

Arrêt de la Cour
?????? C-415/02

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«????????? ?????? ?????? – ?????? ?????? ?????? ? ?????? 69/335/??? ? ?????????????? ??????????
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????????????? ?????????? – ?????????? ??v ?????????? – ?????? ?????? ??? ??????????
????????????? ?????????? – ?????? ?????? ?????????? ?????? ??? ?????????? ??????
????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? – ??? ??????????

(????? 69/335 ??? ??????????, ??? 11)

????? ?????? ?????????? ??? ?????????? ??? ?????? 11 ??? ?????? 69/335
????? ??? ?????? ??? ?????? ??? ?????????? ??? ??? ?????????? ??????????, ???
????????????? ?? ??? ?????? 85/303, ?? ??? ?????? ??????, ?????? ???, ??? ?? ?????? ???
??? ?????????? ?? ?????????? ??? ?????? ?? ??????????, ??????, ?????????? ??? ??????????????
? ??? ?? ?????????? ? ?????????????? ??????, ??????, ?????????? ? ??? ?????? ?????? ???,
– ?????????? «??? ??? ??? ?????????? ?????? ??????» ??? ??????????????

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

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

(??, ?????? 32, 46-47, 53 ??? ??????).

????????? ??? ?????????????? (????????? ????)
??? 15?? ??????? 2004(1)

????????? ??????? ?????? – ??????? ?????? – ?????? 69/335/??? – ?????????????????? ??????????
– ?????? ??? ??? ?????????????????? ?????????? – ?????? ??? ??? ?????????????? ?????? ???
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???? ??????? C-415/02,
????????? ??? ?????????????? ????????????, ?????????????????? ??? ??? R. Lyal ??? C. Giolito,
?? ??? ?????????? ??? ????????????,
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?????????? ??? ???????, ?????????????????? ??? ??? A. Snoecx, ?????????????? ??? ??? B.
van de Walle de Ghelcke, avocat,

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??? ??? ?? ??????????? ?? ?????????????? ???:
–????????????? ??? ??? ??? ??? ?????????????? ?????????? ??? ??? ?????????????? ???
?????? ??????????? ??? ??? ?????????? ??? ??? ?????????? ????? ?????????? ??? ??? ??? ?? ???????
????????? ? ??????? ?????????? ????????????, ??? ?????????? ?????????? ?????????? ???????????, ??? ???
??? ?????? ???????, ???
–????????????? ??? ??? ??? ??? ?????????? ?????? ??? ?????????? ??? ??? ?????????? ???
?????? ??? ??????? ?????? ?????????? ?????????? ??? ?????????? ??? ??? ?????? ??? ??? ???????????,
???? ?????????? ??? ??? ?????? ?????????? ?????????? ??? ??? ??? ?? ?????????? ???????????
????????? ?????????? ???????????, ??? ?????????? ?????????? ?????????? ???????????, ??? ??? ??? ??? ?????
???????,
?? ?????????? ??? ??????? ?????? ??? ?????????????? ??? ?????? ??? ?? ????? 11 ??? ??????
69/335/??? ??? ???????????, ??? 17?? ?????? 1969, ??? ??? ?????? ?????? ???
????????????? ??? ??? ?????????????? ?????????? (?? ????. ????. 09/001, ?. 20), ??? ???
????????????? ?? ??? ?????? 85/303/??? ??? ???????????, ??? 10?? ?????? 1985 (?? L 156,
. 23),

