

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

??? 19?? ??????? 2012 (\*)

«???? ??????? — ?????????? — ????? 15, ?????? 6 — ?????????? ??? ?????????? ??????????  
??? ?????????????????? ??? ?????????? ?????? ?? ?????? ?????? ?????? ??????  
????????? ??? ?????? — ?????????? ?????????? ?? ?????????? ??? ?? ?????? ??? ??????  
??? ?? ??? ?????? — ?????? ??? ??? “????????? ?????????? ??? ??????” —  
????????? ??????»

???? ??????? C-33/11,

????????????? ?????? ??? ??? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267  
?????, ??? ?????? ?????? ?? Korkein hallinto-oikeus (?????????) ?? ??????? ??? 18??  
????????? 2011, ??? ?????? ??? ?????????? ??? 21 ?????????? 2011, ??? ?????? ???  
?????

A Oy

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

?????????? ??? ??? J.-C. Bonichot, ??????? ????????, A. Prechal (??????????), L. Bay Larsen, C. Toader ??? E. Jaraši?nas, ???????,

????????? ??????????????: P. Cruz Villalón,

?????????: M. Ferreira, ????? ?????????? ??????????,

????????? ?????? ??? ??????? ?????????? ??? ?????? ???' ?????????? ??? ?????????? ???  
8?? ?????????? 2012,

????????????? ?????? ??? ?????????????? ??? ??????????;

- ? A Oy, ?????????????? ??? ??? P. Salomaa,
  - ? ?????????? ????????, ?????????????? ??? ??? M. Pere,
  - ? ?????????? ????????, ?????????????? ??? ??? I. Koskinen ??? ??? L. Lozano Palacios,

???? ??????? ??? ?????? ???????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ???????????  
?? 26?? ??????? 2012,

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

????????

1 ? ?????? ??????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? 15,  
?????? 6, ??? ?????? ??????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ???  
????????????? ??? ?????????? ??? ?????? ?????, ??? ?????? ?? ??? ?????? ??????  
????????? — ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ??? (??  
???. ??. 09/001, ?. 49), ??? ?????????????? ?? ??? ?????? 92/111/??? ??? ??????????, ???

14?? ?????????? 1992 (?? L 384, ?. 47, ??? ????: ??? ?????).

2 ? ?????? ????? ?????????????? ??? ?????? ?????????? ?????????? ??? ?????? A Oy (??? ????: A) ????? ??? ?????????????????? ?????? ?????????????? ?????? ?????????????????? ?????? (??? ????: ???) ??? ??? ?????? ????????????, ??? ?????? ??? ?????? ?????? ?? ?????? ??? ? Kaakkoris-Suomen verovirasto (?????????? ??? ?????? ?????????????????? ??????????????).

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

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

3      ?? ?????? 2, ??????? 1, ??? ?????? ??????? ??????? ??? ?????? ??? ?????? ??? ?????????? «??  
?????????? ?????? ??? ?? ??????? ?????????? ??? ?????????????????? ?? ?????????? ?? ??????? ??????  
??? ?????????? ??? ?????? ??? ?????????? ??? ??????, ??? ?????? ??? ??? ?????? ??? ?????? ???  
?????».

4      ?? ?????? 15 ??? ??????? ??????, ?? ?????? «?????????? ??? ??????? ????? ?? ???? ???????,  
????? ?? ???? ???????, ??? ?????????????? ??? ?????? ?????? ?????? ??? ?? ???? ??????  
?????????», ?????????? ?? ????:

[...]

4.     ????????????????? ??????, ?? ?????? ?????????????????? ??? ??????????????:

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

[...]

5.    ??? ???????????, ??????????, ??????????????, ?????????? ???????????, ?????????? ?  
????????? ?????? ???????, ?????????????? ??? ?????????? 4, ??? ?? ??? ??, ????? ?? ?  
??????????, ??????????, ?????????? ??? ?????????? ?????????????? ??????????????  
—????????????????? ??? ?? ?????????? ??????????— ?? ?????? ?????? ?????????????? ???  
????? ??? ? ??????????? ??? ?? ?????????????? ????

6. ??????????????, ??????????, ??????????????, ?????? ??????????????, ?????????? ??????????????, ?????????? ???  
????????? ??????????, ?????????????????? ??? ?????????????? ?????? ?????????? ??? ?????????? ??? ??????????  
????? ?????????? ?????????? ??? ??????????, ?????? ?????? ??? ??? ??????????????, ???????????,  
????????????? ??? ??? ?????????? ?????????????? ??????????????, ?? ??? ?????? ?????? ??????????????  
??? ?????????? ??? ? ?????????? ??? ??? ?????????????? ???

