

???????? C-453/05

Volker Ludwig

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Finanzamt Luckenwalde

(?????? ?? Finanzgericht des Landes Brandenburg

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«????? ??????? — ??? — ??????? ??? ?????? “????????? ?????????????????? ??????????”»

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1. ??????????? ??????? — ?????????? ??? ?????????? — ????? ?????? ?????? —
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(?????? 77/388 ??? ??????????, ??? 13, B, ??????? ??, ?????? 1)

2. ??????????? ??????? — ?????????? ??? ?????????? — ????? ?????? ?????? —
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(?????? 77/388 ??? ??????????, ????? 13, B, ??????? ??, ?????? 1)

1. ?????????? ??? ??????????? ????? ???? ????? ?????????? ??? ?????????? ?????? ?????????? ??? ?????????? ???
????????? ?? ?????? ?????????????? ?? ?????? ??? ?????? ?????? ?? ?????? ?? ?????? ??? ?????? ??????????
????????? ??? ?????????? ?? ?????????? ?????? ?????????? ?????????? ?????????? ??????????????????
????????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 13, ?, ?????????? ??, ?????? 1,
??? ?????? ??????? 77/388, ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??????, ???
????????? ?? ??? ?????? ?????? ?????? ?????????, ?? ? ?????? ?????????? ?????????? ?????????????????? ???
????????? ??? ?????? ?????? ?? ??? ?????? ?????????? ?????? ?????? ?????? ?? ?????????? ?? ? ??????
????? ?? ?????? ?? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??????
?????????, ?????? ?????????? ?????????? ?? ?????????? ?????? ??? ?????? ??? ??????.
????????? ??? ?????? ?????????? ?? ?????????? ?????? ?? ?????????? ??? ?????? ??? ??????
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(?, ?, 20, ?, ?, ?, 1)

?? ??????????????? ?? ?????? ?? ?????? ?? ???? 13, ?, ??????? ??, ?????? 1, ??? ???

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????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????? ??? ?????????? ??? ??????????. ??????????????, ?
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????????????? ??????. ? ?????????????? ???
????????? ?????? ?????? ?????? ?? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????????????? ??? ??
????????????? ??? ??????, ??? ?????? ??? ? ?????????? ??? ?????? 13, B, ?????????? ??,
?????? 1, ??? ?????? ?????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? ??????.

??????, ? ?????????? ??? ?????? 13, B, ?????????? ??, ?????? 1, ??? ?????? ??????? ???
??????????, ???' ?????, ? ?????????????? ?????????????????? ?? ?????????? ?? ?????????? ?? ??????????
????????????? ?????????? ??? ??????? ?? ?????????? ?????? ?????? ??? ?????? ???
«????????????? ??????», ??? ?????????? ??? ?????????? ??? ?????????? ???, ??? ?? ?????????? ???
????????? ??? ? ??????? ??? ??????????. ??? ??? ?????????? ???, ??? ??? ?????? ???
????????? ?????????????? ??? ?????????? ??? ?? ?????????? ?????? ??? ?????? ?? ?????????? ??
????????? ?? ?????????? ??? ?????, ??? ?????? ?????????? ?????? ???, ??? ?????????? ???
????????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ???
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(?. ??????? 25-26, 34-35, 40, ??????? 2)

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?? 21?? ??????? 2007 (*)

«???? ?????? – ??? – ?????? ??? ?????? “???????? ?????????????????? ??????????”»

