? ?????????? ??? 1969
????????? ??? ?? ?????????? ?????? (??? ??????? ??? ?????????) ??????? ?? ???????,
????? ?????, ??? ?? ?????????????? ??? ?????????? ??? ?????????? ?????????????? ???
????????? ???, ?????????, ?????????? ??? ?? ?????????? ?????????, ?? ?????????? ??? ??????
???? ?????? ?????????? ?????? ??? ?????????? ??? ?????????? ?????????? ??????????
????????? ??? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ???.

63 ??? ?????? ?? ?????????????? ??? ?????????????? ??? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??????????, ? ?????????? ??????, ???'
?????, ??? ??? ?? ?????? ??? ?????? ?????????? ??? ?? ?????????? ?????????? ?????? ???
????????? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ?????? ???
????????? ??????????, ?? ?????????? ?????? ?????????? ?????? ?????? ?????? ??? ?????? ??? ??????????
??? ?? ?????????? ?????? ??? ?????????? ?????.

64 ? ?????????? ?????????? ??? ?? ?????? 87 ?? ?????????? ??? ?????????? «??? ?????????? ??
?????», ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????. ? ?????????? ?????????? ??? ??
????????? ?????? ??? ?????? ?? ?? ?????? ?????? ?????? ??? ?? ?????????? ?????? ??? ?????????? ???
??? ?????? ?????????? ??????, ??? ?? ?? ?????????? ??? ?????????? ??? ?????????? ??????????
????????? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??????. ? ??????????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?? ??????????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????????? ??????????, ??
????????? ?? ?? ?????? ?????????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??????????
????????? ?? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

65 ? ?????????? ?????????? ??? ? ?????????? ?????? (? ??????????) ??????????
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? ??? ?????????? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ?????????? ??????,
?? ?????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ?????????? ??????
?? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ??????
????????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????????.

66 ??????, ? ?????????? ?????????? ??? ? ?????????? ?????? ??? ?????????? ??? ??????????
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ??? ?? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????????? ???, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????

? ?????????? ? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ? ?????????? ???????
????????? ???' ?????? ?????????? (???? ?? ?????????? ?????????? ?????????? ?????????? ???
????????? ?????? ?????????? ??? ?????? ?????? ?? ??? ?????? ?????? ?????? 115
??? ?????????? ?????? ??????)).

67 ? ??????????, ?? ??? ?????? ?????????? ??? ?? ??? ?????????? ??? ?????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?? ?????????? ?????? ??? ??????, ??? 42 ??????,
????? ?? ?? ?????????? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ?????? ??????????
????? ?? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??????).

68 ? ?????? ?? ??? ???????, ?? ?????? ??, ?? ??????????, ?? ?????????? ?????? ??
?? ??? ?? ?????????? ?????????? ??? ?? ?????????? ??? ?????????? ?? ??? ?? ??????
??? ?? ?????????? ?????????? ??? ??????, ??? 42 ??????, ??? ?? ?????? ??? ?? ???
?? ?????? ?????? ?????????? ??? ??????).

69 ? ?????????? ?????????? ??? ? ?????????? ??? ? ?????????? «????????????? ??????
????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??
????????? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ???», ??? ?? ?????? ?????? ?????? ??? ?????? 66 ??? ?????????? ??? ??
????????? ?????? ??? ??????, ??? 42 ??????, ?????????? ??? ?????? ??????????
????????? ??? ?????? ?????????? ??? ?????? ?????? 67 ??
????????? ??????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

70 ? ?????? ??? ?????? ?????? ??? ? ?????? ??? ? ?????? ?????????? ???????, ??? ??
?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ??? ??????????
??? ?? ?????? ?????????? ??? ?????? ???, ?????? ??? ?????? ?????? ??? ??????????
?? ?????????? ?? ??? ?????? ??? ?????? ? ?????? ?????? ?????? ?????? ??? ??,
????????? ??? ?????? ??? ?????????? ?????? ?????? . ? ?????? ?????? ??? ??
????? ??? ?????????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ???, ??? ??, ??? ?? ?????????? ?? ?????????? ?????????? ??????????
????????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??.

71 ? ?????? ??? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ?????? ???
????? ?????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ??
????????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ???,
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? . ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 67 ?? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? 42 ??????.

72 ??????????, ? ?????? ?????? ?????? ?? ??? ?????????? ?????? ?????? ???
????????? ??? ?? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ???
??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ?????? ???
????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??.

73 ?? ?????????? ?? ?????????? ??????? ?? ? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??
??? ?????????? ?? ?????? ?? ??????????, ?????? ? ?????????, ???? ??? ?????????? ??
????????????? ?????? ?????? ?? ?????????? ?????? ?????????? ???????????. ?? ?????????? ??
????????? ?? ?????? ?? ?????? ?? ?????????? ?????? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????? ?? ??????, ?????? ?? ?????? ?????? ?????? ?????? ?????? ??
?????????.

74 ??????????, ?? ?????????? ?? ?????????? ?????? ?? ?????? ?????? ?????? ?? ?????????? ??
??? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??, ?? ?????? ?????? ??????????, ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????? ?????? ?????, ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?? ??????
????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ??????.

75 ?? ?????????? ?? ?????????, ?? ??? ?????? ?????????????? ?? ?? ??? ?????? ?? ?????? ??
??? ?????? ?? ?????????? ?? ??? ?????? ?? ?????? ?? ?????? ?????? ?????? ??? ??????, ????
42 ??????, ?????????? ?? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????? ?? ?????????? ?? ??? ?????????? ?????? ?????? ?? ?????? ?? ?????? ?????? ??
????????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ??? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????,,
?? ?????? ?????? ?????? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ?????? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ??????.

? – ?????????? ?? ??????????????

76 ?????????????? ?? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ?? ?????? (????????????? ?? ?? 15 ?????? ?????? Government
of Gibraltar ???? ?????? ?? ?????? ?????? ?????? ?????? ??, ??? 12). ???????, ?? ?????? 87,
????????? 1, ?? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ??

77 ?? ?????? ?? ?????? ?????? «???? ?????????????? ?? ?????? ?????????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? (????? ?? ?? 15? ?????? 2005, C?66/02,
????? ?? ?? 2005, ?. I?10901, ??? 94).

78 ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? (????? ?? ?? 8? ?????? 2001, C?143/99, Adria-Wien
Pipeline ??? Wietersdorfer & Peggauer Zementwerke, ?????? 2001, ?. I?8365, ??? 41- ???
29? ?????? 2004, C-308/01, GIL Insurance ?.., ?????? 2004, ?. I-4777, ??? 68, ???
??? 3? ?????? 2005, C?172/03, Heiser, ?????? 2005, ?. I?1627, ??? 40).

79 ? ??? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??

???? ???? ??????? ????????, ???? ??? ?????????????? ????, ??????? ?????? ?????? ?????????????? ???
????????? ?????? ?????????? ?????????? ??? ???? ??? ?????? ?????? ?????????? ?????? ??
????????? ?????? ?????????? ?????? ?????????????? ?? ?????????????? ??? ?????? 87, ?????????? 1, ??
(????????? ??? 14?? ?????????? 1987, 248/84, ?????????? ??? ??????????, ?????? 1987, ?. 4013, ??? 17).

80 ??? ?? ?????????????? ?????????? ???, ???? ??? ?????? ??? ?????????? ???
????????? ?????? ??? ?????????? ??????, ?????? ?? ?????????? ??, ??? ?????? ???
????????? ?????? ??? ?????????? ?, ?? ?? ??? ?????? ?????? ?????????? ?????? ??? ??????????
????????? ??? ?????? ??? ?????? ?? ?????? ?????? ??? ?????????? ?????? ?????????? ???
????? ??????????. ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????????? ??????, ?????? ? ??? ? ?????? ?????????? ?????? ?????? ???
????????? ??? ? ??? ?????? ??? «?????» ???????. ? «?????» ?????????? ???
????????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ??? (????? ??? ???? ?????? ??? ?????? ??? ??????, ??? 42 ??????, ??? 56).

81 ?? ????????, ???? ?? ?????????? ?? ???? ?????? ??? ?????? ?????? ?????????? ??????????
?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??????????????????
?? ?????????? ?????? ???????????. ?????? ?????? ??? ?????? ?????? ??? ?????? ???'
????? ??? ?? ?????? ??? ?????????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???.

82 ??? ??? ?????????? 104 ??? 125 ??? ?????????? ?????? ??????????
????????? ??? ? ?????? ?????? ?????? ?? ??? ?????? ??? ???? ?????? ??? ???? ?????? ???
????????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? : ??????, ?
????????? ??????, ???' ??????, ??? ?? ?????? ?????? ?????? ?? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?????????? ?????? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ???
????????? ??? ?? ??? ?????? ?????? ?????? ?, ?????? ?????? ??? ?????? ??? ?????? ?????? ???
???? ??? ?????????? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???.

1. ??? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ?? ?????? ??
??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??????

83 ??? ??? ???? ?????? ??? ?????? ?????? ??? ?????? ?????? ? ?????? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?????? (?. ??? 82 ??????), ?????????? ? ?????? ???, ???
????????? ? ?????? ?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ??????, ??? 42 ??????, ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? 57 ??? 58 ??? ??????
????? ??? ???:

«57 ???????, ?? ??????? ?????????? ??? ?????????????? ?????????????? ??? ?? ??????? ???
??? ??????? ??????? ??????? ???, ???????, ??? ?????? ??? ??????? ?????????? ?????????? ???
???? ?????? ?????????? ??? ?????????????? ??? ??????, ?? ?????? ??? ?????? ??? ?????, ??????????
???? ??? ?????? ??? ?????? 87, ?????????? 1, ??.

58 ??? ??????? ?? ?????????????? ?? ?????????????? ?? ?????? ??? ?????????????? ??? ??
?????? ?? ??????????? ?????????? ?? ??????? ?? ?? ?????? ??????? ?????????? ??????? ??
????????? ??????????? ???????, ????, ?? ?? ?????? ?? ?????????, ?? ?????? ?? ???? ?
????, ??? ?? ? ??????? ???????, ??????? ?? ?????????????? ??????? ?? ?????? ??
????????? ?? ??????? ?? ?????????? ?? ?????????????? ??????? ?? ?????????? ?? ?????
?? ??????????. ???, ??????????? ??, ??????? ?? ??????? ?? ??????? ?? ?????? ??
?? ??????? ?? ?????? ?? ?????? ?? ?????????? ??, ???, ??? ?? ?? ??????? ?? ?????? ??
??, ??? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??????? ?????????? ?? ?????
????? ?????????? ?? ??? ?? ?????? ?????????????? ?? ?????? ?????? ?????????? ??
????? ??? ?????? ?? ?????? ???????, ??? ?????? ?? ??????? ?? ?????????? ?? ??
?????? ?? ??? ? ?????? ???????, ?? ?????????? ?????????? ?? ?????? ?????????? ??

84 ????????, ?? ?????? ?? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?????????? ?????? ??????
???? ?????????????? ?? ?????????? ?????????? ?? ??? ?????? ?????????? ?? ?????? ?????????? ?????????? ??
????????? ?????????, ?? ? ?????? ?? ?????????????? ?? ?????? ?????? ?? ?????? ?????????? ?????????? ??
????? ?? ?????????? ?? ?????????? ?? ?????????? ?????????????? ?????????????? ?????? ?? ??????
????????????? ?? ?????????????? ?? ?????????? (?. ????? 82 ??????).