7.   ????????????? ??????, ?????????????? ??? ?????????? ??? ?????????????? ???  
????????? 6 ????????????

8.     ???? ??????? ??????????, ????. ??? ?????????????? ????. ??? ?????????? 5, ?? ?????.  
????????????????? ????. ??? ?. ??? ?????? ??????. ????. ??? ?????????????? ????. ??? ?????????? ????.  
?????. ????. ????. ????. ????.

9. ??? ??????? ??????????, ??? ????? ?????????????? ??? ????? 6, ?? ??????  
????????????????? ??? ??? ?????? ?????? ??? ?????????????? ??? ????? ?????????? ???  
????????? ??? ??? ?????? ??????

[...]».

5 ?? ????? 28? ??? ????? ???????, ?? ????? ?????????????? ??? ????? XVI? ???  
??????? ??? ??? ?????? ??? ?????? «????????? ?????? ?????????? ?????????? ??? ?????????? ???  
????? ??? ?????? ?????», ?????? ?? ???:

«1. ?????????? ?????? ????:

?) ?? ?? ??????? ?????? ?????????????? ?????????? ??????, ??? ?????????????????? ???  
????? ??? ??? ?????? ??? ????? ?????????? ??? ?????? ?????????? ??? ??? ?????? ??? ??? [...]

????? ?????????? ??? ?? ?????? ??????, ??? ?????????? ??? ?????? ??? ?????????????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
??? ?????? ?????? ?? ?????????? ??? ?????, ??? ??? ?????????? ??? ?????? ??? ?????????? ???  
??? ?????????? 1?.

[...]

[...]

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

?) ? ?????????? ????, ? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? 15, ?????? 4 ??? 10.

[...]

3. ??????? ?? “????????????? ??? ?????? ???”, ? ?????? ??? ??????? ?? ???????  
????? ?? ?????? ??????? ?????? ??? ?????? ??? ?????????? ? ?????????? ??? ??????????  
? ??? ??? ?????? ??? ?????????? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???, ??  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ? ?????????? ?? ??????????  
??? ??????.

[...]»

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

6 ? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ??? 1501/1993  
????? ?????? ?????????? ??? [Arvonlisäverolaki], ??? 30?? ?????????? 1993 (??? ????:  
AVL).

7      ??? ? ? ?????? 1, ??? ??????, ??? 3, ??? AVL, ??? ?????????? ??? ???  
????????????? ????, ??? ?????, ??? ?????? ??? ?????? 26a ??? ??? ????, ???  
????????????? ????, ??? ?????? . ?? ??? ?????? ?????? ?????? ??? ?????? ?? ??????????????  
????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ? ?????????? ??? ?????? ???  
??? ?????? ??? ?????? ?? ?????? . ??? ?? ?????? 2b ??? AVL, ?????????? ??? ?????? ???  
????????? ??? ?????? ?????? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? 1, ??? 3, ??? ?  
?????.

8      ??? ??? ?????? ??? AVL, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????? 70, ????, ????, ??? 6, ??? ??? ?????? ??? ?????? ?????? ??? ? ????, ??? ?????? ???  
????? «????? ??? ?????? ???, ??? ?????? ???/? ??? ?????? ??? ?????? ???  
????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???».

9      ??? ? ? ?????? 72f, ??? 1, ??? AVL, ? ?????????? ??? ?????? ??? ?????? ???  
?? ? ?, ??? ? ?, ??? ?????? ??? ?????? ??? ?????? ??? ? ? ?????? ??? ?????? ????. ?? ? ? 94,  
????? ????, ??? 9, ??? AVL ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 70, ????, ????,  
????? 6, ??? AVL.

**? ?????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ??????**

10     ??? ?????? ??? 2002 ??? ??? ?????? ??? 2003, ? A ?????? ??? ??? ??? ???  
????????? ??? ?????? ?????? ?????? ????. ? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?? ?????? ?????? ????. ? A ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

11     ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
22 ?????? 2002 ??? ??? 23 ?????? 2004 ??????, ??? ? Air Operation Certificate  
(AOC) ??? ? ?????? ?????? ??? 19 ?????? 2002 ??? ??? 24 ?????? 2004  
??????. ? A ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ? B Oy (???  
????: B) ?????? ??? ?????? ????. ??? 17 ?????? 2003 ??? ??? 1? ?????? 2005  
??????, ?? ? ? ?????? ?????? ?????? ??? ?????? A ?? ?????? ??? ?????? ???  
????? ???.