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

?????????? ??? ??? C. W. A. Timmermans, ??????? ??????????, C. Gulmann, R. Schintgen
(?????????), F. Macken ??? N. Colneric, ??????????,
?????? ??????????: A. Tizzano
?????????: M.-F. Contet, ????? ?????????? ???????????,
???? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??? ?? ???????????
??? 15?? ??????????? 2004,
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1 ?? ?????????? ?? ???? ??????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? 19 ?????????? 2002, ?
????????? ?? ???? ?????????? ?????????? ??????, ??????? ?? ???? ?????? 226 ??, ????????
????????? ?? ???? ?????????? ????:
-????????????? ?? ???? ??? ???? ?????????????? ?????????? ?????? ?????? ?????????????? ???
?????? ?????????????? ?? ???? ??? ?????????? ?????? ?????? ?????????? ?????? ??? ???? ?? ??????
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??? ?????? ???????, ???
-????????????? ?? ???? ??? ???? ?????????? ?????? ?????? ?????? ?????? ?????? ?????????? ???
?????? ?? ???? ?????? ?????? ?????????? ?????? ?????? ?????? ?????? ? ??? ??????? ? ??? ??????????,
????? ?????????? ?? ???? ?????? ?????? ?????????? ?????? ?????? ?? ?????? ?????? ??????????
????????? ?????????? ??????????, ??? ?????? ?????? ?????????? ??????????, ??? ?? ??? ?? ??????
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?? ??????? ?? ???? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? 11 ?? ???? ??????
69/335/??? ?? ???? ??????????, ??? 17?? ?????? 1969, ??? ?? ???? ?????? ?????? ???
????????????? ?? ???? ?????????????? ?????????? (?? ??. ???. 09/001, ?. 20), ??? ?? ???
????????????? ?? ???? ?????? 85/303/??? ?? ???? ??????????, ??? 10?? ?????? 1985 (?? L 156,
. 23, ??? ???: ?????? 69/335).

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2 ?? ?????? 11 ?? ???? ?????? 69/335 ????????

2 ?? ?????? 11 ?? ???? ?????? 69/335 ????????:

«?? ?????? ??? ???? ?????????? ?? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ????:
?)?? ??????????, ????, ?????? ?????? ??? ?????????? ?????? ? ??? ?? ?????????? ?
????????????? ??????, ?????? ???? ?????? ?????? ?????? ?????? ??????, ??? ?? ??? ??
????????? ??? ?????? ?????? ?????? ?????????? ??????, ?????? ??? ?? ?????? ???? ??
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?)?? ??????, ?????????????????? ??? ?????? ??????, ?? ?????? ?????????? ???
????? ?????????? ?????? ??? ?????? ?????????? ?????? ??????, ?????? ?? ?????????? ???
????? ? ?????? ???, ??? ?????? ??? ?????? ?????????? ??????, ??? ?? ???? ????????,
?????, ?????????? ??? ?????? ?????????? ??????, ?????????? ? ?????????? ?????? ???
????????? ??? ???? ???? ?????? ?????????? ?????? ??????.»

3 ?? ?????? 12, ?????????? 1, ??? ?????? 69/335 ??????:

«???? ?????????? ??? ???? ?????????? ??? ?????? 10 ?? 11, ?? ?????? ??? ?????? ?????? ???

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)????? ?????????? ??? ?????? ?????? ??????, ??? ?????????? ?????? ???' ?????? ???? ? ???.
[...].»

4 ? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? 14??

????????? 1964 [COM(64) 526 ?????], ? ????? ?????? ??? ?????? ??? ?????? ??? ??????

69/335, ????? ?????????? ?? ????:

«????? ??? [????????? ??? ?????? ?????? ??????] ?????? ?????? ?? ???
????????? ????, ????, ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? . ?? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????, ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ???' ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ????, ???? ??? ?????? ?????? ?????????? ?????? ?????????? ?? ???
????????? ?????? ?????? . ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
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5 ??? ?? ??? 2, ?????????? 1, ??? ???????? ?????? ??? ?????????? ??? ?????????? ??? ??
?????? ??? ?? ??? ?????????? ??? ?????, ??? ????? ?????? ? ?????????? ??? ??
2 ??????? 1976 (JO C 133, ?. 1, ??? ?: ?????? ?????? ??? 1976), ??????
????????? «? ?????? ? ?????? ?? ?????? ?????? ?????? ??? ??
????????????? ?????? ?????? ?????? ? ?????? ?????? ?????? ??? ??
????????? ??????. ??? ?????? ?????? ? ?????? ?????? ?????? ?????? ??? ??
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6 ?? ??? 4, ?????????? 1, ??? ?????? ?????? ??? 1976 ??????:
«?? ??? ??? ?????? ?? ?????? ??? ?? ?????? ??? ?? ?????????? ??? ??
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?) ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?? ?????? ??? ??
[...]»