«66 ?????????????? ??????????????, ?? ?????????? ??????? ??????? ?????? ?????? ?????????? ???
????????????? ??????????? ?????? ?????????????? ??????? ?? ?????????? ?? ?????????????? ???
????????????? ??????????? ?????? ?????? ? ?????????????? ???, ?????? ?????? ??? ?????????? ???
??? ?? ?????? ??? ??? ?????????? ???, ?????????????? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????????? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??
????????????? ??? ?????? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???.

????? ? ??????????? ?? ?????? ?????????? ? ?? ? ?? ?????? ?????????? ??????????.

68 ??? ?? ??????? ?????????? ?? ?????? ??????? ?????? ?????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ???
????????? ?????????? ??????????, ??? ?????????? ? ?????????? ??? ?????????? ??? ??????????
?????????, ??? ? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ??????????, ???
????? ??? ?????? ??? ?????????? ???, ?????? ?????? ?????? ?????????? ?????????? ??? ??????????
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ??????????
?????????, ???, ???????, ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??????????
???? ?????? ??????.

86 ???????, ?? ??????????, ?????? ?? ?????????? ?? ? ?????????? ?????????? ??????????????
????? ??? ?????? ?????????? ??? ?????? ?? ???? 67 ??? ?????????? ??? ??
????????? ??? ??????, ??? 42 ??????. ???, ?????, ?????, ?? ?????????? ??
? ?????????? ?????????? ?????????? ??? ?????? ?????????? ? ?????? ??? ? ?????, ???
????????? ??????, ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ??????????
??? ??? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??????????, ???????, ?? ? ??????????
????????? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ?? ???
????????? ?????? ?????? ?????????? ??? ?????????? ???, ?????, ?? ??
????????? ?????? ?????? ?????????? ??? ?????????? ?????????? ?????????? ??? ?? ??????????
????????? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?? ??? ??
????????? ?????? ?????? ?????? ?????? ??????.

87 ? ??? ?? ??????? ?? 66 ??? ?????????? ??? ?? ?????????? ?????? ?? ?????????? ??????????
??? ??????, ??? 42 ??????, ?????????? ??? ?????? ??????????, ?????????? ??? ??
????? ?????????? ??? ?????????? ??? ?????? 67, ??? ?? ?????????? ??
????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????. ?????????? ?, ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ??? ??????, ??? 42 ??????, ??? ?????? ?????? ??? ?????? ??? ??????
????????? L. A. Geelhoed ??? ?????? ??? (?????? 2006, ?. I?7119, ??? 54 ?? 55).

88 ??????, ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ??? ?????????? ??? ?? ?????????? ??
????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? ??
????? ?? ?????????? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????, ??? 42
??????, ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
?? ?????? ???, ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ?????? ?????? ??? ?? ?????????? ???
????????? ?????? ?????? ???, ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?? ?????????? ??? ?????? ??? ?????? 42 ??????, ???, ??????, ???, ???, ???.
?? ??????.

?? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?????????? ??? ?????? ??? ?? ??
?????? ?? ?? ?????????? ?? ?????? ???

89 ????? ?????? ??? ????? ??????????? ??? ?????????? ??? ?? ?????????? ?????????? ???
??????, ??? 42 ??????, ??? ? ?????????? ???, ??? ?????????? ??, ??? ?????????? ??, ???
?????????, ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??, ??? ?????????? ??, ???
?????????, ??? ?????????? ???, ??? ?????????? ??? ?????????? ??, ??? ?????????? ??, ???
??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??, ??? ?????????? ??, ???,
????????? ? ??? ?????? ??? ??????????.

90 ??? ?????? ?? ?????? ?????????? ??? ?????????? ??? ?? ?????????? ?????????? ???
??????, ??? ? ?????? ?? ?????????? ??, ??? ?????????? ??, ??? ?????????? ?????????? ??, ???
????? ? ?????? ?? ?????????? ??, ??? ?????????? ??, ??? ?????????? ??, ??? ?????? ??, ???
????????? ??? ?????????? ???.

91 ? ?????????? ?????????? ???, ?? ??????????, ? ?????????? ??? ?? ??????????,
??????, ??? ???? 33 ??? 34 ??? ?????????? ??? 1969, ?? ?????? ??? ???????
????? ??? ?????? ?? ?????????? ???, ??? ??? ???????, ??? ???, ??? ?????? ???,
????? ??? ?????? «????????????????? ??????????», ??? ??? ?? ?????? ???
?? ?????????? ? ??????????.

92 ??? ?????? ??? ?????????? ??? ?????????? ??? ? ?????????? ??? ?????? ???
????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???,
? ?????????? ?????????? ??? ? ?????????? ?????????? ??? ?????????? ??? ?? ??????????
????????? ??? ??????, ??? 42 ??????, ??? ?? ?????? ??, ??? ?????????? ??? ??, ???
????????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??, ???.

93 ??????, ??? ???? ?? ?????????? ???, ??? ?????????? ?? ?????????? ??? ??, ???
??? ?????????? ??, ??? ?? ?????????? ??? 15 ?????? ?????? Government of
Gibraltar ??? ?????? (????? 53), ? ?????????? ??? ?????????? ??? ?????? ??? ??????????
??? ?????????? ??? ?????????? ??? ?????????? . ?????????? ??? ? ??????????
????????? ??? ??, ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??, ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??, ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??.

94 ???????, ??? ???? ?? ?????????? ???, ??? ?????? ??? ?????? 32 ??? ?????????? ???
1969, ??? ?? ?????????? ??????????, ? ?????????? ?????? ??? ?????????? ??? ?????? ???
?? ?? ?????? ??? «??? ??? ???, ?? ?????? ??? ??, ??? ?????? ??? ??, ??? ?????? ???
?????????». ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??, ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??, ???
????? ?? House of Assembly ?? ?? ?????????? ??? ?????????? ??? ??, ??? ?????????? ??? ??, ???
????????? ???, ??? ?????????? ???, ??? ?????? ??? ?????????? ??? ??, ??? ?????? 33,
????????? 2, ??? ?????????? ??? 1969 ?????? ??? ?????? ?? ?????????? ??? ??????????
?? ?????? ?? ?????????? ??? ??, ??? ?????????? ??? ?????? ??? ?????????? ??? ??, ??? ??????
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??, ???
????????? 2, ??? ?????????? ??? 1969 ?????? ?? ?????????? ??? ?????????? ??? ??, ???
????????? ??? ?????????? ??? ?????????? ??? House of Assembly ??? ??
??????, ??? ?????????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????????? ??? ??, ???
??????, ??? ?????????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????????? ??? ??, ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??.

95 ??????, ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??, ??? ?????? ???
????????? ?? ?????????? ???, ??? ?????????? ??? ?????????? ??? ?????????? ???, ??? ??, ???

????? ???? ??????? ?????? ?????????????? ??? ?????????? ??? ?????????????? ????. ????
?????????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
?????????? ??? ??????????.

96 ?????, ? ??????? ?? ?????????? ??? ?????????? ???, ?? ??????????, ? ?????????? ??????????????
??? ?????????? ?????????? ??? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??????
??? ?????????? ??????????.

97 ?????? ?? ?????????? ??? ?? ?????????????? ??? ?????????? ?????????? ?? ?? ??? 33
?? 34 ??? ?????????? ??? 1969, ?? ??????, ???????, ??????? ?????????? ?????????? ???
????????? ???, ??? ?????????? ??? «?????? ?????????? ?????????? ??? ?????????? ?????????? ???
?????? ?? ?????????? «?????» ??? ??? ?????????? ??? ?????????? ?????? ?????????? ?????????? ???,
??? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??????????
??? ??????, ??? 42 ??????. ??? ?? ?????? ??? ? ?????????? ?????????? ??? ?????????? ??? ??
????????? –? ??? ?????? ?????? ?? ?????????? ??? ?????????? – ??? ? ?????????? ??? ??
????????? ??? ??? ?????????? (????? 18 ??? ?????????? ??? 1969), ??? ??? ??????????
??? ?????????? ??? ?????????? ??? ? ?????????? ??? ?????????? ?????? ?? ?????????? ???
??? ?????????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ?? ?????????? ??? ??
????????? ?????????? ??? ?????????? ?????? ?? ?????????? ?????? «????? ??????????» ???
«????????? ??????????» ??? ?????????? ?????????? ??? ??? ?????? ??? ?????? 67 ???
????????? ??? ?? ?????????? ?????????? ??? ??????, ??? 42 ??????.

98 ???????, ?????? ?? ?????? ??? ? ?????????? ??? ? ?????????? ?????? ??? ?????????? ?? ???????
????????? ??? ?????????? ??? ? ?????????? ?????? ??? ?????????? ?????????? ??? ??????????
????????? ??? ?????????? ??? ? ?????????? ??? ?????????? ??? ? ?????????? ??? 1969
????? ?? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ? ?????????? ??? «??
????????? ??????», ??? ?????? ??? ?????????? ??, ??? 73, ??? ?????? ??? ??????
????, ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????????? ?? ?????????? ?????????? ??
«????????? ???» ??? ??? ?????? ??? ?????????? ??????. ?? ?????????? ??? ??????????
????????? ?? ?????????? ?????? ?????? ??? ?????????? ?????????? ?????? ???
????????? ??? 73, ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????:
«?? ??? ?????? ??? ?????????? ???, ??? ?????? ? ?????????????? ??? ?????? ?? ?????????? ??????????
?? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????????????, ?????????????? ??? ??? ???
?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ???
????????? ??? ?????????? ?? ?????? ?????? ?????? ?????????? ???, ??? ??? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ???, ??? ?????????? ???
????????? ??? ?????? ??? ??????????, ??? ??' ?????? ?? ?????:

?) ?? ???????????, ?? ??? ?????????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????, ???
????????, ?????????? ??? ?????????? ??? ???????, ?????? ??? ?? ?????????? ??? ????? ??????????,
?? ?????? ?????????? ??? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????.

?) ?? ?????????? ??? ?????????? ??? ?????? ??? ??????????????, ?? ?????????? ??? ?????? ???
????????? ??? ??? ??? ?? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????? ???, ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????? ?????? ??? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ???.

[...]»

99 ??? ?? ?????? ??? ??????????????, ? ?????????? ?????? ??? ?????????? ?? ???????
????????? ??? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????????
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???

????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????????? ??? ??? ???

????????? ??????, ??? ??? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??????????

????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??? ??? ???

?????????, ??? ??? ?????? ??? ??? ???? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????????? ??????? ??? ?????? ??? ?????? ???.

100 ????????, ??? ?? ????????, ???, ?? ???????????, ?????????? ? ??????? ??????????
??? ?????????? ??? ?? ??????????? ????????, ??? ??????, ??? 42 ??????.

???? ???? ?????????? ??? ?????? ?????????????? ??? ?????????? ??? ?? ?????????? ?????????
??? ??????

101 ????? ?????? ??? ?????? ?????????????? ??? ??????????? ??? ?? ?????????????? ?????????? ???
???????, ????, 42 ??????, ??????, ?? ??????????, ?? ?????????? ??, ?? ?????????? ?? ?? ??????????
????????????????? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ??????????
????????????????? ?? ?? ?????????? ?????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ??
????????? ?????????? ??? ??????? ??????????.

