

?????? C-471/04

Finanzamt Offenbach am Main-Land

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Keller Holding GmbH

(?????? ?? Bundesfinanzhof ??? ?? ?????? ?????????????? ??????????)

«?????????? ?????????????? — ????? ?????? — ?????????? ?????????? ?????????? ?? ??????
????????? ?????????? ?? ??? ?????????? ??? — ??? ?????????? ?? ?????????? ??????????????
??? ?????????? ??? ?????????? ?????? ?? ?????????? ??? ?????????? —
????????? ?????????? ??? ?????????? ?????? ?????????? ?? ?????? ??? ?????? ??????????
??? ??? ??? ?????? ?????? ??? ?????? ??????»

????????? ??? ?????????????? (?????? ?????) ??? 23?? ?????????????? 2006

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

????????? ???? ?????? — ?????? — ?????????? ??????????

[?????? ??, ?????? 52 (???, ??????? ??????????????, ?????? 43 ??). ???????? E??, ?????? 31]

?? ??? 52 ??? ??????? (???, ?????? ??????????????, ????? 43 ??) ??? 31 ??? ??????????
??? ??? ??????? ?????????? ??? ??????? ?? ?????????? ??? ??? ?????? ???
?????????? ?????????? ??????? ?????? ??? ?????????? ?? ?????????? ??????????????
????????? ??? ?????? ?????????????? ??? ?????? ?????? ?????????? ?????? ??????
????????????? ?? ?????????? ?????? ??? ?????? ?????? ??? ??? ?????? ?????????? ??
?????????, ??? ?? ?????? ?????? ?????? ?????????? ?????????????? ??? ?????? ??? ??
??? ?????????? ??? ?????????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ? ???
????? ?????? ??? ?? ??? ??????????, ??? ? ?????????? ?????????? ?????? ??? ??????
????? ?????? ??? ?????????? ?? ?????????? ?????????????? ??? ??????????????
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ???, ???
?????, ?????????? ?????? ??? ?????????? ??? ??? ??????.

(?. ???? 50 ??? ??????)

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

??? 23?? ?????????????? 2006 (*)

«?????????? ?????????????? – ?????? ??????? – ?????????? ?????????? ?????????? ?? ???????
????????? ??????? ?? ??? ?????????? ??? – ??? ?????????? ?? ??????? ??????????????????
??? ?????????? ??? ?????????? ?????? ?? ?????????????? ??? ?????? ?????? ?????????? –
????????? ?????????? ??? ?????????? ?????????????? ?? ?????? ?????? ?????? ??????????
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???? ??????? C-471/04,

?? ??????????? ?? ?????? ?? ??????? ?? ??????????????? ?? ??????????, ?? ?????? ?? ?????? 234 ??,
?? ?????? ?? ??????? ?? Bundesfinanzhof (????????) ?? ??????? ?? 14?? ??????? 2004, ??
???????? ?? ??????????? ?? 5 ?????????? 2004, ?? ??????? ?? ??????

Finanzamt Offenbach am Main-Land

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Keller Holding GmbH,

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

?????????? ??? ??? P. Jann, ??????? ????????, N. Colneric, K. Lenaerts (?????????), E. Juhász ??? E. Levits, ????????

????????? ????????????: M. Pojares Maduro

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

?????? ???? ?? ?????? ?????????? ??' ?????????? ??' ??' ?????????? ??' ?????????? ??' ??' 1?? ?????????? 2005,

????????????? ???? ???? ?????????????? ???? ???? ??????:

- ? Finanzamt Offenbach am Main-Land, ?????????????? ??? ??? V. Hageböck,
 - ? Keller Holding GmbH, ?????????????? ??? ??? K. Friedrich ??? ??? H. Rehm, ?????????? ????????, ????? ??? ??? ??? J. Nagler, Rechtsanwalt,
 - ? ?????????? ????????, ?????????????? ??? ??? N. Wunderlich ??? ??? U. Forsthoff,
 - ? ?????????? ??? ????????, ?????????????? ??? ??? C. Jackson, ???????????? ??? ??? S. Moore ??? J. Stratford, barristers,
 - ? ?????????? ??? ?????????? ?????????? ??? ?????????????? ??? ??? R. Lyal ??? K. Gross.