7 ??? ??? V ??? ?????????? ??? ?????? ?????? ??? 1976 ??????????
?? «[?] ??? ??? ?????? ??? ?????? ??????, ?????? ?? ?????? ?????? ? ??????
?? ?????? ??? ?? ??????, ?????????????? ?? ?????? ?????? ??? ??
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8 ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??????
????????? ??? ?????? ?????? ??? ?????????? ?? ?????????? ?????? (???)
????), ?????? ??? ?????? ?? 14?? 1965, ??? ?????????? ??? ??
?? ????? ??????????, ?????? ??? ??????????, ??? ?????? ??? ??
????????? ??? ??? ?????? ??? ?????????? ?? ?????????? ?????? (Moniteur belge
?? 24?? 1965, ?. 4430).

9 ?? ??? 120 ??? ????:

«????????? ??? ?? ??? ?????????????? ?????? ??????????, ?????? ??????
????????? ?????? ??? ?????? ? ??? ?????? ?, ?? ?????????? ? ??????????
?? ?????? ?????? ??????:
1º????????? ???, ??? ??? ?? ?????? ?????? ? ?????? ?? ?????????? ?? ??????
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2º????????? ???, ???, ???, ??? ? ??????»

10 ?????? ??? ?????? 120, 2º, ??? 121, ?????????? 1, ??? ???, ? ??? ?????? ??? ??
????????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? 0,07 ??? 1 %.

11 ?? ??? 126-1, 1º, ??? ??? ?????? ??? ??? ?????? ??? ?????? ??? ??
????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??
?? ??? ?????? ??????.

12 ?? ??? 159, ??? ??? ?????? ???, ??? ??? ?????? ?? ????:
«????????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??
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1º?????????,,

2º????????? ?? ?????? ???,

3º ?????????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????,,

4º????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?????????????? ??? ??????, ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
??? Caisse interprofessionnelle de dépôts et de virements de titres [?????????????????]
????? ?????????? ??? ?????????? ???].»

13 ?? ?????? 163, 1º ??? ???, ?????????? ??? ?????????????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ??? ??????????????????
????????? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????????????? ??????
????????? ?????????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
?????.

14 ?? ?????? 120, 1º ??? 2º, ??? ??? ?? ?????? 159 ??? ???, ?? ?????? ??????
????????? ?? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????????????? ??????
?? ???? ?????? ??? ??? ?????????? ?????? ??? ??????, ??? ?????????? ??????
?? ?????? ?????? ??? ??? ?????????? ??? ?????? ?????????? ?????? ??? ??
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? ??? ??? ??????? ??? ??????? ??????????

15 ?????????? ??? ???? ??? ?? ?????????????? ?????????? ??? ???? ??
?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? 11 ??? ?????? 69/335,
? ?????? ???, ?? ?????? ??? 10?? ??? 1999, ?? ?????? ??? ?????? ??
????????? ??? ?????????? ??? ?????? ?????????? ??? ??????.

16 ?? ?????? ??? 2?? ?????? 1999, ? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ??? ?? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?????? 12, ?????????? 1, ?????? ??, ??? ?????? 69/335.

17 ?????? ? ?????? ?????? ?????? ?? ???? ?????????? ??? ??? ???? ??????, ?
????????? ?????? ??? 26 ?????????? 2000 ?????????? ??? ?????? ??? ??
????????? ??? ??????, ??? ?????? ?? ???? ?? ?????? ?????? ??? ?????? ??????
?? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??
??? ??? ?????????? ???.

18 ?? ?????? ??? 29?? ?????? 2000, ? ?????? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ??? ?????? ??? ??? ?????? ??? ?????? ??????????????
????????? ?? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??????????????
??? 14 ?????????? 2000 ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???,
????????? ?????? ??? ?????? ??? ?????? ??????.