102 ? ?????????? ?????????????? ??? ? ??????????? ????? ?????????? ??? ??? ?????????? ??? ??
?????????? ?? ?????????? ??? ?????????????? ??? ?????????????? ??? ????? ?????? ?????? ??? ?????????????? ???
????????????? ??? ?????????????? ??? ?????????????? ??? ????? ?????? ??? ?????? ??? ?????????????? ??? ??????. ???
?????????, ? ?????????? ??????????? ??? ? ??????????? ?????? ?????? ?????? ??? ?????? ?????? ??????????
??????, ??????, ??? ?????????????????? ?????? ?????????????? ?????? ?????? ??? ?????? ?????? ??????????????
??? ??? ?????????? ??????????? ? ??? ???????????, ?????????? . ?????????? ?? ??? ??? ??????????, ?
????????? ??? ??? ?????????? ?? ??? ?????????????? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???
????? ??????? ?? ?????????????????? ??????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ?????????????? ?????? ??? ?????? ??? ?????????? ?????, ??? ? ?????????????? ???
????????????? ??? ?????? ??? . ?????????????? , ??? ? ?????????? ?? ?????????? ?
????????? ???, ?????? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ??? ??
????????? ??? ??????????, ?????????? ??? ?? ??? ?????? ??? ?????? ?????????? ??? ??? ??????????
????????? ??? ?????????? ?? ??? ?????????? ??? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ??????????????
?? ?????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????????? ??? ?????? ????. ???
?? ??? ?????? ??? ?????????? ??????, ? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
????? ?????????? , ??? ??? ?????????????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???? ??
????? ?????????? ??? ?????? ??????????.

103 ???????, ? ??????? ???????????, ?????? ?????, ?? ??????????? ??? ?? ???????
?????? ?? ??????? ??????? ??????????? ??????????? ?? ???????, ??? ?? ??????? ??
?????????? ?? ??????????? ??? ??????????? ????? ??????????? ??????????? ??? ?????
???? ??????? ??? ??????????? ??? ??????????? ????? ?? ??????????? ????? ??????????? ??
?????????? ?? ??????? ??????? ??????????? ??? ??????????? ?? 1969. ????????, ? ???????
?????????? ?? ??????????? ??????????? ??? ??????????? ?? ??????? ??????????? ??
?????????? ?? ??????????? ??????????? ??? ??????????? ?? ??????????? ??????????? ??
??????????, ?? ??????????????? ??? ?? ??????? ??????????? ??? ??????????? ???????????
?????????? ??????????????? ??? ??????? ??? ??????? ??? ??????? ??????????? ??????????? (?) ??
????? ??????????????? ??? ??????? ??????????? ??? ??? ??????????? ??? ??????????? ???
?????????????? ??? ??????????? ??? ??????????? ??? ??????? ??? ??????????? ??? ???????????
??????????.

104 ? ?????????????????? ??? ???? ???? ???? ???? ???? ????.

105 ???????, ?????????? ???' ????? ???? ? ????? ????? ?????? ????????

42 ???????, ??? ????? ?????? (???.????? 87 ???????). ????????, ????? ?? ???? ?????????? ?
????????? ??? ?? ??????? ????? ?????????????????? ???.

106 ??? ????????, ?????????????? ??? ? ????? ??? ?? ?????????? ??? ?????
«?????????????» ??? ????? 67 ??? ???????? ??? ?? ?????????? ?????????? ??? ?????,
????? 42 ??????, ???????? ??? ?????? ???????? ?????? ?????-????????? ?????? ???
????? ?????? ?????????? ??? ?????? ??? ?????? ? ?????????? ??? ?????? ??? ??? ??????????
????????? ??? ?????? ?????????? ? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?????. ? ?????????? ??? ?????? ?????????? ?????? ??? ?????, ????? 42 ??????, ?????? ???,
????? ??? ?????? ?????????? ?? ?????? ?????????? ???, ?? ?????? ?????????? ???
????????? ??? ??????, ??? ?????????? ???, ??? ?????? ?????? ???.

107 ???????, ??????????? ? ?????????? ??? ?? ?????????????????? ?????????????? ??? ??
????????? ?????????? ??? ?? ??????????, ??? ?????? ?????????????? ? ????????, ?????????? ??
????????????? ?????????? ??? ?? ?????????? ?????? ?????? ?????-????????? ?? ??
????????????? ??????????????.

108 ????????????, ????, ??? ?????????? ??? ??? ?????????? ??? ??????????, ?
????????????? ??? ?? ?????? ?????? ??? ?? 1985 ??? ?????? ?????????? ??????????
??? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????????
??? ?????????? ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?? ?????? ?????? ??? 1969 ??? 1985.

109 ????????, ??? ?????????? ?? ???? ?????? ?? ?????????? ? ?????????? ???? ??????
??? ?????????? ??, ?? ?????????? ?????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?????? ?? ?????? ?????? ?????? 1978 ??? 1986 ??? ?????? ?????? ?????? ??????
?? ??? ?????? ??? ?????? ??? ??????????, ??? ?????????? ??? ??? ??????.

110 ???????, ??? ??????????? ?? ???? ???????, ??? ???????????, ??? 4?? ??????????? 2003,
?????? ?? ???? ??????????? ?????????????? ?????????? ??? ??????? ?? ???? ??????? ?? ???? ?? ????
(?????? N 620/2002, ?? C 110, ?. 14), ? ?????????????? ??? ?? ???? ??????? ??????????
?????????? ?? ???? ?????????? ?????????????? ?????????? ??? ?? ???? ??????? ?? ???? ?? ???? ?? ????
????????????? ??? ?? ???? ?????? ?????????? ??? ?? ???? ??????????, ? ?????? ?????????????? ??? ?? ??
????????? ??????? ?? ???? 11 ?????????? 2002, ??????? ?????????????? ???
????????????? ??? ?? ???? ?????????????? ???.

111 ??????, ??? ?????? ?????? ?? ???? ?????????? ?? ???? ?????????????? ?? ???? ?????????? ??
??????????, ?? ?????????????? ?? ???? ?????????? ?? ???? ??' ?????????? ?? ???? ??
????????????? ?? ???? ?? ???? ??????, ?? ???? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?? ???? ?????? ??
????????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?????? ?? ???? ?????????? ?? ???? ?? ???? ?? ???? ??????
????????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?????? ?? ???? ??????, ?? ???? ?? ???? ?? ???? ?? ???? ??
????????? ?? ???? ?? ???? ??????.

112 ?????????????? ?????? ??? ?????????????? ??? ?????? ? ?????????? ??? ??????????
????????? ??? ?????? ??? ??????????, ?????????? ? ?????????? ??? ?????? ??? ???
????????????????? ?????????????? ??? ?????????? ?? ?????????????? ??? ??????????????
????????????????? ?????? ??? ?????????? ??? ?????????? ? ?????????? ?????????? ??? ??
?????????, ??? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??????????
????????? ??? ??????, ?????? 42 ??????.

113 ????? ????????, ?????? ??? ????????, ????????, ????????, ?? ???????????, ???
??????????, ??? ???????????????, ??? ?? ???????????, ??? ????????, ????????, ??? ???????????, ???

????????? ??? ?? ??????? ????????, ? ?????? ?? ??????????????? ??? ???????????????????
????????? ??? ??????????? ???????????????, ?????? ?? ??????? ???, ?? ???????????,
????????? ? ??? ????? ?????????? ??? ?????????? ??? ?? ?????????? ?????????? ??? ??????,
????? 42 ??????.

114 ?????? ??????????? ?? ??? ??????????????? ??? ?????????? ??? ?? ???????????
????????? ??? ??????, ??? 42 ??????, ?????????? ?? ?????????? ??? ?????????? ??? ?? ?????? ???
????????????? ?? ??????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????????????
????????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ??????
??? ?? ??????? ??? ?? ?????? ??? ?????????? ?????????? ??? ?????????? ?? ?????????? ??
????????? ??? ??????????. ????, ??? ?????? ?????? ??? ?? ?????????? ?????????? ??? ??????
????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ??? ?????????? ??? ?????????? ???
????? ??? ?????????? ?? ?????????? ?????????? (??, ??? 84 ??????).

115 ??? ?? ??????? ????, ?????????? ??? ?? ?? ??? ?????? ?????????? ?????????? ???????????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ??
????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ?? ?? ??????????
????? ??? ??????? ?????????? ??? ?? ??? ?????????? ?????? ?????? ??? ?????????? ??????????
????? ?????????? ??? ?????????? ??????. ? ?????????? ??? ?????? ??? ?????????? ??????????
????? ??? ??? ?????? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??????????
??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??????????
??? ?????? ??? ??????, ??? ?????????? ?? ?????????? ??? ?????? ?????????? ??????????
????? ??? ??? ??????.

116 ??? ?? ?????? ??? ?????????????? ?????????? ??? ?? ?????????? ??? ?????????? ???
????????? ????, ??? ?????? ?? ??? ?????????? ?????????? ??? ?????????? ??? ??????????
????????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ??????????.

117 ??? ???????, ? ?????? ?????? ?????? ?????? ?? ??? ?????? ??????.

II – ??? ?? ??????? ????, ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ????
????? ??? ?????????? ??? ?????????? ??? ?????????? ??????????????.

? – ?????????? ??? ????????

118 ?? ?????????????? ?????????????? ?? ?????????? ??? ?????????????? ??? ??????????
???? ?????????????? ?????? ?????? ?? ??? ?????????? ?????????????? ??? ??????
????? ??? ?????????? ?????????? ??? ?????? ?? ?????? ?? ?? ?????????? ????, ???,
?????, ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????????
??? ??? ?????? ?????????? ?????????? (????????????? ?????? 128 ??? 133 ???
????????????? ??????)- ??????, ?? ?????? ??? 15 % ??? ??? ?????? ????
????????? ?????????? ??? ?????? ?????????? ?????????? (????????????? ?????? 134 ???
141 ??? ?????????????? ??????) ???, ????, ?? ??? ??? ?????? ?????????? ??????????
??? ??? ?????? ?????????? ?????????? (????????????? ?????? 142 ??? 144 ??? 150 ???
????????????? ??????).

119 H K????????? ??? ?????????? ?????? ??? ?? ?????? ?????????????? ?????????? ????
??? ?????????????? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ??? ??????
????????? ?????? ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ??????????
????????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ?????????? ??????????
??? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ?????????? ??????????
??? ?????????? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ?????????? ??????????

???? ?????????????? ?? ?????? ?????????? ?? ?????? ?? ???? ?????? ? ?????????????? ???????
?????????? ??????????????. ? ?????????? ??? ?????????? ??? ?????????? ?? ??? ?????? ?????????? ???
?????????????????, ???? ??? ??? ?????????? ?????????? ??? ??? ??? ?????? ??????????
?????????????, ??????, ???? ?? ?????????? ??? 15 %, ????????, ?????????? ?? ???
????????? ?? ??? ?????? ?????? ??? ?? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?
?????????????, ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ???
????????????? ?????????? ??? ?????????? ?? ?????????? . ??????, ?? ?????????? ??????????
????????????? ???, ??????? ?? ?? ?????????? ?????????? ??? ?????????? ??? ?????????????? , ?? ??????????
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????? ?????????? ??? ? ??????????
????? ??? ??????????.