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

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1 ? ?????? ?? ?? ?? ?????? ?????????????? ??????? ?? ?????? ?? ?? ?????? ?? ?? ?????? 52
?? ??????? ?? (???, ?? ?????? ?? ??????????????, ?????? 43 ??), 58 ?? 73 B ?? ??????? ??

(??? ?????? 48 ?? ??? 56 ??).

2 ? ?????? ??? ??????????? ??? ?????? ?????? ?????? ??? Finanzamt Offenbach am Main-Land ??? ??? Keller Holding GmbH (??? ????: Keller Holding), ??????? ??????????????? ?? ??????? ?? ??????????, ??? ??????? ?? ?? ?????????? ?????????? ??? ??????? ?????????????? ??? ?????????? ?? ?????????? ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ??????????.

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

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

3 ?? ?????? 6 ??? ??????????? ??? ??? ?????????? ??????????? ????, ??? 2?? ??? ???? 1992
(EE 1994, L 1, ?. 3, ??? ????: ??????? ??? ??? ???), ?????????? ?? ???:

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

4 ?? ?????? 31, ??????????? 1, ??? ?????????? ??? ??? ??? ??? ??? ?? ????:

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

5 ?? ?????? 34 ?? ?????????? ?? ?? ?? ?? ?????????? ?? ???:

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

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

6 ?? ????? 4, ?????????? 1 ?? 2, ??? ?????? 90/435/??? ??? ??????????, ??? 23??

?????? 1990, ??????? ?? ?? ????? ?????????? ??????? ?? ?????? ?????? ??? ??
?????? ?? ?? ?????????? ?????????? ?????????? ?????? ?????? (?? L 225, ?. 6),
????????? ?? ???:

«1. ??? ?????? ??????, ??? ??? ?????? ??? ?? ?????? ??? ?????????? ??? ??????
??, ?????? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?? ?????????? ??? ??????
??????, ?? ?????? ??? ?????? ?????????? ??? ?????? ??????:

- ??? ?? ?????????? ?? ?????? ???,

- ??? ?? ??????????, ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?? ??????
?? ??? ?? ?????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ??? [...].

2. ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?? ??? ??
????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ??? ??
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????????? ??? ??
?????????. [...]»

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

7 ?? ??? 15 ??? ?????????? ??? ?????? ??? 4 ?????????? 1954 ?????? ???
????????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ??????????, ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
??? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? (??? ????: ?????????? ??? ??????),
????????? ??? «[...] ?? ?????? ?????????? ?????????? ??? ??? ??? ?? ?????????? ???
????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????? ??? ??? ?????? ?????????? ??? ?????? ??? ??????, ??? ?????? ?? ?????? ??? ?????? ???
?????, ?????????? ?? ??? 10 %, ??? ?????? ??????».

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

8 ?? ??? 8 b, ?????????? 1, ??? ??? 1991 ??? ?? ??? ?????? ??????????
(Körperschaftsteuergesetz 1991, ??? ????: KStG), ?? ??? ?????? ?????????? «????????? ???
????????? ??????», ?????????? ??? ?? ?????????? ??? ?????????? ??? ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ????, ??? ??? ??? ?? ??? ??? ?????? ?????????? ??? ?????????? ???
????????????? ??? ??? ?????? ?????????? «????????? ?? ??? ?????????????? ??? ??
????? ???»..