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?? ?????????? ??? ?????? ??????? ?????????????? ?????????? ??? ?????? 234 ??,
?? ??????? ?? Finanzgericht des Landes Brandenburg (????????) ?? ??????? ?? 23??
????????? 2005, ? ?????? ??????? ??? ?????????? ??? 20 ?????????? 2005, ??? ???????
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Volker Ludwig

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Finanzamt Luckenwalde,

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

????????? ??? ??? P. Jann, ??????? ????????, A. Tizzano, A. Borg Barthet, M. Illeši? ??? E.
Levits (????????), ????????,

?????? ??????????: P. Mengozzi

?????????: B. Fülöp, ??????? ??????????,

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8?? ??????? 2007,

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- ? V. Ludwig, ?????????????? ??? ??? K. Landry, Rechtsanwalt,
- ? ?????????? ????????, ?????????????? ??? ??? C. Schulze-Bahr,
- ? ?????????? ????????, ?????????????? ??? ??? ?. ?????? ??? ??? ?. ????????????,
- ? ??????? ????????, ?????????????? ??? ??? G. de Bergues ??? J.?C. Gracia,
- ? ?????????? ??? ?????????? ????????????, ?????????????? ??? ??? ?. ????????????,
??? W. Mölls,

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1 ? ??????? ??????? ?????????????? ?????????? ??? ?????? ??? ??????? ??? ?????? 13, ?,
????????? ??, ?????? 1, ??? ?????? ??????? 77/388/??? ??? ???????????, ??? 17?? ????? 1977,
???? ?????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ????? ?????? ??????
????????? – ????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ?????? (??
???. ???.. 09/001, ?. 49), ??? ?????????? ??? ?????? «????????????? ?????????» ???
????????????? ??? ????? ???.

2 ? ??????? ??? ?????????? ??? ??????? ?????????? ??? ?????? ??? V. Ludwig (??? ????:
????????? ??? ?????? ???), ?????????? ?????????, ??? ??? Finanzamt Luckenwalde
????????? ?? ??? ?????? ??? ?????????? ?? ?????????? ??? ??? ?????? ?????? ??????????
????????? ?????? ??? 267 ????, ??? ?????? ?????????? ??? ??? ?????? ?????? ?????? ??????????
???? ?? ??? ?????? ??????? ??? 2005.

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3 ??? ?? ??? 2, ?????????? 1, ??? ??? ?????, ??? ??? ?????? ?????????? ???
(???. ????: ???) ?????????? ?? ?????????? ?????? ??? ?? ?????? ?????????? ???
????????????? ?? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????, ??? ?????? ??? ??? ?????? ??? ??????.

4 ?? ????? 13, ?? ?????????? «????????? ??? ?????????? ??? ???», ??????:
«[...]

B. ?????? ????????

??. ??? ?????????? ??? ?????? ?????????? ?????????, ?? ?????? ??? ???????????, ??? ???
????????????? ??? ???????, ??? ?? ?????????????? ??? ?????? ??? ?????? ?????? ???
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«?????? ????? – ?????????????? ????? ????? ????? ???????

1) ????? ???? ?????? ??????? ?????????? ?? ?????????? ??????:

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

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????? 4 – ??????????????? ??? ??????????? ??? ????? ??? ??????

?????? ???? ??????? ???? ?????????? ???? ???? 1, ?????????? 1, ?????????? 1, ??????????????
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8. a) ?????????? ??? ? ?????????????????? ?????????? [...]».

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6 ? ?????????? ?? ?????? ?????? ?????? ?? ?????????? ?? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?? ?????????? ?? ?????? ?????? ?????? Deutsche Vermögensberatung AG (???: DVAG) ?????? ?????????? ?????? ?????????? ??????????.

7 ? DVAG ?????? ??? ??????? ????????, ???? ??? ?????????????????? ??? ?? ???? ?????? ???
??? ??????? ??? ??????????? ????????, ??????? ?????????????????? ??? ???????, ???
?????????, ??? ??? ?????? ??????? ?????????? ?????????? ??? ?????? ??????? ??? ??
????????????????? ???????.

8 ????? ??????, ? ??????????? ?????????? ??????? ?????????????? ???????, ???
????????? ?? DVAG, ??? ?? ??? ?????? ?? ??????? ?? ??????? ??????????? ?? ??????????
????????? ?? ??????????? ?? ????? ?? ??????????? ?? ??????????? ?????????????? ?? ?????????? ??
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9 ??????? ??????????, ??? ?????????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ?????????? ? DVAG, ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???,
????????? ??? ?????????? ?? ?????????????? ?????? ??? ?????? ??? ?????? ?? ?????????? ???
????? ????.