120 ?? ?????????????? ?????????????? ?? ?????????? ?????????? ?????????? ?? ???? ??????????????
????????? ???? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?? ??? ??? ????
????????? ?????????????? ??? ?????????????? ??? ?????????? , ?????????????? ??? ?? ?????????? ???
??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ?????????? ???
????? ?? ?????????? ?????????? . ? ?????????? ?????? ?????? ??? ?????????? ??? ?????????? ?????????? ?
????????? ??? ?? ?????? ?????? ?????????? ???, ??????, ??? ?????? ?? ?????? ??? ?????????? ??
?????????.

121 ??????????, ?? ?????????????? ?????????? ??? ?????? ?????????? ??? ?? ???? ?????????????? ???
????????????? ??? ?? ?????? ?????????? ?????? ?????? ?? ??? ?????????? ??? ?????? ?????????? 87,
????????? 1, ?? . ?? ?????????? , ?? ?????????? ??? ?????? ?????????? ??? ?????? ??????????
????????? ?????? , ???? ?? ?????????? ??? ??? ?????????????? ?????? ?????? ?????? ?? ??????????
????????????? ????, ?????? ?? ?????????? ??? ?????????????? ?????? ?? ?????? ?? ??? ??????????
????????????? ??? ?????????????? ?? ??? ?????? ?? ??? ?????? ?????????? ?????? , ?????? ????
????????????? ??? ?????????? ?????? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?????????? ???
????? ??? ??? . ?????? , ? ?????????? ?????? ?? ?????? ?????? ?? ?????? ?????? ??????????????
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????????
????????? ?????? , ?????????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
87, ?????????? 1, ??.

122 ??????????, ?? ?????????????? ?????????? ??? ???? ?????????? ?????????? ?? ??????????
????????????? ??? ?? ??? ?? ?????? ?????? ?????????? ??? ?????????? ?????????? ??????????????
??? ?? ?????? , ?????? , ???? ?????????? ??? ?????? ?????? ?????? ?????? . ?????????? , ?
????????? ?????????? ?????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????????????? ???
??? ?????????? ??? ?? ??? ?? ?????????? ?????? ?????? . ? ?????????? ?????? ?????? ??? ??
????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? , ?????????? ??? ??
????? ??? ?????? ??????????.

123 ?? ?????????? ?????? ?????????? ??? ?? ?????? ?????? ??? 15 % ??? ?? ???? ??
????? ??? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ??????????
????????? ??? ?????? ?????? ?????????? , ?????? ??? ?????? ?????? ?????? ?????????? ??????????
????????? , ???? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? . ?? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?????? . ?????? ?????? ?????? ???
????????? ?? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ??
????????? ???? , ?? ?????????? ?????? , ?????? ?????????? . ?? ?????? ?????? ??? ??
????????? ???? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ???? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ???
?????.

124 ?????????? , ?? ?????????????? ?????????? ??? ?? ?????? ?????? ??? 15 % ??? ??
????? ?????????? ??? ?? ??? ?? ?????? ?????? ?????? ??? ?? ?????? ??????.

??????????????, ??????? ?? ??????? ????? ?? ?????????????? ??????? ?? ?????????????? ??
????????????? ?????????????????? ?? ?????????????????? ?? ?????? ?????????? ?? ?????? ??
????????????? ?? ??????? ?? ??????? ?? ??????? ?? ?????????????? ?? ?????? ?? ?????? ??
?????????? ?? ??????? ???. ? ?????????? ?? ?????????? ?????????????? ?????????????? ??
???????? ?? ??????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?????????????? ??
???????? ?? ??????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ??
????????? ??????????.

125 ??????, ??? ?????? ?????? ??? ????? ?????????? ??????????? ??? ?? ???? ?????? ??????????
??????????????, ?? ?????????????? ?????????????? ??? ? ???????, ?????????????? ???
?????? ?? ??????????? ?????? ??? ?? ?????????? ??? ??????????? ??? ???????????, ??????? ?? ??????????
????????? ?? ?? ?????????????? ?????????? ???????????????, ??????????? ???
?????????????? ?? ??? ?? ???????, ?????????? ?? ??? ?? ?????? ??? ?? ?????????? ??? ??????? ?????? ???
????? ?? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??????. ?? ???????
?? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ???
????????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???
«??????» ??? ? ?????????? ??? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ?????????? ??????????
????????? ??? ??????????.

126 ??????? ?? ????, ????????????????, ??? ?? ?????????????? ??????? ?????????? ???,
?????? ?? ?? ????????, ? ??? ?????????? ?????????? ??? ??????? ?? ??????? ?? ???????
?? ??????? ??????? ??????? ?? ??????? ?? ??????? ??????? ?? ??????? ?? ??????? ??
??? ????????. ? ??????? ??????? ??????? ?? ??????? ?? «??????» ???????
?????????? ?? ?? ???????????, ??? ?????????? ??? ?? ??????? ?? ??????? ?? ??????? ??
????? ??????? ?? ?? ??????? ?? ??????? ?? ?? ??????? ?? ??????? ?? ??????? ??
???????. ? ?? ??? ??????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
????? ??? ??????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
??????????.

127 ???????????, ?? ?????????? ?????? ?????? ? ?????????????? ??????????
????????? ??? ?????????? ?????????????? ?? ?????????? ?????? ?????????????? ??? ??
???? ??? ?? ?????? ?????????? ??? ?????????? ?????? ?????????? ?? ?????????? ?? ?????? ?
????????? ??? ??????????. ???????, ?? ?????? ?????????? ?????? ??? ?????????? ???
????????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????????? ??? ??
????????????? ????, ??? ? ?????????? ??? ?????????? ?????? ?????????? ?? ?????????? ??
????????????? ??? ?????????? ??? ?????? ?????????, ??? ? ?????????? ?????? ?????????? ?????? ???
???? ?????????? ??????????, ?????????? ?????? ?????????? ?????? ?????????? ?????? ??????????
????????? ??? ?????????? ??? ?????? ?????????, ??? ?????? ?????????? ?????? ?????????? ?????? ???.

128 ????????????, ? ??????? ?????????????? ??? ?, ?????????????? ??????, ?????????? ???
????????? ??? ?????????? ?????????????????, ??? ?????????????????? ??? ??????????????
????????, ?????????????????? ??? ?? ?????? ??? ??????????, ??? ?? ?????? ??? ?????? ???
????? ??? ?????? ????????, ??? ?????? ??? ?????? ??? ?????????????? ??????????????
???????????, ???' ??' ??? ????? ?????????? ?????????? ?????????? de facto ??????????
??? ??? ?????????????????? ??? ? ?????????????? ?????????? ??? . ? ?????????? ??????????
??????, ??? ?????? ??????????, ?? ?????? ?????? ?????????????? ?? ??? ?????? ??????????
?? ?????????? ??? ?????????? ??? ?? ?????????? ?????? ??????????????.

129 ????? ?????? ??? ?????????? ?????????? ??? ?????????? ?????? ?????? ??? ????
????????? ??? 15 % ??? ?? ?????, ? ??????? ?????????? ?? ?????????? ??? ????
????????????? ??? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????????? ???

? ?????????? ??????? ??' ?? ?? ?? ???? . ??????????, ? ?????????? ?????? ?? ? ??????????????
????? ?????????? ??? ?????????? ??????? ??? ?????? ??? ?? ?????? ??? ?????? ?????? ??????
????????? ?????????? ?????????? ??? ??? ?????????? ?????? ??? ?????????? ?????????? ???
????????? ?????????? ??? ??? ?????????? ??????????.

130 ? ?????????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ???
????????? ??? ??????????, ??? ?????????? ??????????????, ??? ?????????? ??? ?????? ???
????????? ?????????? ??? ?? ??? ?????? ??????. ??????????, ??? ?????????? ?????? ?? ???
????????? ???, ???, ??? ?????? ?? ?????? ?????? ??? ?????????????? ?????? ?? ???
????????? «????????????? ??????», ??? ?? ?????????? ?????? ?????????? ??????????????
???? ?????????? ???, ???????, ??? ?????? ?????????????? ??? ?????????? ?????? ??????????,,
??? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ?? ?????????? ?????? ??????????
????????????? ???, ???, ??? ??? ??? ???, ? ?????????? ?????????? ?????????? ??? ?????? ??????
????????????? ?? ??? ?????????? ??????.

131 ? ?????????? ?????????? ??? ?????????? ?????????????? ?????????? ?????????????? ??
???? ?? ?? ?????? ?????????? ????. ??, ??????? ?? ??? ?????? ??? ??????????????, ??
????????? ?????? ??? ?? ?????????? ?????? ?????????????? ?????? ??? ?????????????? ???
????????? ??? ?????? ?????? ??? ??????????, ?????????? ??? ?? ?????????????? ???
????? ?????? ?? ?????????????? ?????? ?????????? ? ?????? ?????? ???, ?????? ??? ??
????????????? ??? ?? ?????? ?????? ?? ?????????????? ?????? ??? ?? ?????????????? ????.
????????? ?? ??? ??? ?????????? ?????? ??? ?????????? ?????? ?????????????? ???, ??????????
????????? ?????? ??? ?? ?????? ?????? ?????????? ?????? ?????????? ??? ? ?????????? ???
????????? ?????? ??? 15 % ??? ?? ?????? ??? ?????? ?????? ?????????? ???, ???????, ?
????????? ?????? ?????????? ??? ?? ??? ?????? ?????? ??? ?????????? ?????????????? ???
????? ?? ?????????? ??? ?? ??? ?????? ??? ?? ?????? ?????? ?????????? ??? ?? ???
?????????????.

132 ? ?????????? ?????????? ??? ?????? ?? ??? ?????? ?????? ??? 15 % ??? ?? ??????
?????? ?? ?????????????? ?? ?????????? ?????? ?????????? ?? ?????? ?? ?????????? ??
????????? ?????? ??? ?????? ?????????? ?????????? ? ??? ?????? ?????????? ??????????????.

133 ??????, ? ??????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ??? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ? ??????????????
????????? ?? ??????????.

134 ??? ?????? ??? ?????? ?????????????? ???, ? ?????????? ?????????? ??? ?????? ??? ??
?? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ??? ??
????? ?????? ?????? ?????????? ??? ?? ?????? ?????? ?????????? ?????? ??? ?????? ??? ??
????? ??? 15 % ??? ?? ??????. ?? ?????? ?????? ?????? ??? ?? ??? ?????? ??????????
????? ??? ? ?????????? ??? ?? ?????????????? ??? ?????????? ?????? ??? ?????????????? ???
??? ?????????? ??? ?????????? ?????? ?????????? ??? ?? ?????????? ??? ?? ??? ?????? ??? 15 %.

135 ??? ?????? ??? ?????? ?????????????? ???, ? ?????????? ?????????? ??? ??
????????? ??? ?????? ?????? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ??
????? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??? ?????????? ??? ?????? ??? ??
????????? ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? 15 % ???

??? ??????.