9 ? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?????????????? ??
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 15 ??? ??????????
?????????, ??? ?? ??? ?????? ?????????? ??? ?????? ?? ?????????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

10 ?? ??? ?????? ??? ?????? ??? ??????, ?? ?????????? ??? ?? ??? ?????? ?????????????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????
????????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????, ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? 36,

?????????? 2, ?????? 3, ??? ????? ?? 1990 ??? ??? ????? ??????????????
(Einkommensteuergesetz 1990, ??? ????: EStG) ?????????? ??? ? ??? ????? ?? ??????????? ??
????????? ?????????????? ??? ?????????? ?????????? ?????????????? ?? ??? ??? ????? ??
?????? ? ?????? ??? ?????????? ?? ??????????. ???????, ????? ?? ?? ??
????????????? ??? ??? ????? ?????? ??? ??? ????? ?? ?????????? ??? ?????????????? ??
????????? ??? ??????????, ?? ?????????? ????? ?????????????? ?? ??? ????? ?? ??
????????????? ?????????? ??? ??? ?????? ??? ?????????????? ?? ??? ????? ?? ??
?????.

11 ?? ?????? 3 c ??? EStG ?????? ???, ??? ?? ?????????? ??? ?????? ?????? ?????? ???
?????, ??? ??????? ?? ???????, ?? ???????????, ??????? ??? ?????????? ???, ???
?????????? ???????, ?? ?????????? ??? ?????? ?????????????? ?? ??? ????? ?? ??

12 ?????? ??? ?????????? ???, ?? ?????????? ?? ?? ??? 8 b, ?????????? 1, ??? KStG,
??? ?????? ? ?????????? ?????????? ??? ?????? ?????????????? ??? ?????????? ?? ??
????????? ?? ???????, ?? ??? ?????????? ?????? ?????????????? ??? ?????? ?????????? ??
?????????, ??? ?????????? ?????????? ?????? ?????? ???????????, ??? ?????????? ??
????? ?????????????? ??? ?????????? ?????? ?????? ??? ?????????? ?? ?? ?????????? ??
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? ??????? ??? ?????? ?????? ??? ?? ?????????????? ???????

13 ??? ?? 1993 ?? 1995, ? Keller Holding, ?????? ??? ??? ?????? ??? ?????????? ??? ??
????????? ??????????, ??????????, ?? ??????? ???????, ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ???????, ??? Keller Grundbau GmbH (??? ????: Keller Grundbau).
? ?????? ??? ?????????? ?? ??????? ?????????? ?????????? ??? ???????, ??? Keller
Grundbau GmbH Wien (??? ????: Keller Wien).

14 ??? ?? ?? 1994 ?? 1995, ? Keller Wien ??????? ?????????? ?? ???, ??????? ?? ??
????????? ??? ?????????? ??????????, ?????????? ?????????? ??? ?????? ? Keller
Grundbau, ? ??? ?? ?????????? ?? ??????? ??? Keller Holding. ?????? ??? ?????? 8 b,
????????? 1, ??? KStG, ?? ????? ?????????????? ?????????? ??? ?????????? ??? ?????????? ???
??? ?????????? ??? ??????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ? Keller
Holding.

15 ? Keller Holding ???????, ?? ???????????, ?? ?????? ??? ?????? ??? ??? ???????
??? ?????????? ??? ?? ?????????? ??? ??? ??????? ??? Keller Grundbau, ?????? ??? ??
????? ?????????? ????. ? Finanzamt Offenbach-Stadt, ??? ??? ?????? ??? ?? ??
??? ?????? ??????? ??? Keller Holding, ??? ?????? ??? ??????? ??? ?? ?? ??? ???????,
????????? ??? ?????????? ?????? ??? ?????? 8 b, ?????????? 1, ??? KStG ??? 3 c ???
EStG, ??? ?????? ??? ?? ??????? ?????? ?????????? ??? ?? ?????????????? ??? ???
?????????, ??? ?? ?? ?????????? ??? ??? Keller Wien.