10 ?? ? ?????????????? ??? ??????? ??? ???????, ? ?????????? ?????????????? ???
????????? ??? ??????? ??? ?? ?????? ?????????? ??? ?????? ??????????, ?????? ??????????
?? ?????? ??? ??????, ??? DVAG ? ?????? ?????? ?? ?????????? ??? ??????????. ? DVAG
????????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?? ?????? ?????????? ???
????? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?? ?????? ??????????, ?? ??? ?????????? ?? ??
??? ??????????.

11 ?? ?????????? ??? ???????, ? DVAG ??????? ??? ?? ?????????????? ???
????? ?????????? ??? ???????, ? DVAG ??????????, ??? ???????, ???
????????? ??? ???????, ??? ?? ?????? ??? ?? ?????????????? ??? ?? ?????? ??? ?? ???
????????? ??? ?? ?????? ??? ?? ?????? ?????, ?????????? ??? ?????? ??? ?? ?????? ??? ??
????????? ??? ?? ?????? ??? ?????????? ?????????? ?????????????? . ? ?????? ? ??????
??? ?????????? ?????????? ??? DVAG ??? ?????? ?????????? ??????.

12 ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ??
????????? ??? DVAG ??? ?? ?????? ??? ?????????? ??????.

13 ?????? ?? ?????? ??? ?????????? ? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ??
DVAG, ?? ??????????, ?????????? ?????? 267 ????, ??? ?????? ??? ??????,
????????? ?????? ??? ?? ?????? ?????? ??? 2005. ? ?????????? ??? ??????,
????????? ??? ?? ?????????????? ?? ?????? ??? ??????, ??? ?? ?????? ??? ?? ??????????
??? ?????? ??? ?? ?????? ??????????, ?????????? ??? ?? ???' ?????????? ??? ?????? 13,
?, ??????? ??, ?????? 1, ??? ?????? ??????, ??????????, ?????? ??? Finanzgericht der
Landes Brandenburg, ??? ?????? ??? ?? ?????? ??? ?????????? 16 % ?? ?????? ???
????????? ?????????? ????.

14 ??? ?????? ??? ?????? ??? ?????????? ?? Finanzgericht des Landes Brandenburg ??????????
?? ?????????? ?? ?????????? ??? ?? ?????????? ??? ?????????? ?? ?????????? ?? ?????????? ??????????
?????????:

«1) ?????????? ??? ?????? ?????????? ?????????????? ??? ?? ?????? ??? ?????? ??? ?????? 13, ?,
????????? ??, ?????? 1, ??? ?????? ?????? ??? ?????? ?????????? ??? ?? -????????? ???
????????????? - ?????????? ?? ?????? ??? ?????????? ???? ?????????? ??? ?? ?????? ??????????
????????????? ??? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?? ?????? ??????????
????????? ?????????? ??? ?? ?????????? ?????? ?????????? ?????? ?????? ??? ?? ?????? ??????????
????, ??? ?????? ???, ?????????? ??? ?? ?????? ?????? ??? ?????????? ?????? ?????????? ???
??????, ?????? ??? ?? ?????? ?????? ??? ?????????? ??? ?? ?????? ?????? ??? ?? ?????? ??????
????????? ??????????, ?????????? ??? ?? ?????? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ??????????
?? ??? ?????????????? ??? ?? ?????? ??? ?? ?????? 13, ? ?????? ??, ?????? 1,
??? ?????? ???;»

2) ?????????? ??? ?????? ??? ?? ?????? ?????? ?????????? ??? ?? ??????????????
????????? ??? ?? 13, ?, ?????? ??, ?????? 1, ??? ?????? ?????? ???

?) ?????? ??? ??????????????, ??????, ??? ??? ?????????? ???/? ??? ???????,
?????????, ?????????? ?????? ?????????? ?????? ???