136 ????? ?????? ??? ??????????? ??????????? ??? ?????? ??? ?????? ?????????? ?????????? ???
??? ?????? ?????????? ??????????????, ? ?????? ?????? ?????????? ??? ?? ?????????? ???
????????? ?? ?????????? ?? ??? ?????? ?????????? ?????????? ??? ?????????? ?? ??????????
? ?????????? ??? ?????????? ?????? ?? ?????????? ?????? ??? ?????????? ??? ??? ?????? ??????????,
?? ?????? ?????????? ?? ? ?????????? ?????????? ?????????? ?????? ??? ?????? ??????????
?????????. ? ?????????? ?????????? ???, ??????? ?? ??? ?????????????? ???????, ? ???
??? ?????????? ?????????????? ??? ?????? ?????????? ?????????? ???, ?????? ?????????????? ???
????? ?????????? ?????????? ??? ??? ??? ?????? ?????????? ?????????????? ?? ?????? ??? ??????
????????? ?? ?????????? ??? ?????? ??? ??????????, ? ?????? ?????????????? ??????????
????????? ??? ?????????? ?????? ??? ?????????? ?????????? ?????????????? ??? ??????????
?????????.

137 ??? ?????? ??????? ?? ??????? ?? ???? ?????? ??????? ?????????????????? ??? ?????
?????????? ??????? ? ??????? ?????????????? ??????????????. ? ??????? ?????????????? ???,
??, ??????? ?? ?????????????? ???????????????, ?? ??????? ?? ?????????????? ??????????????
????????? ?? ???????????, ? ?????????????? ??? ??????? ?? ??? ?????????????? ???
????????? ?????? ?????????? ?? ??????? ??? ?????????????? ?????? ??????. ??????? ?? ???
????????, ? ?????????? ??? ??????? ?? ???????, ??? ?? ??? ?????, ?????????????? ???
?????? ?????????? ??? ?????? ??????????????, ??? ?????? ?????? ??????.

138 ??????????, ? ??????? ?????? ??? ?? ?????????????? ??? ?????????????? ??? ?????????? ??? ??????
????????? ??????? ?? ??? ?????? ??? ?????????????? ??? ?? ??? ?????? ??? ?????? ??? ?????????????? ??
????????????? ??? ?????????? ??? ?? ??? ?????? ??? ?? ??? ?????? ??? ?????????? ??? ?????????? . ?
????????? ?????????????? ??? ?? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????????? ???
????????????? ????, ????, ?? ??? ?????? ???, ?????????????? ???, ?????????????? ??? ?????? ??? ?????? ??
????????????? ? ?????? ?????? ?????????? ?????????????? ?????? ??? ?????? ?????????? ?????? ???
????????????? ??????????????. ? ?????????? ?????? ??? ? ?????????? ?????????????? ?????????????? ???
????????????? ?? ?? ??? ?????? ??? ?? ??? ?????????? ??? ?????????? ?????????????? ??? ?????????? ???
????????? ??? ? ?????????????? ?????????? ??? ?????????? ?????????????? ?????????????? ?????????? ???
????????? ??? ?? ?????????? ??? ??????????????. ? ?????????? ?????????? ?????????? ??? ?????? ???
????????? ??? ?? ?????????? ?? ?????????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????

140 ?? ?????????? ?? ?????????? ?????????? ?????? ?? ?????????????? ?????????? ???????
????? ?????????? ?????????? ?????? ?? ?????? ?????? ?????????? ?????????? ??? ?? ????
????????? ??????????????, ??????? ?? ?????? ?????? ?????????? ??? ?????????? ??? ????
????? ?????? ?? ?????????? ?????? ?????????? ?????????? ?????????? ?????? ??? ??????????
?? ?????????? ?????????? ??????. ?? ?????????? ??? ?????????? ?????????? ?????? ???
????????? ??? ?????????? ?????????? ?????????? ?????? ??? ?????????? ?????????? ??????????
?? ?? ?? ?????? ??? ?????????? ??? ??????????.

? – ?????????? ?? ????????????

141 ??? ?????? ?? ?????????? ?? ?????????????? ?? ?????? ?????????????????? ???
????????????? ??? ?????????? ?? ?? ?????? ?????????? ??????, ?????????????? ??? ??
????? 87, ?????????? 1, ?? ?????????? ?? ?????????????? ??, ??? ?????? ??????????
????? ??????????, ??? ?????? ?????? ?????? ?? ?????????? «????????? ?????????????? ?
????????? ?????? ??????» ?????? ?????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?? ?????? ?????, ?? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? (?.
????????? ??? ?????? 78 ??????????).

142 ? ?????????? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????? ???' ????,
????? ??????, ?????????? ??? ? ?????? ??? ?????????? ??????????, ??? ?????????????? ???
????? ??? ?? ?????? ?????????? ?????????? ?????????? ?? ?????????? ??? ??????????????????,
????? ?????? ?????????? ??? ?????? ?? ?????????? ?????? ?????????????? ?????????? (?.,
??????, ?????? ??? ?????????? ??? 16?? 2000, C?83/98 P, ?????? ??? Ladbroke
Racing ??? ??????, ?????? 2000, ?. I?3271, ??? 25- ?????????? ??? ?????????? ???
12?? ?????????? 2000, T?296/97, Alitalia ??? ??????, ?????? 2000, ?. II?3871, ??? 95,
??? ?? 17?? ?????? 2002, -98/00, Linde ??? ??????, ?????? 2002, ?. II?3961,
????? 40).

143 ??????, ??? ?????? ? ?????? 16 ?? ?????????? ?????? ?? ??
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????????????, ?
????????????? ??? ??????, ???, ??? ?? ??? ?????? ?????????? ??? ?????? ??? ??????????
????????? ???' ??????, ???, ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??
????? ??? ?? ??? ?????? «?????????» ?????????? ?????????? ??? ?????????? ???
????????? ??? ?? ??? ?????? ?? ?????? ?????? ?????? ??????, ?? ?????? ?? ???
?? ?????? «?????????» ?????????? ?????? ?????? ?? ?????? ??? ?????????? ??? ??
????????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ??????????
?? ?????? ??????????, ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
????????? ???, ?? ?????????? ?????? ??? ?????? ?????? ?????? (?., ??????,
????????? ??? ?????????? ?????? ?????? ?????? ?????????? ??? ?????? 77
??????, ??? 100- ?? 22? 2006, C?182/03 ?? C?217/03, ?????? ??? Forum 187
???? ???????, ?????? 2006, ?. I?5479, ??? 120, ?? ?????? ??? ?? ??????????
????????? ??? ??????, ?????????????? ??? ?????? 42 ??????, ??? 56- ?????????? ???
????????? ?????? M. Darmon ??? ?????? ??? ?????????? ??? 17? ?????? 1993,
C?72/91 ??? C?73/91, Sloman Neptun, ??? 1993, ?. I?887, I?903, ??? 50 ??? 72).

144 ??? ?????????? ??? ? ?????? ?????? ??? ?????????? ??? ?????? ??? ?? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? 143 ??????, ??? ??????
????????????? ??? ?? ?????? «?????????» ?????????? ??????, ?? ?????????? ??
????????????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ? ??????????????
????? ??? ?????? ???' ??? ?????? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ?????????? ???

????????????? ??????????? ?? ?????? ????????????. ??????????????, ??? ??????????? ?????? ???
?????????, ? ??????? ?? ?????? ?? ???????????, ??????, ??? ?? ?????? ??????? ?????? ???
?????????? ????????, ??? ?????? ??????????? ??? ??????????????? ?? ??????? ?????? ??
?? ??????????? (?., ??????, ??????? ?? ??????????? Adria?Wien Pipeline ???
Wietersdorfer & Peggauer Zementwerke, ?????????????? ??? ?????? 78 ??????, ??? 42-
??? 13?? ??????????? 2003, C?409/00, ??????? ??? ???????????, ??????? 2003, ?. I?1487,
????? 52, ??? ?????? ??? ?? ??????????? ??????? ??? ??????, ??????????????? ??? ??????
42 ??????, ??? 52). ??????, ?????????????? ?????? ??? ?? ??????????????
?????????????? ?????? ?????????? ?????????? ??? ?????? a priori ??????????? ?? ?????? ??
?? ?????? «????????» ?????????? ???????, ?????????? ??? ?????? ?????? ?????? ?? ?????????? ??
?? ?????? ??? ?????????? ?????? ??? ?????????????? ? ?????????????? ?????? ???
?????????? ??? ??????????. ??????, ?????? ?? ??????? ?????????? ??????, ??????, ???
????? ??? ?????? ?????? ??? ?????? ?? ??????? ??? ?????? ?????????? ?????? ??? ??
????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ???, ??????, ??? ?????????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? 42 ??????, ??? 81).

145 ??????, ?????? ?? ?????????? ???, ?? ?????????? ??? ? ?????????? ??? ?????????????? ??
????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? (?. ???? 143
?????), ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ???
????????? ?? ??????? ?? ?????? ??? ?????? ??????. ???????????, ? ?????????? ???
??????, ??????, ?? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????????? ?? ??????
????? ??? ?????? ??? ?????????? ??? ?????????? ?? ?????????? ?? ?????? ??? ??????
«????????» ?????? ?????????? ???, ???????????????, ??? ?????? ??? ?????? ??? ?????? ???,
?????? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????????? ???
????????, ?? ?????? ???' ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ?????????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???
?????????? ??????????, ?????? ? ?????? ??? ?????? ?????? ?????????????? ?????????????? ??
????? ? «????????» ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ??????
????????????? ?????? ??????????.

146 ??? ?????? ??? ?????????? ??? ?????????? ??????????? ???????????, ??????????? ?
????????? ???, ??? ?????? ?????? ?????????? ??? ?????????? ??? ???????, ? ?????? ??????????
????????? ??? ?????????????? ??? ?????? ??????. ???, ?? ?????? ??? ?? ??????????????
????? ??? ?????????? ?????? ?????? ??? ?????? ?? ?????? ?????? ?????????? ???
????????????? ?? ??? ?????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?????? 42 ??????,
????? ?? ??? ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? (?. ?, ??????, ?????????? ??
????????? ??? 28? ?????????? 1992, C?204/90, Bachmann, ??????? 1992, ?. I?249, ???
23, ??? ??? 12? ?????????? 2006, C?374/04, Test Claimants in Class IV of the ACT Group
Litigation, ??????? 2006, ?. I?11673, ????? 50- ?????? ??? ??????????? ??? 27?
????????? 1998, T?67/94, Ladbroke Racing ??? ???????, ??????? 1998, ?. II?1, ????? 54-
?., ??????, ??????? ??? ?????? ?????????? M. Poiares Maduro ??? ?????? ???
????????? ??? 13? ?????????? 2005, C?446/03, Marks & Spencer, ??????? 2005, ?.
I?10837, I?10839, ?????? 23 ?? 24). ??????, ??? ?????? ?????????? ???' ??????, ??? ??
????? 13 ??? ?????????? ??? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? «????????» ??????
??? ?????? ?????? ???, ??????, ?? ?????? ?????? ?????? ??? ?? ?????? ? «????????» ??????
????????? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ???

????????????? ??????.

147 ?????? ?? ??????????? ?, ?? ??????????, ? ??????? ?????????????? ?? ??? ??? ?????
????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ?????? ??????.

1. ?????? ??? ?? ?????? ?????????? ?????????? ??? ?????????????? ?????? ??????????

148 ?????????????? ??? ?? ??? ?????????????? ?????? ? ?????????? ?????????? ??? ???
????? ??? ?????????? ?????????? ??? ?????????????? ?????? ?????????? ?????????? ???
????????????? ?????????? ??? ?????????? ??? ?????????? ?????? ???, ?????????, ?????????? ??
????????????? ?????????? ???, ???, ??????, ? ?????????? ?????????? ?????? ??? ??? ??
??? ?????? ??? ?????? ?????? ?????????? ??? ??? ?????? ?????????? ???????????????,
?????????, ?? ?????? ??? 15 % ??? ??? ?????? ??? ?????????? ?????????????? ??? ?????? ???
????? ?????????? ?????????? ??? ??? ?????? ?????????? ?????????????? ???, ??????, ? ???
??? ?????? ?????????? ?????????? ??? ??? ?????? ?????????? ?????????????? ???.