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19 ? ?????? ?????? ?????????? ???, ?????????? ??? ?? ?????? ??? ?????? ??? ??
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??????, ?? ?????? ??? ?????? ?????? ?? ?????? 11 ??? ?????? 69/335, ??????
????????? ??? ??? ?????? ??? ?????? ??? ?????????? ???????, ??? ?????????? ???,
????? ??? ??? ?????? ??????.

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

20 ??? ??? ???????, ? ??? ??? ??? ??? ?????????? ?????? ?????? ?????????? ???
????? 11 ??? ?????? 69/335 ??? ??? ?????? ??? ?????? ??? ?????? ??????
????????? ??? ?? ?????? ?????? ?????? ? ?????? ?????? ?????????? ???????,
????????? ?????? ?????? ?????? ? ??? ??? ?????? ??????.

21 ? ?????? ???, ?? ?????? ??? ??? ?????? ?????? ??? ?????????? ? ?????? ??????????,
? ?????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? 12, ?????????? 1,
????? ??, ??? ?????? 69/335 ???????, ? ???, ?? ?????? ??? ?????? ??? ??
????? ?? ?????????? ??? ?????? ?????????? ?????? ??? ??? ?????????? ???
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
«?????????» ?????????? ??? ?? ?????? ?????? ?????? ?????? ?? ??? ?????? ??? ??
??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????? ??? ?????? ?????? ??? 14?? ?????????? 1964 ???, ???????, ?
????????? ??? ?????????? (?? . ?????? ??? 2?? ?????????? 1988, 36/86, Dansk
Sparinvest, ?????? 1988, ?. 409, ??? ??? 25?? ??? 1989, 15/88, Maxi Di, ?????? 1989,
. 1391), ??? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ????????????????

???????????? ???? ?????????????????? ?????????, ??? ?????? ??? ?????????????????? ???
????? 11 ??? ?????? 69/335 ??????????, ?????????? ??? ?????? ??? ??????????????????
??? ?????? 12 ??? ?????? ?????? ??? ?????? ??? ?????.
22 ?????? ?????? ??? ?????? «????????? ?????? ??????», ? ?????????? ??????????????
??? ? ?????? ??? ?????? ?? ?????????????? ?? ?????????????? ??? ??????
????????????? ??? ?? ??? ?????? ?????, ?????????? ??? ?????????? ?????????? ?????????? ???
????????????? ??? ?????????????? ??? ?????? 11 ??? ?????? 69/335 ??????????. ?
?????? ?????? ??? ?????? ?? ?????????????? ??? ?????? ?????????? ??? ?? ?????? ???
????????????????, ??? ? ?????????? ?????????? ??? ?????????? ??? ?????? ?????????? ?????
?????????, ???' ?????????? ??? ?? ?????? ?? ?????????????? ?? ??? ?????? ?????? ??? 27??
????????? 1998, C?31/97 ??? C?32/97, FECSA ??? ACESA (????????? 1998, ?. I?6491,
????????? 18 ??? 19), ??? ?????? ??????, ? ?????? ?????????? ??? ?????? ?????? ???
????? ?? ?????? ??? ???????????????.
23 ? ?????????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??????
4, ?????????? 1, ??? ?????????? ?????? 1976. ??????????, ?? ?????????? ???
??, ??? ?????????? ? ?????? ?????????, ?? ? ?? ?????? ?????????? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????, ? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ???
??? ??? ?? ?? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? 11 ??? ??????
69/335 ?????? ??? ?????? . ???????, ? ?????????????? ??? ?????? ?????? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???
????????? ???????. ???, ? ?????? «????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????» ?????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? 11
??????????.
24 ???? ???? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ???
?????????, ? ?????? ?????? ?????????? ??? ?? ?????? ??? ?????????? ??????????
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
??? ?????? 11 ??? ?????? 69/335. ?????????? ???, ?? ?????????? ??? ??
????????? ? ?????? ?????????, ?? ?????????? ??? ?????? ??? ?????? ??? ??
????????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??????????
??? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??
????????? ???, ??? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??
????????? ??? ???????.
25 ? ?????? ?????? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ?????????? ???
????? ? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? 11,
????????? 1, ?????? ??, ??? ?????? 69/335.
26 ???? ??? ?????? ?????????, ? ?????? ??? «?????????????» ???? ??
????? 11 ??? ?????? 69/335 ?????????? ???' ?????? ??? ?????? ?? ??????????
????? ?????????? ???????. ? ?????????? ??? ?????????? ?????????? ??????????
??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???, ? ?????, ?????, ??????
?? ?????????? ??? ?????? ?????? ??? ?????? 12, ?????????? 1, ?????? ??, ???
????????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ???
??????.
27 ? ?????? ?????? ?????? ??? ?????????? ??? ? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? «?????» ??? ? ?????? ??? ?????????? ?????????? ??? ??????
????????? ??? ?????? ??? ?????? ?? ?????? ?????? . ? ?????? «????? ??????
?????» ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??????????
?????, ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???????.
28 ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? 1976, ?? «?????
?????» ?????? ?? ?????? ? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
??? ??? ?????????? ??? ?????? ?????? ??? ?????? . ?????? ??? ?????? ??? ? ?????? ???
????????? ??????????, ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ???