12     ?????? ??? ?????? ??? ?????? ??? A ?????? ? X, ?????? ??????. ? A ?????? ?? 25  
% ??? ?????? ??? C Oy (???: C). ? B ?????? ?????? ??? C ??? ?????? 78 %.

13     ? B ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? ? ?????? ???  
????? ??? ?????? ??? ?????? . ??? ?????? ??? ?????? ??? ?????? ?? A, ? B ??????  
????? ?, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? . ?  
????? ??? ?????? ???, ??? ?????? ??? ?????? ??? B ?? ?????? ??? ?????? ??? ??? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????? ???.

14     ??? ??? ?????? ??? ?????? ??? 1?? ?????? ??? 31 ?????? 2002 ??? ?? 1??  
????? 2003 ??? 30 ?????? 2004, ? ?????? ?? 925 606,32 ??? ?? 2 170 503,84  
????? ?????? ??? ?????? ??? A ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?, ??? ?????? ??? ?, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

15 ??? ??? ??? ?????? ????, ?? ???????? ?????? ??? ? ?? ?????? ?? ? ?? ??????????  
?????????, ??? ?????? ????, ?? ??? ???? ??? ?????? ?????????? ? B ??? ? ??? ? ?? ??????????  
??? ?????????? ??? ??? ??????. ??? ??? ?????? ?????????? ?????????? ?????????? ?????????? ???  
?? ??? ??? ?????? ?????????? ??? ?????? ??? X ?????? ?????? ??????????.

16 ? A ?????????????? ?? ?????????? ??? ???? 1?? ?????? 2002. ?? ?????? ???  
????? ??? ?????????? ??? ?????????????, ??? 14?? ?????? 2003, ? ? ?????? ??? ???  
????? ??? ?????? ?????? ?????????? ??? ???? ?????????? . ? ?????????? ??? ??? ???  
????????????? ?????? ?????????? ??? ???? ?? ??? ?????? ??? ? ???? ?????? ?????????? ???  
????? ??? ? ? ?????????? ??? 1?? ?????? 2002.

17 ??? 4 ?????? 2005, ? ? ??? ?????? ?????????? ??? ?????? ?????? ??????????????  
????? ?????????? ??? ? ???? ???? A ??? ??? ?????????? ?????? ??? ???  
?????????. ?????????? ??? ? A ??? ??? ?????? ?????? ?????? ??? ? ???? ?????? ???  
????? ??? ?????? ?????? ?????? ???.

18 ? ?????? ??? ? A ??? ??? ???? ?????????????? ?????? ?????? ??????????????  
????? ?????????? ?? ?????? ??? Helsingin hallinto-oikeus (????????????? ?????????????? ???  
?????) ??? 26?? ????? 2008. ??? ? ???? ?????? ??????????, ?? ??? ???? ?????? ??????????  
????????? ?????? ??? ?????? ?????? ?????? ?????? ??????, ??? ?????? ? A ??? ???  
????? ??? ?????? ?????? ????. ? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ?????? ???  
????? ?????? ?????? ??? ?????? ??? ??????????, ??? ??? ???? ?????? ??? ?????? 70, ???  
?????, ??? 6, ??? AVL, ??? ?????? ??? ?????? ?? ?????????? ??? C, ??????????  
????????? ?????? ??? ?????? ??????????. ??????????, ?? ?????? ?????? ??? ???  
????????? ??? ? B ??? ?????? ?????? ?????? ?????? ?????? ??? ???? ??? ???? ???, ??  
????? ??? ?????? ??? ?????? 70, ????, ??? 6. ? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?, ??? ?????? ?????? ???  
?? ??? ??????.

19 ? A ?????? ?????? ??? ?????? ??? ???? ???? ?????? ?????? ??? Korkein hallinto-oikeus.  
????????? ?? ??? ? ??? ?????? ??? ?????????? ?????? ?? ??? ?????? ?????????? ??? ??? ???,  
????? ?? ???? ?????? ?????? ?????? ??? ?????? ?????????? ??? ???? A ?? ??? ??  
????????? ??? ?, ? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ?????????? ???  
????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? . ?????????? ???, ?? ???  
????????? ??? B ?????? ??????, ?????? ?? ???? ?????? ?????? ??? ?? ??? ??? ???, ??  
????????? ??? ? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?? ??? ??? ???  
????????? ??? ?????? ??? ?????? ?????????? ?????? , ?? B ??????, ???' ??????, ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??? ??????.