16 ? Keller Holding ?????? ??????? ??????? ??? Hessische Finanzgericht, ?? ??? ??
?????? ??? ?? ?????? ??? ??????? ??? ?????????? ??? ??? ?? 1994 ??? ?? 1995.
??????????, ?? ?? ??? ????? ?????????? ?????? ??? ? ??????? ?????? ?????????? ???
????????? ??? ??? 52, 58 ??? 73 B ??? ???????.

17 ?? ?? ???????, ??????? ??? ?? ?????????? ??? Keller Holding ??????? ? Finanzamt
Offenbach am Main-Land. ? ?? ??? ?????? ??????? ?????? ??????? («Revision») ??????? ??
Bundesfinanzhof ??? ?? ??????? ??? Hessische Finanzgericht ??? ??? ?????????????? ??
?????? ??? ??????? ???.

18 ?? Bundesfinanzhof ??????????? ???, ?????? ?? ?????????? ??? ??????????? ???????????
?????? ??????????????? ?? ?????????? ??? ?????????? ??? ?????????????? ??? ???????????????
????? ??????? ??? ??????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????? ?
?????? ???????, ???' ?????????? ??? ?????? 8 b, ?????????? 1, ??? KStG ??? 3 c ??? EStG,
?? ??????? ?? ??? ?????????? ??? ?????????? ??? ?????????? ??????? ??? ?????????? ?? ???????????,
?????? ??????? ?????????? ??? ?????? ?????????? ??? ?????????? ??????? ??? ?????????? ?? ???????????,
?????? ??????? ?????????? ?????????? ??? ?????? ?????????? ???????, ?? ?????????? ???
?????????? ??????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ???????????
????????????? ??? ?????????? ?????????? ?????????? ?????????????? ??? ??? ?????? ??? ??????? ??
??? ??????? ? ?????????? ?????????? ??? ?? ?????????? ?? ??? ?????????? ??? ?????????? ??? ???????
?????? ?? ??????????, ???? ??? ??, ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????? ?
????????? ?? ?????????? ?????????? ?? ??? ?????? ??? ?????????? ? ?????????? ??? ?????????? ???
?????????, ?? ?????????? ??? ?????????????? ?? ?????????? ??? ?????????? ??? ?????????? ???????????????,
????? ?????, ??? ??? ????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??????????
????????????? ??? ???????.

19 ??? ??? ??????? ????, ?? Bundesfinanzhof ?????????? ?? ?????????? ??? ???????
??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????:

«????????? ??? ?? ?????? 52, ?? ?????????? ??? ?? ?????? 58 ??? ??????? [...] ??? ??? ??? ??
????? 73? ??? ??????? [...] ?? ??????? ??? ?? ??????? ?????????????? ???????????, ??
??????, ??? ?????????? ???????, ?????????? ?????? ?? ?? ?????????? ?????? ??????? ??
????? ??? ?? ?????????? ?? ?????????????? ??????? ?????????? ?????????????? ?????? ?????? ???????
??????, ??????? ?? ?????????? ?? ?????????????? ??????? ?????????? ??????? ??? ?????? ??? ??
????????? ?????????? ??? ?????????? ??? ?????????? ??? ???????;»

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

20 ?? ?? ??????? ???, ?? ?????? ?????????? ??? ?? ?????? ???' ?????? ?? ?? ?????????? ???
????????? ?? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
?????????, ???? ?????????? ?????????? ?????????? ?????????????? ?? ?????????? ?????? ??? ???????
?????, ??? ?????? ?????????????? ??? ?????????? ?????????? ?????????? ??? ?????? ?????? ???????,
????? ??? ??? ?????????? ??? ?????????? ?????????? ?????????? ?????? ?????? ?????? ????????.
????????????? ????????????

21 ??? ??? ?????? ?????? ??? ?????????? ?????? ?????????? ??? ? ?????????? ???????????, ??? ??
????????? ??? 1994 ??? 1995, ??????? ?????????? ??? ?????????? ?? ?? ?????????? ???
Keller Holding ??? ??????? ??? Keller Grundbau ??? ?????? ???, ??? ?????? ??? ?? ???????
????? ??????? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ??? ?????? ??????? ??
????????? ???????, ? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ???????.