149 ??????, ??? ?????? ??? ?????????? ????????, ?? ??? ?????????? ?????? 128
??? ?????????????? ??????????, ? ?????????? ?????? ??? ? ?????????? ????? «????????? ??
????????? ??? ?? ?????????? ?????????? ??? ?????? ?????????? ??????????????, ?? ?????? ??????????
??? ?????????? ??? ??? ??? [????????? ??????????] ??? ??? ??? [?????????
?????????????], ?? ?????? ?????????? ?? ?????? ??? ?????????? ?????????????? ???».

150 ? ?????????? ?????????? ??? ? ?????????? ??? ??? ??? ?????? ?????????? ?????????? ??? ???
????? ?????????? ?????????????? ??? ?????? ?????????? ?????? ?????????? ?????????? ??? ???
????????????? ??? ??? ?????? ?????? (????????????? ?????? 129 ??? ??????????????
?????????).

151 ? ??????????, ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ???, ?????? ?? ??
????????? ??? ?????? ?????????? ? ?????????? ??? ?? ?????????? ?????????????? ???,
????????????? ??? ?? ??? ??? ??? ?? ?????? ?????????? ??? ?????????? ???, ?????????? ???, ??
??? ?????????? ??? 131 ??? ?????????????? ?????????? ??? ??????:

«??? ? ?????????? ??? ?? ?????????? ?????????? ?????????? ?????????? ?????????????? ???
????????? ??? ?????? ?????????? ??? ?????????? ??? ??????, ??? ??? ?????? ?????? ???
????????? ??? ?? ??? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? [...] ??? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (?? ??????????
???? ??? ?????????? ??? ?? ?????? ?????????? ??????), ? ?????????? ?????????? ??? ?????? ??? ???
?? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ?????????? ?????????? ??? ?????? ?????????? . ? ?????? ??? ?????? ??? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????, ?????? ??? ?? ?????????? ???, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ??? ?????????? ???.

152 ??????????, ? ???????, ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??
????????? ?????? ??? ?????????? ?? ?? ?????????? ?????????? ??? ?????? ?????????? ???
??? ?????????? ??? ?????? ?????????? ??????, ???????, ?? ??? ?????????? ??? 132 ???

?????????????? ????????, ?? ????:

«???? ?????????? ??? ?????? ??? ?????????? ??????????, ??? ????? ?????????????????? ???
????????????? ?????????????? ?????? ?????? ?????????? ?? ??? ?????????? ??? ?????????? . ??? ?????? ???
?????????, ?????????? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???
?? ?????????????? ? ?????????????? ????. ??????????, ??? ?????? ?? ?????????? ???
????????? ?????????????? ??? ?????? ?????? ?????????? ?????? ?????? ??? ?????????? ???
??, ??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ???
??, ?????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ».»

153 ?????????, ??? ?????? ?? ?????? ??? 15 % ??? ?????? ??? ??? ?????? ???
????? ?????????? ?????????? ??? ??? ?????? ?????????? ??????????????, ? ?????????? ???
??? ?????????? ??? ?????????? ??? «[?] ??? ?????????? ?????????? ??? ?????? ? ?????????? ???
????????? ?? ?????????? ?? ??? ?????????? ??? ?????? ?????, ?????????????? ??? ?????? ???
?? ?????????? ?? ??? ?????????? ??? ?????? ?????? ?????». ?????? ?? ??? ??????, «[?] ???
????? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???, ???
????????? ??? ??? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????????? ??? ?????? ???
(????????? ??? 134 ??? ?????????????? ??????????).

154 ? ?????????? ?????????? ??? ?????? ??? ?? ?????? ??? 15 % ?????? ??????????,
????????? ???, ?? ??? ?????? ??? ?????, ??? ?? ?????? ??? ??????????, ?? ??? ?????? ???
????????? ?????? ?????????? ?????????? ?????? ??????. ?????? ?? ??? ??????, «[?] ?
????????? ?????? ?? ??? ?????? ?????, ?????? ?????? ??? ?????? ?? ??? ?????? ???
????????? ?????? ?????????? ??? ?????? ?????? ?????? ?? ?????? ?? ??? ?????? ???
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ?????? ??? «[?] ?
????????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ???
????????? ??? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ???
?????» (????????? ??? 135 ??? ?????????????? ??????????).

155 ?? ??? ?????????? ??? 137 ??? ?????????? ???, ? ?????????? ??????
?? ?????????? ??? ?????? ???, ?????? ?? ??? ?????? ?????????? ?? ??????
????? ?? 15 %, ?????????? ??? ?? ??? ?????? ?? ?????? ?????????? ??? ?????????? ???
????? ??????, ?? ????:

«????? ?????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ?????????? ???
????????? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?? ??? ?????????? ??? ?????? . ?????? ?? ??? ?????? ?????? ??? ?????? ???
?????????, ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ???
????????? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ? ?????? ??? ???
????????? ».»

156 H ?????????? ??? ?????? ??? 137 ?????? ?? ?????? ??? ?????? ?? ?????????? ??
?? ?????????? ??? 136 ??? ?????????? ??? ?? ??? ?????? ??? ??????????,
????? ???, ??????????, ???, «[?] ?? ?????? ?????? ?????????? ??? ??????????
????????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??????????
????????? ?????? (?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??????), ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? 3 000 GBP ??? ?????? ??? ?????? ??? «[?] ?????? ??? «[?] ?????? ??? ?? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????

???? ??????????» ???, ??????, ??? «?? ??????? ????? ??????????? ????? ?? ??? ?????????????? ???
????????? ??? ??? ?? ?? ??????? ??? ?????????? ? ??? ??????????? ??????????????» ??? ??? «[?] ???,
?????????, ???, ??????? ??????? ??????? ??????? ??? ?????????? ?????????? ?????????? ???
????????? ??????????????».

157 ???????, ??? ?????? ??? ??? ????? ?????????? ?????????? ??? ?? ???? ????? ?????????
?????????????, ? ??????? ?????? ??? ?? ???? ????? ?????? ?????? ?????? ??????????
????????? ??????????, ????? ?? ??? ????? ???????.

158 ???' ?????, ?? ??? ??????????? ?????? 143 ??? ?????????????? ??????????, ?
????????? ???????????, ???' ??????, ??? ? ????? ?????? ?????? ?????? ??? ? ??????
????????? ?????????????? ?? ?????? ?????? ?????????? ?????? ?????? ??????????
????????? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ????
????????? ?? ??? ??????????, ???? ??? ?????????, ? ??? ????? ?????????????? ??? ??
????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????, ? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??????????
?????????????. ?? ?????????? ?????? ??? ??? ?????????????????? ??????, ?????? ?? ??
????????? ?????? ?? ??? ?????? ??? ?????? ?????? ??????????, ?????? de facto ??? ??????????
????????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ??? ?? ??????, ?? ??
?????, ??? ?????????? ??? ?????? ??????.

159 ??? ????????, ?? ??? ?????????? ?????? 144 ??? ?????????????? ??????????, ?
????????? ??????????, ?????? ????, ??? «??? ?????? ??? ?????????????? ??? ?????? ???
??? ?????????? ? ??? ?????????? ?????????? ??? ?????????? ?????????????? ?? ???
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
?????????????, ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??????????????
????????????? ??? ?????? ???» ??? «[?]?????, ?? ?? ??????, ?? ?????? ??????????,
????????????? ??? ??? ?????? ??????».

160 ??????, ?? ??? ?????????????? ?????? 150 ??? ?????????????? ???????????, ? ??????????
?????? ????? ? ?????????? ?????????????? ?????????? ??? ?????????? ?????????? ?????????? ?????
????????? ??? ?????? ?? ?????? ?????? ?????? ?????????????? ?????????? ??? ??? ?????? ???
????????????? ??? ?????????????? ?????????? ?????????? ??????. ? ????????, ?? ??? ??? ??
????????? ???, ??? ?????? ??????, ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ???
?????????, ?????????? ??? ?? ?????????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????
????????? ?????????????? ?????? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ???????????,
??? ?? ?????????????? ?????? ??? ?????? ?????????? ?????????????????? ?????????? ??????????
????????? ?? ??? 5 % ??? ?? ?????? ???, ? ?? ?????????? ?????? ?????? ?????????? ??? ??
??? ??? ?????? ?????? ?????? ?????????? ?????? ?????? (??, ??? 24 ??????). ??????????,
?? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? 15 ? 35
% ??? ??? ?????????????? ??????.

161 ?????, ????????, ??????? ?? ????????????, ???, ??? ??? ????????????, ?????? 147 ???
???????????????, ??????????, ? ???????, ?????????? ?????????? ????? ?????????? ??????:

«????????? 1 : ?????????? ??? ??? ?????????????? ??? ??????????

????????????????? ??????????????????

???????

??????

???? ?? ????????????

?????? ???????? (?????? ?? ??? ???? ??? ?????)

29 000

????????????????????? ??????????

179

0-35 %

5-15 % (3)

????????? ?????? ????????

23

35 %

35 %

????

28 798

0-35 %

0-15 %

?????? ???????? (?????? ?? ??? ???? ??? ????????)

29 000

? ? ????????

10 400

0-35 %

0-15 % (1)

????? ????????

18 600

????????? ?? ??????? (??????? ?? ??? ?? ????????)

10 400

?? ??????????????

1 400

0-35 %

0-15 % (1)

???????????????

9 000

0 %

0-5 % (2) (3)

?? ?????????????? ?? ??????? (??????? ?? ??? ?? ??????)

1 400

???????????

[900]

0-35 %

0-15 % (1)

?? ????????????

500

?? ?????????????? ?? ??????? (??????? ?? ??? ?? ??????)

1 400

?????? ????????????

140

2-10 % (4)

0-15 %

M? ??????? ??????????? ??????????

1 260

35 % (5)

0-15 %

????????? ??????? ?????????? ?????? ????????

23

35 %

35 %

????????????? ?? ?????? (????????? ?? ??? ???? ???)

9 000

????????????????? ????????

70

0 %

5 % (2) (3)

? ? ?????????????????? ????????

8 930

0 %

0 % (2)

(1) ??? ??????? ??? ? ?????????? ?????? ??? ??? ?????????????????? ??????????
?????? ??? 5 %.

(2) ???? ??? ?????????? ?????? ?????????? ?????? ???????, ??? ??????????????
?? ?????????? 35 %.

(3) ?? ?????? ?????? ??? [????????? ?????? ?????????? ?????????????? ??????????]. ??????????
????? ?????????????? ?????????? ??? ?????????? ??? ??? ??? ?????? ???.

(4) ??? ??????? ??? ?????????????? ?? ??? ??? ??? ????? ?????????? ??? ???
?????????.

(5) ??? ??????? ??? ?? [????????????????? ??????] ??? ?????? ?????? ?????????? ???
????????? ???, ???????, ??? ?????????? ??? ??? [????????? ??????] ? ??? ???

????????? ??????????????»