?) ? ?????????????????? ?????? ?? ?????? ??? ?????? ?? ??? ?????????? ???
????????? ??? ?????? ?? ?????? ?? ?????????????? ? ?????? ??? ?????????? ???
?????????,

? ?????????? ? ???????? ??? ??? ??? ??? ?????????????? ?????????? ??? ??????
????????????? ??? ??? ?????? ?????? ?????? ?????????????, ?????? ??? ?????? ?????????? ??
????????????? ??? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???, ???
??? ??? ??? ?? ?? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ??? ??????
?????????, ?????? ??? ?????? ?????????????? ?? ?????? ?? ?????? ??? ??? ??????;»

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15 ?? ?? ?????? ??? ???????, ?? ?????? ?????????? ???' ?????? ??? ?? ??
????????????? ??? ?????????????? ??? ?????????? ???, ?????? ? ??????????????
????????? ? ? ?????????? ???????, ?????? ?????????? ??? ??? ?????????? ???
????????? ??? ?????????????? ?? ?????? ?? ??? ?????? ??? ?????????? ?? ??? 13, B,
????????? ??, ?????? 1, ??? ?????? ??????.

16 ??? ??? ?????? ??? ?????????? ?????? ?????????? ??? ? ?????????????? ???
????????????? ??? ?????? ?????, ??????, ?? ?????????? ??? ?????? ?????? ??? ??
??? ?????????? ??? ???????, ??????, ?? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????????? ??? ?????? ?????? ?????? ?????????? . ??? ?? ?????????????? ???, ?
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?? ?????????????? ?????? DVAG, ??? ? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ? ?????????? ?????????, ?? ?????????????? ??? DVAG, ?????????? ???
????? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ??????
????? ??????.

17 ??? ?? ?????? 2, ?????????? 1, ??? ?????? ??????, ??? ?????????? ?? ??? ?????? ??????????
??? ?????? ?????, ?????????? ??? ?????? ?????? ?????????? ?????? ?????????? ?? ??????????
????????? ??? ?????????? ??? ???, ? ?????? ??? ?????????? ?????? ??? ??? ?????? ?????????? ??
????????? ?????? ??? ?????? ?? ?????????? ?????? ?????????? ??? ??? ?????? ?????????? ??
????????? ?????? ??? ?????????? ??? ???, ?????? ?????? ?? ?????????? ??
????????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ??
????????? ??? ?????? ??? ?????????? ?? ?????????? ?????? ?????? ?????? ??? ?????? ??????????
????? ?????? ??? 25? ?????????? 1999, C-349/96, CPP, ?????? 1999, ?. I-973, ?????? 29).

18 ??????, ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ??
????????? ?????? ?????????? ??? ?????? ?????? ???, ??????????, ??? ? ??????????
????????? ?????? ?? ?????????? ?? ??? ? ?????????? ?????? ?????????? ???????, ?? ??????,
??? ?????? ??????????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??????. ??? ?????? ?????? ??
????????? ?????????? ??? ?????? ?????? ?????? ??? ??? ?????? ?????? ??? ?????? ??????
?????????, ??? ?? ??? ??? ?? ?????? ??? ?????? ?????? ?????? ?????????? ? ?????? ??????
(????????? ??? 22? ?????????? 1998, C-308/96 ??? C-94/97, Madgett ??? Baldwin, ??????
1998, ?. I-6229, ?????? 24, ??? CPP, ?????????????, ?????? 30).

19 ????? ??????? ??? ?????? ??????, ??????, ?? ?????? ??? ???? ??????????? ?? ???????
??? DVAG ??? ??? ??????????????? ??? ?????????? ?????? ?????????? ?????? ??? ??
????????????? ??? ?????????? ??? ??? ?????????? ??? ?? ?????????? ?????? ??? ?????? ??????
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????? ??????, ? ?? ?????? ?????????? ?????????? ?? ?????? ?????????? ??????. ?
????????????? ?????????? ?????????, ???????, ?? ? ?????????? ?????? ?????? ??? ???
????????? ??? ??? ?? ??????????????? ???????, ??? ?????? ??? ? ???????????????
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????????? ??? ?????? ?????? ??????, ?????? ??? ?????? ?????? ?????? ?????? ??????
?????????, ?????? ??? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ???.