20 ??? ?????? ??? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ??????  
?? ? B ?????? ?? ?????? ?????? ?????? ??? ???? ???? ?????????? ??? ??? ????  
?? ?????? ?????? ?????? ??? ? X, ??? ?????? ?????? ??? ?????? ???, ?????? ? A ???  
????? ? ??? ?????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ? ???? ????  
????????? ??? ? ?????? ?????? ?????? ??? B ??? ? ? ?????????? ??? ???? , ?? ??????  
????????? ??? ?????? ??? ?????? ?????? ??? ??? ??? ???.

21 ??? ?????? ???, ?? Korkein hallinto-oikeus ?????????? ?? ?????????? ?? ??????????  
?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? :

«1) ????? ?? ?????? 15, ??????? 6, ??? [?????? ???????] ??? ?????? ??? ???? “????????????????????????? ??? ?????????? ??????????, ???????, ?????????? ?????????? ??? ??????” ?????????????????? ??? ?????????????? ?????????? ?? ??????? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????;»

2) ????? ?? ?????? 15, ??????? 6, ??? [?????? ???????] ??? ?????? ??? ? ?????????????? ???  
????? ??????? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ?? ??????????  
???????, ?? ?????? ???????? ?????? ?????? ?????????? ?????????? ??? ?????????, ? ??? ? ??????  
????????? ?????? ??? ??? ?????????? ?????????? ?? ?????????? ??? ??? ?????????? ??  
????? ?????? ???????? ?????????? ?????????? ??? ?????????, ??? ?????????? ?? ???  
????????? ?? ??? ???????????, ? ????? ?????????????? ??? ?????? ???;

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

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

22     ?? ?? ?????? ??????? ???, ?? ?????? ??????????? ???, ???' ???, ?? ??????????????  
?? ?? «????????? ?????????? ??, ??????????», ???? ??, ?????? ??, ?????? 15, ?????? 6, ???  
????? ???????, ??????????????? ??, ?? ??????? ??????????? ?????? ?????????? ???? ??  
?????????? ??????? ??, ?? ?????? ??, ?? ??????? ??????????? ?????.

23    ?? ?????????? ???. ?????????? ?????????? ?????????? ??????? ?? ???. ?????????? ???.  
????? ?????????? ??????? ???. ?????????? ?????????? ??????? ???. ?????????? ??????? ???.  
????????? ????. ?? ???. ?????????? ????. ? A ??????????, ???????, ????. ???.  
??? ???. ?? ???. ?????????? ???????, ????. ???. ?????????? ??????? ???. ???.  
?????, ??????? ?????????? ???????, ????. ???. «?????? ??????????» ? «?????? ??????????»  
???? ???. «?????? ??????????», ??????? ???. ??????? ???. ??????? ???.  
????? ????. ???. ?????????? ???????, ????. ???. ??????? ???. ?????????? ???????, ????.  
??? ???????, ????. ???. ??????? ???. ??????? ???. ?????????? ???????, ????.  
????????? ??????.

24      ???????, ??? ????? ??????????, ??? ??? ?????????? ?????????? ??? ??????? ??? ??????  
?????? ?? ?????????? ???' ??? ?? ?????? ?? ?????? ?????????? ??? ?????????? ??? ??????? ??  
????????? ?????????? ?????????? ??? (??., ?????? ????, ??????? ?? 16?? ??????????)  
2004, C-382/02, Cimber Air, ??????? 2004, ?. I-8379, ????? 38).

25      ?? ??????????? ???????, ??????????, ?? ??????????? ?????? ?? ??????????? ???.  
???. ??????????????? ???. ???? 23 ???. ??????? ??????????? ???. ??????? ???. ??????? ???.  
?????????? ???. ??. ??????????? ???. ??????? ???. ??????? ???. ??????? ???.  
?????????? ???. ??????? ???. ???. ??????? ??????????? ???. ??????? ???. ??????? ???.  
?????? 15, ???. 6. ???. ??????? ???????.

26 ????????, ??? ?????? ?????????????? ????????, ?????? ?? ?????????????? ?? ??  
????????????????? ?? ?????????? ?????????? ?????????? ?????????? «?????? ??????????» ?  
«?????? ??????????» ??? ?????????? ?? ?????? ?????? ??? ?????? ????????, ???  
?????????????. ??? ?????????????? ? ?????????? ?????????? ??? ? ?????????? ??????????. ???