162 ??? ?????????????? ??? 148 ??? ?????????????? ??????????, ? ???????? ???????
??? ???:

«? ??????? 1 ??????? ??? ??????? ??? ?? ??? ? ??????? ??? ?????????? ??????????????
?? ???????????, ??? ???????????????, ??????? ??? ?????????? ??? ?????????? ?? ??? ?
????????? ??????????? ??? ?? ??? ?????????? ?? ?????????? ? ??????? ???????????
?????? ?????????? ??? ??????? ??????????, ? ??????? ??? ?????????? ????? ???????????
??? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ???????????. ??
?????? ??? ?????????? ?????????? ?????????? ??? ??????? ?? ?????????? ?? ?????????? ?????
????????????? ?????????? ??? ?????????? ??? ?? ?????????? ?????????? ?????????? ?????
????????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ??????????
????????? ??????»

2. ??? ??? ?????????? ?????????? ?????????????? ?? ??? ?????????? ??????? ???
?????????????

163 ??? ?????? ??? ?????????? ??? ?????????? ?????????????? ??? ??? ?????? ?
«?????????», ?? ??????????, ?????????? ???, ??? ??? ?????? ??? ?????????? ??? ?????????? ??
????????????? ??????? 5, 6, 10, 12 ?? 13 ??? ?????????? ?????????? ?????????? ?????????? ?? ??
????????? ?????????? ?? ??????????, ?? ?? ?????????? ?????????? ?????????? ?? ??? ??? ?? ??
?????? ??? ???????, ??? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ?????
????????? ??? ??? ??????? ?????????? ?????????? ?????????? ?????????? ??? ??? ?? ??
????????????? ?? ??? ??? ?????????? ???????, ??? ??? ??? ??? ?????????? ?????????? ??? ??? ??
????? ?????????? ??????????????. ??????????, ?????????? ?? ?????????? ??? ?????????? ??? ??? ??
????????????? ??? 15 % ??? ??? ??????. ?????????? ?? ??? ?????????? ??? ??? ??
????????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ?????????? ?? ??? ?????????? ???
????????? ??? ??? «?????» ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?
????????? ??????????.

164 ? ?????????? ??? ??????????, ??? ?? ?????????? ?????????? ??? ?? ?? ??????????
??? ??????? ??? ??????????, ??? ?????? ??? ? ?????? ??? ?????????? ?????????? ??? ??
????????????? ?????????? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??
?????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???
??????, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???
??????, ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???
???????. ???????, ? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??? ??????????
????????? ??? ?????? ??? ?????????? ???, ??? ??? ?????????? ?????????? ??? ??? ??? ??
????????? ?????????? ??????????.

165 ? ?????????? ??? ?????????? ???????, ??? ?? ?????????? ??? ?? ?? ??????????
??????????, ??? ?? ??????? ??? 15 % ??? ??? ?????? ??? ?????????? ??? ?? ??
?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??
????????????? ??? ?? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ??
????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??
????????? ??? ?????? ?????????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??.

166 ?????????????? ??? ?? ?????? ??? ?? 15 % ??? ??? ?????? ??????????
????????? ?????????? ??? ??? ?????? ??? ?????????? ?????????? ?????????? ??? ??? ?

? ?????????? ? ??????? ???? ?? ? ??????????. ? ?????????? ??? ??????????
?????????, ??? ?? ??????? ??? ?????????? ??? ?? ?????? ??????????, ??? ?
????????? ?????? ?????? sine qua non ??? ?? ?????? ??? ?????, ??? ??
????? ?????? ?????? ????. ?????????? ????, ??? ?? ?????? ?????? ????, ??? ?
????? ??? ?????? ?????? ?????????? ??? ?? ?????? ?? ?????? ?? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? ?? ?????? ??? ?????? ???
??? ?? ??? ??? ??? ?????? ??? ??????.

167 ? ????????, ?? ?? ?????? ??? ?????????? ??? ?????????? ???, ? ?????????? ???
????????? ?????????? ?? ?????????? ?????????? ?? ?????????? ?? ??? ??????, ??
????????? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ?? ?????????? ???
????????? ??? ?????????? ?????? ??? 15 % ??? ?? ?????? ??? ?????????? ???, ??
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ??
????????? ?????????? ??????????.

168 ???? , ? ????????, ??? ?????????? ??? ?????????? ?????????? , ???' ??????, ??? ?? ?????? ???
????????????? ?????? ?????????? ??? ?????????? ?????????????? , ??? ? ?????? ??????
????????? , ? ?????? ?????????? ?????????? , ?? ?????? ??? 15 % ??? ?? ??????
??? ? ?????????? , ??? ?????????? ?????? ??? ?? ?????? ??? ?????????? ??? 15 %
??? ??? ?????? , ?????????????? ?????? ??? ?????????? ?????????? ?????? ??????
????????? ??? ?????? ?????????? ?????????? , ?????? ?????? ?????????? ?????? , ??
????? ?????? ?? ?????? ?? ?????? ? «?????» ?????????? ?????? ??? ?????????? ??
?? ?????????? ?????????? ??? ?????????? ??? ?????????? . ??? ?????? ??? ??????????
????? , ??? ?????? «?????» ?????????? ??? ?????? «?????» ??? «?????» ?
«?????» ??????. ? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ?????????? ??
????? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? : ??? ??????
??? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? , ?????? , ??
?? ?????? ??? ?????????? , ??????.

169 ?? ?????? ?????????? ?????????? , ???' ??????, ?? ??? ?? ?????????? ???
????????? ?????? ?? ?? ?????? ? «?????» ?????????? ??? ?????????? ? ??????????
????????? , ?????? ?????? , ??? ?????? ?? ?? ?????? ??? , ?? ?????????? ??????
??? ?????? ??? ?????? ?????? ? ?????????? ??? ?????? ?????????? ? ? ??????????
????? ??? ?????? (?? . ??? 119 ??????).

170 ? ?????? ??? ?????????? ??? ?????? ? ?????????? ??? ?????????? ??? ?? ?????? ???
????????? , ??? ?? ?????????? ?????????? , ? ?????????? ??? ?????? ?? ?????????? ???
????????? ??? , ??? ?????????? ??? ?????? 143 ?????? , ?? ?????????? ??? ??
????????? ??? , ?????????? , ?? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ??? ?????? ??? ?????????? ?? ?????? ? «?????» .
????????? , ?????????? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ?????????? , ?
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? a priori ?????????? , ?? ?????? ?? ?? ?????? ? «?????» ?????? ???
????????? . ?????? , ??? ??? ?????? ?????? , ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?? ?? ?????????? ?????? ?????? ?????????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ?????? ?????? ? «?????» ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??? ??
????????? ?????? ??? ?????? ?????? ?????? ? «?????» ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? , ?????? ?????? ?????? ??? ?????? ??? ??? ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

171 ???? , ??? ?? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?

? ?????????? ?????????????????? ??? ?????????? ?????????????? ?????????? ??? ?????? ? ?????? 170
????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ?????????? ?????????? ???
????????????? ??? ?????????? ??? ?????????? ?????????????? ?????????? ?? ?????????????? ???
?????? ?????? «?????????» ?????????? ???????.

172 ??? ??????????, ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??????????
??? ?????????? ??? 15 %, ? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ???
?????????????, ??? ?????????? a priori ??????????, ??? ??? ?????? ?????? ???
?????????????, ?? ?????? ?? ??? ?????? ?????????? ?????????? ??? ??? ?????? ??????????
????????????? (????????????? ??????? 128, 129, 134 ??? 135 ??? ??????????????
?????????), ?? ??? ??? ??????, ?????? ????, ?? ?????????? ??? ?????? ??? ?????? ?
«?????????» ?????????? ??? ??????????????.

173 ??? ??????, ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????????
?????????????, ??? ??? ?????????????? ?????? ?????????? (??.. ??????? 157 ??? 160
??????) ??? ? ?????????? ??? ?????????? ?????? ?????? ??? ?????????? ??? ??? ??????????
??? ?????????????? ?????? ??????????, ??????, ?? ?????????????? ??? ?? ?????????? ??
????? ? «?????????» ?????????? ?????? ??? ? ?????? ?????????? ??? ?? ??? ?????? ???,
????????, ?? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ???, ??????, ??
????????? ??? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ??? ?????? ???
?? ??? ?????? ? ??? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? ???
?????????????.

174 ??? ??????????, ? ?????????? ?????????? ??? ?????? ??? ?????????????? ??? ??????????
????????? ??? ?????? ?? ??? ?????????? ??? ?????????? ??? ?????????? ??????????????
????? ??????????, ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??????????
????? –????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????
?? ??? ?????????? ??? ?????????????? (??.. ?????? 144 ??????) – ??????????, ??????, ??
??? ?????????? ??? 131, 136 ??? 137 ??? ?????????? ??? ?????????? ??? ?
????????? ?????? ??? ?????? ??? ?????? ?????? ??? 15 % ?????, ???' ?????,
????????? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
???? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ???, ???????,
????????, ?? ??? ?????????? ??? 132 ??? ?????????? ??? ?????????? ???, ?????????? ???
????????, ??? «????? ?????? ??????» ??? ?????? «????????? ?????? ??? ?????????? ??
????????? ? ??? ??? ? ??????» ??? ??? «??? ?????? ?? ?????????? ??? ?????????? ???
????????????? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ???, ?????? ???
?? ?????????? ?? ??? ?????? ?????? ?????????? ??? ?????????? ??? ??????». ??????, ??? ??
????????? ??? ?????? 145 ??? 146 ?????? ?????????? ???, ??? ??? ?????? ???,
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ???, ??? ?????? ???.
????????? ?? ??? ??? ?????? ???.

175 ??? ??????, ?????? ??? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????????? ??????
?? ??? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ??????, ?? ?????????? ???
????????????? ??? ?????? ?????????? ??? ??????, ??? ?????????? ??? ?????? 174 ??????,
?? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? «?????????» ??????????.

176 ??? ?????, ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??????????????
?? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
(????????? ??? 131 ??? ?????????? ???) ? ??? ? ?????????? ??? ??????????

???? ??????????????? ??????? ?????????????? ??????? ?? ??? ?????????????? ???????
???? ??????????????? ??????? ?????????? ??? ?? ??????? ??? ?????????? ???????????????,
?????? ??? ?????????????? ??? ?? ?????????????? ?????? ?????????? ??? ???????????????????
?????? ?????????? ?????????? (????????????? ?????? 136 ??? 137 ??? ???????????????
?????????), ??? ??????? ?? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ??????????
?????.

177 ??? ???????????, ???????, ? ??????? ??? ???????, ?????????? ??? ???, ??
?????????? ??? ??????????? ??? ?????????? ??? ? ?????????? ??? ?????????? ?????? ???
?????? ??? ?????? ?????????? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ???
????????????? ??? ?????? ??? ?????? ?????? ??????????????, ?????? ?????????????? ??
????????? ?????? ??? ?? ?????? ??????????, ??? ?? ?????????? ??? ?????????????? ??? ??
????????? ??????. ???, ? ??????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??
????????? ?????????? ?????? ??? ?????? «?????????» ?????????? ??? ?????????????? ???
????????? ?????????? ?????? ??? ?????? «?????????» ?????????? ??? ?????????????? ???
????????? ??????????.