??? ??????? ?????????? ??????. ???????, ??? ?????????? ??? ?? ??????? ??? 17??
?????????? 1998, C-236/97, Codan (?????? 1998, ?. I?8679), ? ??????? ??
«??????????» ??? ??????? 12, ?????????? 1, ??????? ?, ??? ??????? 69/335
?????? ?? ?????????? ??????? ??? ??? ?? ?????????? ??????? ??????? ??,
????????????????? ??? ?????????????? ??????? ?????????????? ??????? ??????? ??,
?? ?????????? ??? ??? ?????????? ??? ?? ?????????? ??? ?????????????? ??? ?? ??
???? ??????? ??????????.

29 ? ??????? ?????????? ??????????? ??? ?? ??? 4, ?????????? 1, ??? ??????????
?????? ?? 1976 ??????? ??? ?????????? ??? ?? ?????????? ??????? ??????? ??
?????? 69/335, ???' ??? ?????????? ??? ?? ?????????? ??? ??????? ??????? ??
???????? ?? ??????? ??? ?? ?????????? ??????? ??????? ?? ?????????? ??
????????????? ??? ?? ??????. ? ??????? ???????, ? ??????? ??????? ??
????????????? ??? ?? ????? 12, ?????????? 1, ??????? ?, ??? ??????? ???????
????????????? ??? ?? ?????? ??????? ?? ???????.

30 ???????, ? ??????? ?????????? ?????????? ???, ??? ?????????? ??? ??
????????????? Dansk Sparinvest ??? Maxi Di, ? ??????????
?????????? ??? ?? ????? 11 ??? ?????? 69/335 ????? ?? ????? ??????????????
????????, ??? ?? ????? ???????, ??? ?? ??????? ??? ?? ?????????? ?? ?? ??????
????????? ?????????????? ??? ?????????? ????? ?? ?????????? ????? ?? ?? ??????
????????. ??? ????? ?? ?????????? ????? ?? ????? ?? ??????????????????
????????????? ??? ?? ??????????, ? ??????? ?????????? ?????????? ???????
????????????? ??? ?? ??????? ??????? ?? ?????????? ???????.

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

31 ?????????? ?? ?????????? ?? ?? ??? ????? ?????? ??????? ???????, ???????????
? ??????? ?? ?? ????? 11, ??????? ?, ??? ?????? 69/335 ?????????? ?? ??
?????????? ??? ????? ??????? ?????????? ??? ??????????, ??????, ?????????? ??
????????????? ?? ?? ????? ?? ?????????? ?????????????? ??????, ?????????? ?? ??
????? ????? ?????, ????? ?? ??? ????? ?????????? ??? ?????????? ?? ??
?????????????, ????? ?? ??? ?????? ?????? ???????.