22 ?????? ?????? ?????? ?????????? ? ?????????????? ??? Finanzamt Offenbach am
Main-Land, ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???????????, ???
??? ?????? ? ??????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ?????????? ???
????? ??????? ? ??????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ???
????????????? ? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

23 ???????????, ??? ??? ? ?????? ??? ?????? ?????? ?????? ?????, ???????, ??????? ???????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ?????????? ???
????? ?????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ???????????

?????? ???? ????????, ?????? ? ??????? ????? ??????????? ????? ?????? ?????????? ?????????? ???
?????????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????????????? ?????? ?????? ??????????
???? ?????? ?? ?? ??????? ?????? ?????? ?????????????? ?????????????? ?????? ?????? ??????
?? ??, ?? ?? ??????, ?????????????? ??? ?????? ?????? ?????? ?????? ??????, ???' ??????
?? ?????? 15 ?? ?????????? ??????????.

24 ?????? ? ??????? ??? ??????? ??? ?????? ?????? ?????? ?????????? ?????????????? ??
?????????? ??? ?????? ?????? ?? ?? ?????????????? ???????, ?? ?????? ?????? ?????? ??????
????? ?? ??????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ?????? ??????????
????????? (??., ??????, ??? ?????????? ?? 15?? ?????????? 1982, 286/81, Oosthoek's
Uitgeversmaatschappij, ?????? 1982, ?. 4575, ????? 9, ??? ?? 15?? ????? 2003, C-300/01,
Salzmann, ?????? 2003, ?. I-4899, ??? 32).

25 ???????, ?????? ?? ?????????? ??? ? ?????????? ??? ?????????? ?????????? ?????? ??
????????? ??? 1? ?????????? 1995. ??????, ??? ?????? ??? ? ?????????? ??? ??????
????? ?????? ??????? ??? ?????????? ?? 1994, ? ?????? ??? ?????? ?????????? ??? ??????
????.

26 ??????????, ?????, ??? ?????????? ?? ??????? ??? ?????? ?????????? ??? ??
????????? ??????? ??? ?????????? ??? ??????? ?? ??? ?????? ??? ?????? ?????? ??? ??
????????? ??? ?????????? ??? ??????? ??, ??????? ?? ?????? ??? ?????? ?????? ??? ??
?? ?????????? ??? ?????????? ??? (??., ?????? ???, ?????????? ??? 4?? ?????? 1999, C-
87/97, Consorzio per la tutela del formaggio Gorgonzola, ?????? 1999, ?. I-1301, ????? 16, ???
?? 7?? ?????????? 2004, C-456/02, Trojani, ?????? 2004, ?. ?-7573, ??? 38).

27 ???????, ??? ?????????? ? Keller Holding ??? ? ??????? ??? ??????????
?????????, ??? ?????? ??? ? ?????? ?????????? ?????????? ?????????? ?????? ??????????
?? ?????????? ?? 1994, ?????? ?? ?????? ?????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?? ??
?? ??????? ??? ?????????? ?????????????? ??? ??? ?????? ?????????? ??? ?????????? ??? ??
?? ?? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
????????? ??? ??? ?????????? ??? ?????? ?????? ??? 1?? ?????????? 1994 ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ???.

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

28 ?????? ???' ?????? ?? ?????????? ???, ??? ?????? ??????????, ?????? ? ???
????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??
????? ?????? ?? ?????????? ?????? (????????? ??? 29?? ?????? 1999, C-311/97, Royal
Bank of Scotland, ?????? 1999, ?. I-2651, ????? 19, ??? ??? 7?? ?????????? 2004, C-
319/02, Manninen, ?????? 2004, ?. I-7477, ??? 19).