20 ???????, ??? ?????? ?????????? ??????? ?????? ?? ?????? ? ?????????? ??? ?? ???????
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???????
????????? ?? ??? ?????? ?????? ?? ?????? ?? ?????? ?????????? ?????? ?????? ??? ??????????
??? ?????????? ?????? ?????? ?????????? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ??? ?????? 13, ?, ??????? ??, ?????? 1 ??? ?????? ?????? ??, ??? ?? ???
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?? ??? ?????? ?????????? ?????? ?????? ?????? ?? ?????? ??? ??????
????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????????, ?????? ??? ?????????? ?????????????? ?? ?????????? ?????? ??? ?????? ??? ??????.
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
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21 ?????? ?? ?????????? ??? ?? ??? ?????? ?????????????? ??? ?????? ?????????? ???
????????? ??? ?????? 13 ??? ?????? ?????? ?????? ?? ?????????? ?????? ??????????????,
????????? ??? ?? ?????????? ?????? ?????????? ?????? ?????? ??? ?? ?????? ??? ?? ???
????????? ?? ??? ?????? ?????? ?????? ??? ?????????? ?????? ?? ?????? ??? ?????? ???
????????? ??? ??? (????????? ??? 15?? ?????? 1989, 348/87, Stiching Uitvoering
Financiële Acties, ?????? 1989, ?. 1737, ?????? 13, ??? ?? 5?? ?????? 1997, C?2/95, SDC,
????? 1997, ?. I?3017, ?????? 20).

22 ??? ?????? ?????? ??????????, ?? ?? ??? ?????? ?????????? ?????????? ?????????? ???????
??? ?????????? ??????, ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????????? ?????? ???
????????? ??? ?????? ?????? ??? ??? ?????? ?????? ?? ?????? ??? ?? ?????? ?????? ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??? (????????? ??? 8??
????? 2001, C?240/99, Skandia, ?????? 2001, ?. I?1951, ?????? 23, ??? ?? 3?? ??????
2005, C?472/03, Arthur Andersen, ?????? 2005, ?. I?1719, ?????? 25).

23 ? ??? «?????????????» ??? ?????????? ?? ?????? 1 ??? 5 ??? ?????? 13, B,
????????? ?, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ?? ??????, ?? ??????????
??????, ??? ?????? ??? ?????? 5 ??? ?????? ???, ??? ? ??? ?????? ?????? ???
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????????? ??? ??????? ?????? ?????? ? ?????????????????? ?? ??? ?????? ?????? ?????????? ?? ??? ?????? ??
????????????? ??? ?????????? (??., ??? ?? ?????? ????, ??????? ??? 13?? ??????????? 2001,
C?235/00, CSC Financial Services, ??????? 2001, ?. I?10237, ????? 39). ?????????, ???
????????? ??? ?????????????? ?????????????????? ?????? ?????? ?????????? ??? ?????
????????????????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??
????????? (??., ??? ?? ?????? ????, ??????? CSC Financial Services, ??????????????, ??????
40).