32 ??????? ?? ?????? ???, ??? ?????????? ?? ??????? ??????????, ?? ?? ??
?????? ?? ?????????? ??? ????? ?? ????? ?????????? ??????, ?????????? ?? ??
?? ????? ?????, ??? ?? ???, ??? ?????????? ?? ??????? ?????????? ?????? ?? ??
14 ??? ?????????? ??, ?? ?? ?????????? ?? ??????? ?????????? ?????? ?? ?? ?? ??
????????? ?????????? ?????????????? ?????? ?????????? ????? ?? ?????????? ?? ??
????????? ??? ????? ?? ?????? ?????? ??? ?????? ?? ?????????? ?????????? ?? ??
????????? ??? ?????? ?????? ??? ?????? ?? ?????? ?? ?????????? ?????????? ?? ??
????????, ? ??????? ?????? ??? ?????? ??' ?????? ??' ??? ?????? ????? ??' ??
????????? ?? ?? ??? ????? ?????????? ??????????.

33 ???????, ? ??????? ?????????????????? ??? ?????? 11, ??????? ?, ?? ??
?????? 69/335 ?????????? ?? ? «?????», ??? ?? ?????? ??? ??????
?????????, ?????? ?? ?????????? ??? ?????? ?????????? ?????? ???
????????????? ??? ?????? ??? ?????? ???.

34 ? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?? ?????????? ???
????????? ??????????.

35 ??????, ??? ????? ?? ?????????? ???, ?????? ?? ?????? 11, ??????? ??, ?? ??
?????? 69/335 ??? ?????????? ??? ????? ?? ????? ?????????? ?????? ?? ?????????? ??
????????? ???, ?????? ?? ?????????? ??? ?????????? ?????? ?????????? ?? ??
????????? ??????, ?????? ?? ?????????? ??? ?????????? ???, ??????, ?????????? ?? ??
????? ?????????? ?????? «?? ?????? ??? ?????? ??? ??????», ?? ?????? 4, ?????????? 1,
???????? ??, ??? ?????????? ?????? ??? 1976 ?????????? ??? ?? ?????? ??????????
????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??
????????? ??? ?????? ???????, ?? ??????? ??? ?????? ??? ?????????? ???,
????????????? ??? ????? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?? ??
????????? ??? ?? ?????? ?????? 11, ??????? ?, ?? ?????????? ?????? ?????????? ?? ??