29 ? ?????????? ?????????????? ??? ?????? ?????????? ?? ?????? 52 ??? ?????????? ???
????????? ?????? ??? ? ?????? ?????????? ??' ?????? ??? ?????? ??? ?????? ??? ?? ??
????????? ?????????????, ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??
????? ?????????? ?? ?????? ??? ?????? ??? ?????????? ? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?? ?? 58 ???
????????, ??? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?? ?????? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ??? ?????? ??? ?????? ??? ?????????? (????????? ???
21?? ?????????? 1999, C-307/97, Saint-Gobain ZN, ?????? 1999, ?. I-6161, ??? 35).

30 ???????, ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ??

??????, ?????? ??? ?????????? ????, ?? ???????????? ????, ?????? ??? ??????? ?????? ??????? ???????
??? ??? ?????????? ??? ?????????? ?? ??? ????? ???????, ?????????? ??? ?????? ?????? ???
?????? ?????? ?????? ??????? ?? ??? ?????? ??? ?????????? ?? ??? ?????? ?????? ??? ?????? ???
????? ??????? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ?? ?? ??????? ?? ??? ??????? ???
(?????? ?? 16?? ?????? 1998, C-264/96, ICI, ?????? 1998, ?. ?-4695, ??? 21).

31 ??????? ?? ??? ?????? ????, ?? ?????????? ???, ?? ?????????? ??? ?????? ???????
????????? ??? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????? ???
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ??? ???????,
????? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?? ??? ?????? ?????? ??? ???????.
?????????, ?? ?? ?????? ??? ?????????? ?? ??? ??? ?????????? ???, ?? ?? ???
????????? ?????????? ??? ?????? ??? ??? ???.

32 ???????, ?? ??????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ???
????????? ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????, ?????? ?? ?? ??? ?????? 15 ??
????????? ???, ?? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ??? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

33 ??????, ?????? ?? ?? ????? 3 c ??? EStG, ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ???????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ???????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

34 ??????, ? ?????????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ???
????? ? ?????????? ??? ?????? ???, ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????? ?? ? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??
????????? ??? ?????????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???' ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???, ???
????????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???.

35 ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???, ??? ?????? ?????? ??
????????? ?? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? ?????? ??? (??., ??' ??? ??? ?????, ?????? ??? 18??
????????? 2003, C?168/01, Bosal, ?????? 2003, ?. I?9409, ?????? 27).

36 ??????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??????????
??????, ??? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ???, ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

37 ???????, ?????? ?? ?????????? ???, ??? ?????? ?? ?????????? ??? ??????????????
?????????, ?? ??????? ?????????? ?? ?????????? ?? ?????????????? ?? ?????????? ??? ?????? ???
????????? ?????? ?? ??????? ?????????? ?? ?????????? ?? ?????????????? ?? ?????????? ??? ??????????????
????????????? ?? ?? ??? ?????? ?????? ?? ?????????? ?? ?????????????? ?? ?????????? ??? ??????????.
???????????, ?? ?????????? ?? ??????????????, ?? ?????????? ?? ?????????? ?? ?????????? ? ??????
???????? ?????????????? ??? ?????? ??? ?????? ??? ?????. ????????, ? ?????????????? ???
????????? ?????????? ??? ?????? ?????? ?????????? ?????? ?????????? -??
????????? ?? ?? ?????????? ??? ?????????- ?? ?????????? ??? ?????? ?? ?????????? ???
????????? ??? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??????, ?????? ?? ?? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ? ?? ??? ?????? ??????.

38 ?? ??????? ?? ???? ?????????????? ?? ???? ????? ?????????????????? ?? ???? ??????? ??
?????????? ?? ???? ?? ???? ??????? ?? ???? ??????? ?? ???? ????? ??????? ?? ???? . ?????????????? , ?
???????? ?? ???? ?? ???? ?????????????? ?? ???? ??????? ?? ???? ??????? ?? ???? ?? ???? ??????
?????????, ?? ???? ?? ???? ?????????????? ?? ???? ???????, ??????? ?? ?? ?? ???? ??????
????????????? ?? ???? ??????? ? ?? ???? ?? ???? . ?? ???? ????? ?? ???? ?? ???? ??????
?????????? ?? ???? ?? ???? ??????? ?? ???? ??????? ?? ???? ?????????????? ?? ???? ?????????????? ?? ,
?????????? ? ?? ???? ??????? ?? ???? ?? ???? ?????????????? ?? ???? ??????? ?? ???? ?? ???? ??????
?????????, ?? ???? ??????? ?? ???? ?? ???? ??????? ?? ???? ?????????????? ?? ???? ?????????????? ??
????????? ? ?? ???? ?? ???? .