24 ?? ?????? ??????????? ?????????? ?? ??????? ?? ? ?????? ??? ?????????????????? ???
?? ?????? 13, ?, ????????, ??, ?????? 1, ??? ????? ?????? ???????????, ??????, ??? ??
????????? ?????????? ?????? ?????? ??? ??????????? ?? ?????????? ?????????????????? ???
????????? ??? ?? ??????????????? ?? ????? ?????? ?????? ???, ???????, ?? ??????????
????????? ???????????, ?? ? ?????? ?????? ?????? ??? ?? ????? ??????????? ??? ?????????? ???
??? ??? ??????????? ?? ????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ?????? ?
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??? ??? ??????? ??? ??????????? ??? ?????? ??? ??????????????? ??? ??? ???
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25 ??????? ?? ???????????? ??? ?? ?????????????? ?????? ??????? ??????? ?? ???? 13, ?,
?????? ??, ?????? 1, ??? ????? ?????? ?????????????? ?? ?????????? ?? ?? ??????? ?? ?? ???? ??
????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ??
????? ?? ?? ??????????. ????????????, ? ??????? ?? ?? ?????? ?????? ?????? ?????? ?????? ??????
?????????? ?? (??., ???' ???????, ???? ?????? ?? ?????? 13, ?, ??????? ??, ?????? 3
??? 5, ??? ????? ???????, ??????? SDC, ???????????????, ?????? 32, ??? ????? ?????? ??
????? 13, ?, ??????? ??, ?????? 6, ??? ?????? ?????, ?????? ??? 4?? ????? 2006,
C?169/04, Abbey National, ?????? 2006, ?. I? 4027, ????? 66].

27 ??????????????, ??? ?? ?????????? ??? ?????????? ?????????? ???, ??? ??
????????????? ?? ?????????????? ?????? ??? ?????? ??? ?????? 13, B, ???????
??, ??? ?????? ???????, ?? ?????????? ?????? ??? ?????? ?? ?????????? ??????????
????????? ???????, ?? ?????? ??? ?????? ??? ?????? ?? ?????????? ?????????? ??? ??????
????????? ?????? ?????????? ?????????????? (??., ??????, ??? ?????? ?? ????? 13, ?,
??????? ??, ?????? 5, ??? ?????? ??????, ??? ?????????????? ?????????? SDC, ????? 66,
??? CSC Financial Services, ????? 25, ?????? ??? ?????? ?? ????? 13, ?, ?????????? ??,
????? 6, ??? ?????? ?????, ?????? Abbey National, ??????????????, ?????? 70).).

28 ???????, ?? ?????????? ?????? ??? ? ?????????????? ??? ?????????????????? ??? ?????????????????? ???
????????????? ?????????????? ???? ???? ?????? ?????? ?????? ?? ??????????, ?????? ???, ???
????????? ?????????? ??? ???? ?????? ?????? ?????? ??????????, ??? ?????????????? ??? ?????? ???
????????????? ??? ??? ?????????????? ??' ??????? ??? ??? ?????????? ??? ?????? ???
????????????? ??? ?????????? ??????????, ?????? ?? ??? ?????????????? ?????? ?????? ?
????????? ??? ?????????? ?????????????? ??? ?????? ?? ?????????? ??? ??????, ??? ?
????????????? ?? ??? ?????? ?????? ?????????? ?? ?????? ?? ?????????? ??? ?????? (??., ???
?? ?????? ???, ??? ?????? ?? ????? 13, ?, ??????? ??, ?????? 5, ??? ????? ??????,
?????? CSC Financial Services, ??????????????, ??? 39].

29 ????????, ??? ?? ?????????????? ?????????? ??? ? ?????????? ??? ??????????????
????????????? ?????? ?????????????? ??? ?? ?????? 13, B, ????????, ?, ?????? 1, ??? ??????
?????? ?? ?????? ???' ??????? ?? ?????????? ??? ?? ?????? ?????????? ?????????? ??????
??? ?????????? ??? ??????? ?????????????????? ??? ??? ??? ?????????? ?????? ???
????????? ??????.

30 ?????????? ????, ??, ??????????????? ? ??????????? ???????????, ? ??????????? ?????? ???
?????????? ????? ?? ??????? ?? ?????????? ????? ?? ?????????? ????? ?? ?????? 39 ??? ?????? CSC
Financial Services, ???????????????, ??? ? ?????????????? ?????????????????? ?????????????????? ???
????????? ??????????? ?? ?????????????? ????? ?? ?????????????? ????? ?? ?????????????? ??? ?? ??????????????
????????????? ??????????????.