??? ??????? ??? ??????? ??? ?????? ???????, ??? ?????????????? ??????? ???
«?????? ???», ??? ?????? ??? ?? ??????? ?? ?????????? ??? ??????? ???, ???
?????????? ????, ? ??? ?????? ??????? ??? ?????? ??? ??????? ??? ??????? ????
?????? ?? ??????? ?? ??????? ??? ?????? ??? ??????? ????.
36 ???????, ??? ?????? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ??????????????
?????? ??? ??????? ??? ?????? ??????? ??? ?????? 69/335 ?? ?? ??????????
??? ?? ?????????????? ??? ?????? ?? ?????????????? ?????? ??? ?????? ????
????????? ?? ?? ??? ?????? ??? ?????? ?? ??????????, ?????? ? ?????????? ????
????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???????, ?????? ???
?? ?????????? ??? ?????? 12 ??? ?? ?????? ?????? ??? ?????? ??? ?????, ?????? ???
????? ?????????????? ??? ?????????? ??? ?????? ???????, ?????? ?? ?????????? ???
????????? ???, ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
37 ??????, ??? ?????? ?? ?????????? ??? ? ?????? ??? ?????? ??????????????
????????? ?????? ??? ?????? ?? ?????????? ?????? ?????? ?????? ??? ?????? ???
??? ?????? 12, ????????, ??? ?????? 69/335, ? ?????? ?????? ?? ?? ?????? ??
????????? ??? ?????????????? ??? ?? ?????? ?????? ?????????????, ?????? ??
????????? ???, ??? ?????? ???????, ? ?? ?????? ?????????? ?????????? ????
????????? ??? ??? ?????? ?? ?????? ?? ?????? ?????? ??? ? ?????? ??? ???
????????? ?????? ?????????? ?????????? ?????????? ???????????????????.
38 ? ??????? ??? ????? «?????????» ??? ?????? ??? ?????? 12, ????????, ??, ???
?????? 69/335 ??????? ?? ??? ?????? ??? ??? ?????? ?????? ??????? ??????????
????????? ?? ??????? ??? ?????? 11, ????????, ??, ??? ?????? ??? ?????? ??? ??????
????????????????? ???, ?????? ? ?????? ??????? ? ?????? ??? ?????, ??????? ??
??? ??????? ???????, ?? ?????????? ?? ?????? ?????????? ? ?????? ??? ?????? ???
????? ??????? ?? ?????? ?????? ?????????? ?? ?????? ?????????? ??? ?????? ???
??? ??????? ?? ??? ?? ?????????? ?????? «?????????» ???' ??????, ??
????????? ??? ??????? ???, ?? ???????.
39 ??????, ? ?????? ??????? ?????? ??? ?????? ??? ?????? ??? ??????? ??? ?????? ???
?? ??????? ?? ?????? «?????????» ???? ?? ?????? 12, ????????, ??, ???
?????? 69/335 ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????? ?? ??? ?????? ??????? ?????????? ? ?????? ??? ?????? ??? ?????? ?????? ????.
40 ?????? ??? ??????? ??????, ?????????? ?? ?????????? ???, ??? ?????? ???
????????? ?????? ??????? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ??????????
?????????, ??? ?????? ?????? ?????????? ??????????, ??? ?????? ??? ?????? ??? ??????
????????, ? ?????? ??? ??? ?????????? ?????? ?????????? ?????? ?????????? ???
??? ?????? ??? ?????? 11, ????????, ??, ??? ?????? 69/335, ? ??????? ??? ??????
????????? ??? ??? ?? ?????? ??????.
41 ?????? ??? ? ?????? ?????? ??? ?????????? ?????? ?????? ??????.
??? ??? ??????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??????????
????????? ??? ???????
42 ? ??????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ???
??? ??? ?????????? ?????? ?????? ?????? mutatis mutandis ??? ??? ??? ??????
??? ??? ?????????? ?????? ?????? ?????? ?????? ??????????, ??????, ??? ? ??????????
????????? ??? ?????? 11 ??? ?????? 69/335 ??? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ????.
43 ? ??????? ?????????? ?????????? ???' ?????? ??? ? ?????? ??? ?????? ??????????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? 11 ??? ?????? 69/335. ? ???
????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ??????.
44 ???????, ? ?????? ?????? ?????? ?????? ?????? ??? ? ?????? ??? ?????? ??????????
????? ??? ??????, ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??????