39 ?????????, ?????????????? ??? ??????????? ??? 28?? ?????????? 1992, C-204/90,
Bachmann (?????? 1992, ?. I-249) ??? C?300/90, ??????? ??? ?????? (?????? 1992, ?. I-
305), ?? ?????????? ??? ?????????? ??? ??? ?????????? ?????????? ?????????????? ??? ?
?????? ?????? ??? ?????? ????? ?????????? ?????????? ?????????? ?????????????? ??? ??
?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??????????. ?????????? ??????
??????, ??? ?????? ??? ?????? ??????????, ?????? ??? ?????????? ??????????
?????????????, ??? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ?? ??
????????? ??? ??? ?????? ?????? ?????? ?????????? ?? ??? ?????? ??????, ??? ??? ??????????????????
?? ?????????????? ??? ?????? ?????????? ??????????, ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ???????. ???????, ?? ?????????? ?????????? ??? ?????????? ?? ?????????? ??
?????? ?????? ??? ??? ?????? ??? ?????? ??????, ??? ? ?????????? ?????????? ??? ?? ?? ???
??????, ?????????????? ??? ?????? ?????????? ??????????, ?? ?????????? ?? ??????????
????????????? ??? ???????.

40 ????????, ?????????????? ???, ?? ??? ??????? 28 ??? 21 ??? ??????????????????
????????? Bachmann ??? ???????? ??? ???????, ?? ?????????? ??????? ??? ? ??????
????????????? ??? ??????? ??? ?????????? ?????????? ??????? ??? ??????????????
????????? ??? ??????? ??? ?????????? ?????????? ??? ?????????? ??? ? ??????. ????,
??? ?? ?????????? ??? ?????????? ?????????? ??? ?' ??? ?? ?????????? ??? ?????? ??

? ?????????????? ??? ??????? ??????? ?????????? ?????? ??? ??????? ?????????? ?????????? ????
????????????? ??? ??? ?????????????? ??? ??? ?????????? ?????? ??? ?????????? ?????? ??????????
(??., ???' ??? ?? ??????, ?????????? ??? 14?? ?????????? 1995, C-484/93, Svensson ???
Gustavsson, ?????? 1995, ?. I-3955, ????? 18- ?????????? ICI, ????? 29, ???
????????? Manninen, ??? 42).

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

42 ???????, ??? ?????? ?? ?????? ????, ??? ?? ??????? ?????????? ?????????? ??? ??????? ???
????????? ?????????, ?? ?????????? ???, ??? ??? ??????? ?????? ?????????? ??????? ???
????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ???,
?? ?????? ??? ??? ?????????? ?? ??????? ?????????? ?????????? ??? ?????????? ??????????
????????????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ???
??????????, ??????, ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????????????? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????

43 ?????????? ?? ?????????? ??? ?????? ?????????? ?????????? ??? ??????? ??? ??????????
????????? ?, ??? ?????????? ?????????? ??? ?????? ?????? ?????? ?? ?????????? ?? ??????? ??? ??
????? ??? ?????????? ?????????? ??? -?? ??????? ??? ?????? ??? ?????? ?????? ?????? ?????.
????????? ?????????? - ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?,
????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

44 ??? ??? ?????? ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ???, ??? ?? ?????? ?? ?????????? ?? ?????????? ?? ??
????? 22 ??? ?????????? ??? 15?? ????? 1997, C?250/95, Futura Participations ??? Singer
(?????? 1997, ?. I?2471). ??????????, ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ???, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ??? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