178 ???, ??? ??????? ???????, ? ??????? ??? ???????, ?? ??????? ??? ?????? ??? ??
????????? ??? ??????? ??????? ?? ?????????? ??? ??? ??????? ???, ??? ??? ??????? ???
????????? ?????????? ???, ??? ? «?????????» ?????????? ?????????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ?????? ?????????? ?????? 15 % ??? ???
??????, ??? ?? ??? ?????????? ?? ?????????????? ?? ??? ??? ??? ?????????? ??? ??? ???
?????? ????. ???????, ? ?????? ?????????? ??? ?????????? ???, ?? ?????????? ??? ?????? ???
?? ?????????? ??? ?? ?????? ??? ?????? ??? ??????????, ??? ?????????????? ?????????? ???
????????? ??? ?????????? ??? ?? ?????????? ?????????? ?????????????? ?????????? ???
????????? ? ?????????? ??? ?????????? (????????? ??? 137 ??? ???????????????
?????????), ??? ?????? ??? ?????????? ??? ?? ?????? ?? ?????? ??? ?????? ?????? ???
????????? ??? ?????????? ?? ?????? «?????????» ?????????? ??? ?? ?????? ?????? ?????????? ???
?????????.

179 ???, ? ??????????? ??? ?? ???????, ?? ??? ?????????? ??? 132 ???
????????????? ??? ??????? ??? ?? ??? ??????? ???, ??? ?????????? ?????????? ???
????????? ?????? ?? «?????????» ?????????? ??? ?????? ??? ?????? ?????????? ???
????????? ???, ?? ?????? ?????????? ?????? ?????????? ?????????? .. ?????????? ???, ???
? ?????????? ??? ?????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? ??? ??????????
????? ? «?????????» ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ???
??????, ??????, ?? ?????? ??? ??????????, ???' ??????, ?? ??? ?????? -????, ???
????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? - ???
????????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ???, ??? ?????? ??????, ??????, ??? ?????? ?????? ?????????? ???
????????? ???, ??? ?????? ?????????? ?????????? ??? ?????? ??? «?????» ?
«?????» ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ???.

180 ??? ??????? ???, ? ??????? ??? ?? ??????? ??? ?????????? ??? ??????? ??? ??????? ??
??????????, ???' ?????? ??????? ???, ???, ?? ??????? ?????????? ?????????? ???
?? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ?????? ? «?????????» ?????????? ???
??? ?????????? ??? (?. ??? 179 ????) ??? ?????????? ??? ?????? ???, ??? ??? ??? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ??? ?????? ?????????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
??? ???????, ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???

? ?????????? ??? ?? ?????????? ??????? ??? ?? ?????????????? ?????? ? «?????????» ??????????
??? ??????? ??? ?????????????? ???????, ??? ?????????????? ??? ?? ??? ?????? ??? ??????????.

181 ? ?????????? ??? ?? ?????????????? ??? ?? ?????? ?????????? ?????????????? ??? ?????????????? ???
??? ?????? ?? ?????????? ??? ?? ?????????? ?????? ?????????????? ?????????????? ??? ??????????????
????????? ??? ?? ?????????? ??????????, ?????????? ??? ?? ?????? ?????????????? ??? ??????????
????????? ?????????????? ??? ?? ?????? ?????????? (????????? ?????? 132 ???
????????????? ??????????). ???????, ?????? ? ?????????? ??? ?? ?????????? ??? ?????????? ??? ??
????? ?? ??????? ???????, ?????? ?????????? ??? ?? ?????? ?????? 143 ??? 144 ???????,
???, ???????, ?????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ???
????????? ?????????? ??? ?????????? (?. ??????? 145 ??? 146 ??????).

182 ??????, ?????????????? ??? ?? ?????????? ??????????????, ?? ?? ?????????? ???, ??? ??
????? ?? ?? ?????????? ??????? ?? ?????????? ??? ?? ?????????? ?????????????? ??? ?? ??? ??????????
????????????? ??? ?? ?????????? ?????? 15 % ??? ?? ??????, ?????????????? ??? ??
??? ?????????????? ??? ?????????? ??? ?????????????? ?????????? ?????????? ??????, ? ??????????
?????????, ?? ??? ?????????????? ??? 144 ??? ?????????????? ??????????, ??? ??
????????? ?????? ??? ?????????? ??? ?????? ??? ?????????????? ?????? «??? ?????? ???
????? ?????? ?????????? ?? ?? ?????????? ??? ?????? ??? ?????????? ??? ??????????, ? ??????
????????? ??? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ??
????? ???». ???????, ? ??????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??
????????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? 15 %
????????? ?? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??
????? ?????? ?? ?????????? ??? ?????, ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ??
????????? ?? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????, ? ?????????? ?????????? ??? ??
????????? ?????????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??.

183 ??????, ?????????? ? ?????????? ???, ?? ?? ?????????? ??? ?? ??? ?????????? ??? ??
????????? ???????, ? ?????????? ??? ?????????? ?? ?????????????? ??? ?? ??? ?????? ??? ??????????
????????? ?????????? ?? ?????????????? ??? ?????????????? ??? ?? ??? ?????????? ??? ??
????????? ?? ?????? «?????????» ??????????.

184 ??? ?? ?????? 170 ??? 183 ?????? ?????????? ?????? ???, ?????? ? ?????????? ???
????????? ?? ?????? ?????????? ?????? ?? ??? ?????????? ??? ?????????????? ??? ??
????????? ?? ?????? ?????????????? ?????? ?? ?????? ?????????? ??? ?????????????? ??? ??
????????? ?? ?????? «?????????» ?????????? ??? ?????????? ?????????????? ??? ??
????????? ?? ?????? ??? ?????????? . ???????, ?????? ??? ?????????? ?? ?? ?????? ??? ??
?????????, ? ?????????? ?????? ?? ??? ?????? ??? ?????? ???, ?????????????? ??? ??
????????????? ??? ?????????????? ??? ?????? ??? ?????????? ?????????? ?? ?? ?????????? ??? ??
????????????? ??? ?????????????? ??? ?????? ??? «?????????» ?????????? ??? ?? ?????????????? ??? ??
?? ?? ?????????????? ??? ???????, ?????? ???, ?? ?? ?????????????? ??? ?? 131, 132,
136, 137 ??? 144 ??? ?????????????? ??????????, ?????????? ??? ? ??????????, ??
????????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??
????????????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ?????????? ??? ?????????? ??? ??
?? ?????? ? «?????????» ?????????? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??
????????? ?? ?????? ??????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? 143 ??? 144 ??????, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??
?? ?????????? ??? ?????????????? ??? ?????????? ??? ??????????.

185 ?????????? ??? ?????? ??? ?????????????? ???, ?????? ?? ?????? ??? ?????? ??? ??

????????? ?????? ??? ?????????????? ???????????, ??? ??????????????, ??? ?????? ??
????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? 87, ??????????
1, ??, ?????? ? ???????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??????????
??? ? ?????? «??????» ?????????? ?????? ??? ?????????????? ??? ?????? ??? ?????? ???
????????? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????????.

186 ????, ?????????? ??? ? ?????? ??? ?????????? ?????????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????? 1 ??? ??? ?????????? ??? 150 ??? ?????????? ??? ?????? ??? ?????? 87, ?????????? 1, ??.
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? 87, ?????????? 1, ??.
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? (????????? ??? ?????? 78 ??????)
????????? Adria-Wien Pipeline ??? Wietersdorfer & Peggauer Zementwerke, ??? 41). ??????
???? ?? ?? ?????? ?????????? ???, ?????????? ?????????? ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????? ??? ?????? ??? ?????? 87, ?????????? 1, ?? (??.,
????????? ?????? ??? ?????????? ??? 7?? ?????? 1988, 57/86, ?????? ??? ?????? ???
????????? 1988, ?. 2855, ??? 10).

187 ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ??????
??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ???, ? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? 87, ?????????? 1, ??.

188 ??????, ? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????.

189 ?????? ? ?????? ??? ? ?????? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??????, ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ?? ?????? ???
????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

??? ??? ?????????? ????

190 ??? ?? ?????? 87, ?????????? 2, ??? ?????? ??? ?????? ??? ?????????? ???, ? ?????????? ??????
????????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ??? ?????? ???.

191 ?????? ??? ?????? 87, ?????????? 4, ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????? ?????? ?-211/04, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
T?211/04 ??? T?215/04, ?? ?????? ??? ?????? ??? ?????? ???.

? ?????????? (????? ?????????? ????)

?????????:

1) ?????????? ??? ?????? ?????? ?????? ?????? ?????? T?211/04 ???
T?215/04.

2) ?????????? ??? ??????? 2005/261/EK ??? ????????, ??? 30?? ??????? 2004, ???
?? ??????? ?????????? ??? ?????????? ?? ?????????? ?? ??????? ?????????? ?? ??????
?? ?? ?????????????? ??? ?????????? ?????????? ??? ?????????? ??? ??????????.

3) ? ?????????? ??? ?????? ?? ?????? ??? ????? ?????????? ? ?????????? ??? ??????????
??? ?? ??????? ?????????? ??? ?????? ?????????? ??? ??? ?????? ?????????? ???
?????? T?215/04, ??? ?? ??? ??? ??? ???.

4) ?? ?????????? ?????????? ??? ?????? ?????????? ??? ??? ?????? ?????????? ??? ??????????, ??
????????????? ??? ?????? T?211/04, ??? ?? ?????????? ??? ???.

5) ?? ?????????? ??? ???????, ?? ?????????? ??? ?????? ?????????? T?211/04 ??? ?-
215/04, ??? ?? ?????????? ??? ???.

Jaeger

Tilli

Azizi

Cremona

Czucz

????????????? ?? ??????? ?????????? ?? ?????????????? ??? ?????????????? ??? 18 ?????????? 2008.

(?????????)

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I – ?????????? ??????????

II – ?????????? ??? ??????????

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I – ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ??? ?????????? ??? ??????????

II – ?????????????? ??? ?????? ?????????? ??? ??? ?????????? ??? ??????????

? – ??????? ?????????????? ?????????????? ?? ?? ?????????? ??????????????

? – ?????????? ?????? (? ????????)

III – ?????????? ?????????? ??? ?????????? ?????????????? ????????

?????????? ?? ??????? ??? ????????

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I – ??? ??? ?????? ?????? ??????????, ??? ?????????? ??? ?????? ?????? ??? ??????
?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ??????????????

? – ??????????? ??? ????????

? – ??????? ??? ????????????

1. ??? ??? ?????????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ???
????????? ?????????? ??? ?????? ?????? ?????? ??? ??? ?????????? ??? ?????????? ??? ??????????

2. ??? ??? ?????? ??? ?????????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ?????????? ??? ??? ?????????? ?????????? ?????????? ??? ??????????

) ?????? ??? ?? ?????????? ???????? ??? ??????

) ??? ??? ?????????? ??? ?????? ??? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ???
????????? ??? ?? ?????????? ?????????? ??? ??????

) ??? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?? ??????????
????????? ??? ??????

II – ??? ??? ????????, ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ????????, ??? ?????????? ??? ?????????? ??? ?????????????? ??????????????

? – ??????????? ??? ????????

? – ??????? ??? ????????????

1. ?????? ??? ??? ?????? ?????????????? ?????? ??? ?????????????? ??????????????

2. ??? ??? ?????????? ?????????? ??? ?????????? ?? ??? ?????????? ?????? ???
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* ?????? ??????????: ? ??????.