31 ????????, ????, ??? ???? ?????? CSC Financial Services, ??? ??????
?????? ?? ??? ???? ?? ?????? ??? ?????????? ?????????? ?????? ??? ?????????? ??? ??
????? ??? ????????, ?? ?????????? ??? CSC Financial Services Ltd ??? ??? Sun Alliance
Group, ??????????. ??? ?????????? ??? ?? ?????? 7 ??? ?????????? ???, ?????? ???
?????? ?????????? ??? ?????? ?????? ??????. ??? ?? ?????? ???, ?? ?????????? ???
??????, ??? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
?? ?????? ??????????, ??? ? CSC Financial Services Ltd ?????? ?????????? ???
?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
?? ?????? ?????? ??? ?????? ? ?????? ? ?????? ?? ?????? ??? ?????? ??? ?????? ???
?? ?????? 13, B, ?????? ??, ?????? 3 ?? 5, ??? ?????? ?????? (????? CSC Financial
Services, ???????????, ??? 40). ??????, ? ?????? ??? ?????????? ??? ?????????? ???
?? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ?? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????????? ???
????????? ? ?????????? ?????????? ?? ??? ?????????????? ???.

32 ????????, ??? ?? ???????????, ??????, ??? ??? ?????? ?????? ???, ?? ???????????,
????????????? ??? ?????? 64 ??? 66 ??? ?????????????? ?????? SDC, ???????????
??? ?????????? ?????????? ??? ?????? ??? ?????????????? ??? CSC Financial Services Ltd
?????????? ?? ??????????? ?? ? ?????????? ?????? ?????? ?????????? ?????????? ???
????? ??? ?????? 13, ?, ??????? ??, ?????? 3 ??? 5, ??? ?????? ?????? (?????? CSC
Financial Services, ???????????????, ?????? 23 ??? 28). ????????, ?????? ??????????????
??? ??? 39 ??? ?????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ??? ??
?????? ?????????? ??? ??? «?????????????».

33 ????? ????????, ? ????????, ??? ????????, ??? ????????, ??? ????????, ?? ?????? 13, ?, ????????, ??,
?????? 1, ??? ?????? ????????, ??? ?????? ?? ????????, ??? ????????, ??? ?????? ????????, ?????????? ???????,
?????? ??? ?????????? ??? ????????, ?????????????????? ??? ?????? ??? ??????
????????????? ??? ?????? ????????, ??? ????????, ??? ?????? ?? ????????, ?? ?????? ??? ?????? ?? ??? ????
?? ??? ?????? ????????, ??? ????????, ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? 23
??? ???????, ???????.

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

34 ??????? ?? ??????????????? ??? ? ?????????? ??? ?????? 13, B, ????????? ??, ?????? 1,
??? ?????? ??????? ??? ??????????, ???' ????, ? ?????????????? ?????????????????? ??
????????? ?? ??????? ?????????????? ?????????? ??? ?????? ?? ?????????? ?????????? ???
????? ??? «????????????????? ??????», ??? ?????????? ??? ?????? ???, ??? ??
????????? ??? ??????? ??? ? ??????? ??? ?????? ??? (??., ??? ?? ?????? ???, ????)
????? ?? ????? 13, ?, ??????? ??, ?????? 3, ??? ?????? ???????, ??????? SDC.

?????????????????, ??? 64- ??? ????? ?? ?????? 13, B, ???????? ??, ?????? 5, ??? ??????
?????, ?????? CSC Financial Services, ????????????????, ??? 23, ??? ???, ??? ????? ??
????? 13, ?, ??????? ??, ?????? 6, ??? ?????? ?????, ?????? Abbey National,
???????????????, ??? 67).

35 ??? ??? ?????? ??????, ??? ??? ??? ??? ?????????????? ?????????????? ??????????
??? ? ?????????????? ?????? ?? ??????? ?? ?????????? ?? ?????????? ?????? ?? ??????,
??? ?????? ?????????? ??????, ??? ?????????? ???????, ?????? ?? ?????????? ???
????????? ?? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????????? ?? ?????? 13, B,
????????? ??, ?????? 1, ??? ?????? ?????? (??., ??? ?? ?????? ???, ??? ?????? ?? ??????
13, ?, ??????? ??, ?????? 6, ??? ?????? ?????? , ?????? Abbey National, ????????????????,
????? 68).