45 ?????????? ?? ?????????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? , ?
????????? ?????????? ??? ?????, ??????, ??????, ?????? ?? ?????????? ?? ?????? ???, ?? ??
????????? ???, ?????? ?????? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? 4,
????????? 2, ??? ?????? 90/435, ? ?????? ?????????? ?? ??? ?????? ?????? ?????? ??
????????? ?? ?????????? ???, ??? ?????? ?????? ?????? ?????????? ?????? ?????? ??????????
??? ?????????? ??? ?????????????? ?? ??? ?????? ?????? ??? -?? ?????? ?? ?????? ?????? ??????
???? ??? ?????????? ??? ??????????, ?????????? ??? ?????? ?????????? ??? ?????? ?????? ???
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ???- ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? . ?????????? ,
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? , ???
????????? ??? ?????? ??? ?????? ??? ?????? , ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? 52.

46 ?????? ??? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? , ?????????? ??
????????? ??? ?? ?????? 52 ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? .

47 ?????? ? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?? 1994, ??????
?? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????
??? ??? ???.

48 ??? ?????????????? ??? ?????? ??? 6, ?????? ?? ?????????? ??? ??????????
????????? ???' ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ??? ?? ???
????? ??? ?????????? ???' ?????? ??? ?????? ??? ?????? ??? ?????? , ??? ?? ??? ?? ??? ??
??? ??? ?????? ???, ?? ?????????? ??? ?????? ?? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???.
??????, ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ?????? ?????? ???'
????? ?? ??? ?????? ??? ?????? , ?? ?????????? ??? ?????? ??? ?????? ?????? ???
(????????? ??? ?????????? ??? 23?? ?????????? 2003, C-452/01, Ospelt ??? Schlössle
Weissenberg Familienstiftung, ?????? 2003, ?. ?-9743, ????? 29, ??? ??? 1?? ?????? 2004,
C-286/02, Bellio F.Ili, ?????? 2004, ?. ?-3465, ????? 34- ??., ??????, ?????? ???
????????? ??? 12?? ?????????? 2003, E1/03, EFTA Surveillance Authority/Iceland,
EFTA Court Report 2003, ?. 143, ????? 27).

49 ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????????? , ??? ?????? ??? ?????? 31 ??? ?????? ?????? ??? ?????? ???,
????????? ?? ?????? ??? ?????? ?????? ??? ?????? 52 ??? ?????? .

50 ??? ??? ?????? ???, ??? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ? ?????? ???
????? 52 ??? ?????? ??? 31 ??? ?????? ?????? ?? ??? ??? ?????? ?? ?????? ??? ??????
????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?? ?????? , ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ??? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? , ??? ? ?????? ??????
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????

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

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

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

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

52 ?????????? ??? ? ?????? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?????? ???
??? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ?, ?' ???
????????? ?? ?????????? ??? ?? ?????????? ?????? ??????. ?? ?????? ??? ?????? ??????????
???? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ???.

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

? ? ?????? 52 ??? ?????? ?? (??, ?????? ?????????? ???, ?????? 43 ??) ??? 31 ???
????????? ??? ?? ?????????? ?????????? ???, ??? 2?? ?????? 1992, ?????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ?????????? ?????? ???
????????? ?? ?????????? ?????????? ?????????? ??? ?????????? ?????? ??????????????
???? ?????? ?????????? ?????? ?????? ?????????? ?????????? ?? ?????????? ?????? ???
????????? ?????? ??? ?? ?????? ?????? ?????????? ?? ?????????? ??? ?? ?????? ?????? ???
????????? ?????? ?????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???
????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ? ?????? ?????? ?????? ???
??? ?? ??? ??????????, ??? ? ?????????? ?????????? ??? ?? ?????? ??? ?????? ?????? ???
????? ??? ?????????? ?? ?????????? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ???,
????? ???, ?????????? ??? ?????? ??? ?????????? ??? ??? ???.

(?????????)

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