??? ?????????????? ??? ????? 11 ??? ?????? 69/335 ?????????? ?????? ??????????
?? ?????????? ??? ? ?????? ?????? ?????? ??????. ? ?????????? ??? ?????
????????? ??? ?????????? ??? ?????? ?????? ??????. ??????????????, ?? ??????
??? ?? ?????????? ??? ?????? ?????? ?????? ??????????, ?????? ? ?????????? ???
????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????. ??????
? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????????? » ? «?????????????» ??? ? ?????? ?????? ?????? ??? ?????? ??? ??????
11 ??? ?????? 69/335.
45 ?????, ? ?????? ?????? ?????????? ?????????? ??? ? ?????????? ??? ??????????
????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? 12, ?????????? 1,
????? ??, ??? ?????? 69/335, ?????? ??? ? ??? «?????????», ???
????????? ??? ? ?????????? ??? ? ?????? ?????????? ?????? ??? Codan,
????????? ??? ? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
????.
????????? ??? ??????????
46 ?????????? ?? ?????????????? ??? ? ?????? ??? ?????????? ?????????????? ???
????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????????
????? ??? ?????? ?????? ? ?????? ?????? ??? ?????? ??? ?????????? ????.
47 ?????? ???????, ??? ?????????? ? ?????? ?????? ??????????, ??? ? ?????? ??????
????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????, ???????,
??????, ?????????? ??? ? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????
?????? ?????????? ??? ?????? ??? ?????? ??? ??????????, ??? ? ??? ?????? ?????? ??? ? ???
????????????? ??? ?????? 35 ??? ?????? ?????? ??????????, ??? ?????????? ?????? ???
????????? ??? ??? ?????? ??? ?????? 11, ?????? ??, ??? ?????? 69/335.
48 ?????? ?? ?????????? ??? ? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ? ???? 12,
????????? ??, ??? ?????? 69/335 ??????, ??? ?????? ??, ??? ?????? ?????? ??
????? 37 ??? ?????? ??????, ? ??? «?????????» ?????? ?? ??????????
????????? ??? ??? ??????, ??? ? ??? ?????? ?????? ?? ??? ?????? ?????????? ???
????? 38 ??? ??????, ?? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????????? ??????.
49 ?? ?????? ??? ?????? ??? ?????????? ? ?????? ?????? ??????????, ? ?????????? ???
????????? ??? ?????? ?????? 12, ?????? ??, ??? ?????? 69/335 ??
????? ?? ?????????? ?? ??? ?????????? ?????? ?????? ??? Codan.
50 ??????, ??? ?????????? ??? ?????? 38 ??? ?????? ??? ? ??????
?????????, ?? ??? ?????? ?????? ?? ?????? ??? ?????????? ??? ?????? ??????
?? ?????? «????????? ?????? ???», ??? ?????????? ?? ?????? ??????
?? ?????? ?????? ?????? ?????? ??? ?????? 69/335 ?? ?????????? ??????????
????? ???, ?????????? ??? ?? ?????? 12, ?????????? 1, ?????? ??, ??? ??? ??
????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?? ?????? ?????? ??? ??
????? ?? ?????????? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??????????
?????????, ??? ?????????? ? ?????? ??? ?????? ?????? ??? ?? ??? ??
??????.
51 ?????? ??? ?????? ?????, ?????????? ? ?????? ???, ??? ?????? ???
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????, ?
????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? 11, ?????? ??, ??? ?????? 69/335.
52 ?????? ??? ??? ? ?????? ?????? ??? ?????? ?????? ?????? ??????.
53 ??????, ?????????? ? ?????? ???:
-????????? ??? ??? ??? ? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
????????? ??? ??? ? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???

-????????????? ??? ??? ??? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?
?????????, ??? ?????????? ??? ??? ?????? ?????? ?????????????? ??? ?????? ?? ??????
????????? ? ?????????? ?????????? ??????????, ??? ?????? ?????? ?????? ?????? ??????
????? ??? ??? ?????? ??????,
?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? 11 ???
?????? 69/335.

??? ??? ?????????? ??????
54 ??? ? ? ????? 69, ?????????? 2, ??? ?????????? ???????????, ? ??????
????????? ?????????????? ??? ?????????? ?????, ?????? ?????? ?????? ?????? ???
?????????. ?????????? ??? ? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ? ? ?????????? ?????????? ?? ??? ?????? ??? ?????????? ???, ??????????????
????????? ??? ??? ?????????? ????????,
??? ??? ?????? ??????,

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

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1)- ?????????????? ??? ??? ??? ??? ?????????????? ?????????? ???
????????????? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ???
????????????? ??? ??? ?? ?????? ?????? ?????? ? ?????? ?????? ?????????? ??????????,
????? ?????? ?????? ??????????, ??? ??? ??? ?????? ?????? ??????, ???
-????????????? ??? ??? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
?????????, ??? ?????? ?????? ??? ??? ?????? ?????? ?????????? ??? ?????? ??? ?? ??????
????????? ? ?????? ?????? ?????????? ??????????, ??? ?????? ?????? ?????? ?????? ??????????,
????? ??? ??? ??? ?????? ????????,
?? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? 11 ???
?????? 69/335/??? ??? ??????????, ??? 17? ?????? 1969, ??? ??? ?????? ???
??? ?????????????? ??? ??? ?????????? ??????????, ??? ?????? ?????????? ??? ?? ???
????? 85/303/??? ??? ??????????, ??? 10? ?????? 1985.
2) ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

Timmermans

Gulmann

Schintgen

Macken

Colneric

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? ??????????

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R. Grass

C. W. A. Timmermans

1 - ?????? ??????????: ? ??????.