36 ??????, ??? ??????????? ?? ?????? 27 ??? ??????? ??????????, ??? ??
?????????????? ?? ?????????????? ?????? ??? ?????? ??? ?????? 13, B, ??????????
??, ??? ?????? ??????, ?? ??????????? ?????? ?????? ??? ?????????? ?????????? ??????,
?????????? ??????????, ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???
?????????? ?????????? ?????????? ??????????.

37 ??? ??????, ?? ?????? 13, B, ??????? ??, ?????? 1, ??? ?????? ??????? ??
????????? ???, ??? ??? ?????????? ??? ?????????? ??? ?????? ???, ? ???????
????????????? ??? ?????????? ?????????? ?? ??? ???????, ? ??? ?????????? ??? ??? ??? ???
??????????, ?????? ??? DVAG, ??? ?????? ??? ?????????????? ?? ??
??????????????, ??? ? ??? ??? ?????? ??? ?????? ??? ?????????? ???, ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???, ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???.

38 ?????? ?? ?????????? ??, ??? ?? ?????? 39 ??? ?????? CSC Financial Services,
???????????????, ? ?????????????? ??? ?????? ?????????????? ?????????????? ? ?????? ???
????? ?? ??????????, ?????? ?????? ???, ??? ?????? ?????? ?????????? ??? ?? ?????? ???
????? ??????????, ?????? ?????????? ?? ??? ?????? ?????????????? ??? ?? ??? ??????????????
??' ??????? ?? ??? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????? ?? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????? ?? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
????' ??????? ?? ??? ????????????????, ?? ?????????????? ??? ?????? ??? ??????????
????? ?? ?????? ??? ?????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????????? ?? ?????? ??? ?????? ???, ??? ??? ?????????? ???, ??????, ??? ?
????????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ???.

39 ??????, ?? ?????? ?? ?????? ??? ?????????? ?????????? ?????? ??????????????
????????? ?? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ??????????,
??????, ??? ?????? ?????????? ?????????????? ??? ?? ?????? 13, B, ?????????? ??,
????? 1 ??? ?????? ??????, ???, ??? ?????? ??? ?????? ??? ?????? ?????????? ???, ?
????????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??
????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

40 ??? ??????, ??? ?????? ?????????? ?????? ??? ?????? ?? ?????? ? ?????? ??? ??
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? ??
????????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ???, ??? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ???, ??? ?????????? ??? ??
?? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

?????????????? ??? ????? ??? ?????? ??? ?????? 13, B, ??????? ??, ?????? 1, ???
????? ??????.

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

41 ?????????? ??? ? ?????? ?????????? ??? ???? ???? ?????? ?????? ?????? ?????? ??????
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ?????? ??????????????, ?' ???
????????? ?? ?????? ??? ?????? ?????? ?????? ??????. ?? ?????? ??? ?????? ??????????????
????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??????.

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

1) ?? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????? ?? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????? ?? ??????
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
13, ?, ?????? ??, ?????? 1 ??? ?????? ?????? 77/388/?? ?? ??????????, ??? 17??
????? 1977, ??? ?????????? ??? ?????? ?????? ??? ?????? ?????, ??? ?????? ????
????? ?????? ?????? ?????? - ?????? ?????? ?????? ?????? ?????????????? ??????
????????? ?????? ???, ??, ??? ?? ??? ?????? ?????????????? ??????
?????????, ? ?????? ?????? ?????? ?????????????? ??? ?????? ?????? ??? ??????
?? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ????
????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ??????.

2) ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????
??? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?????? ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??????????????
????? ??? ?????? ??? ? ?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????? 13, B, ?????? ??, ?????? 1, ??? ?????? ?????? 77/388.

(?????????)

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