????????????? ??????????? ?? ?????? ?? ??????????? ?? ?? ??????? ??????? ??????? ??  
????? ??? ??????? «????????? ??????». ??? ??? ??????? ??????, ? ?? ??? ???????????,  
????? ??? ? ??? «????????? ??????» ??? ??????????????? ????? ?????? ??????????  
?????????, ????, ???' ??????, ??? ?????? ??? ??????? ??? ??????????? ?? ??????????  
?????? ??? ??????????? ??????? ?? ?????? ??????????? ??? ?????? ??????????? ??  
????????? ??????? ??? ??? ?????????? ??????????. ??? ?????? ??????????? ?? ???????????,  
?? ????? 15, ?????? 6, ??? ????? ?????? ?????, ???' ?????, ?????????? ??? ?????? ??????  
????????? ?????????????? (?????? Cimber Air, ???????????????, ??????? 27 ?? 28).

27    ???????, ??? ????? ???????????, ??? ??? ??????? ??????????? ??? ??????? ??  
??????, ??? ? ??????? ?? ???????????, ?????? ?? ??????????? ?????? ??? ?????? ?? ???????  
??, ??? ??? ?? ??????? ?? ?????? ??????????? ??? ?? ?????? ??? ??????????? ?? ??  
?????? ??? ?????? ??????? ??? (??., ????, ??????? ?? 26?? ?????? 1990, C-  
185/89, Velker International Oil Company, ?????? 1990, ?. I-2561, ????? 17, ?????? ??? ??  
22?? ?????????? 2010, C-116/10, Feltgen ??? Bacino Charter Company, ?????? 2010, ?. I-  
14187, ????? 12 ??? ????? ??????????? ??????????).

28    ???, ??? ?? ??????? ?? ?????? ??????????? ?? ?????? 15, ?????? 6, ??? ???  
?????? ??? ? ??????? ?? ?????????? ?????? ?????? ??????? ?? ?????????? ??? ??????????? ??  
????????? ??? ?????????????????? ??? ??????? ?? ?????? ?????????? ?????? ??????????  
????????? ??? ??????? ?? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ??????????  
?? ??? ???????.

29    ??? ?????? ??? ?????? ??? ?????? ??????????? ? ??????? ???, ?????? ??????????? ???  
????????? ??? ??? ??? ?????????? ??????????? ?? ?????? ?????????????? ??? ?????  
????? ?? ??????? ?????????? ???????, ?????? ??? ?????? ?????????? ??? ?????????????? ???  
????? ??? ?????? ?????? ???, ???????????, ?? ?????? ?????? ???.

30    ? ?? ??? ?????, ??????????? ?????? ??? ?????? ??? ??????? ???????, ?????????? ??? ???????  
?? ??????? ??????? ??? ?????? ?????????? ?????????? ?????????? ??? ?? ???  
?????????? ?? ??????? ?? ?????????? ???????.

31    ??? ?????? ?? ??????? ??? ?????? ??? ?????? ??????????? ?? ?????? 15, ?????? 6, ???  
????? ???????, ?????? ?? ?????????? ???, ??? ?????????? ??? ?????? ???????????, ??  
????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ???????, ?? ?????? ??????? ??  
????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ??? ??? ?????????? ?? ??? ??  
????? ?????? (??., ????, ????, ?????? Cimber Air, ???????????????, ?????? 23, ??? ??  
18?? ?????????? 2007, C-97/06, Navicon, ?????? 2007, ?. I-8755, ?????? 20).

32    ?? ??????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????????????? ???????????????, ?  
????? ?????????? ?? ?????????? ???????????, ??? ?????? ??? ?????????? ??? ???, ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? (??., ?????? ???, ???????????????  
????? Cimber Air, ?????? 24, ??? Navicon, ?????? 21). ??? ?????? ??? ?????? ??? ???????????  
?? ??????? ??? ?????????? ?????? ???????, ??? ?????? ?????????? ?????????? ??? ??  
?? ??? ??? ?????? ?????????? ?? ?????????? ?????????? ??? ?????? ??? ???, ??? ???????  
????????? ???????, ?? ?????? ?????? ?????????? ?????????? ?? ??? ??? ?? (??., ????  
?????, ?????? ??? 28?? ?????? 2007, C-363/05, JP Morgan Fleming Claverhouse Investment  
Trust ??? The Association of Investment Trust Companies, ?????? 2007, ?. I-5517, ????? 46  
??? ??? ?????????? ??????????).

33    ? ??? ??? ?????????? ?????????????? ?????????? ??? ?????? ??? ??????????? ???  
????????? ??? ?????????? ?? ?????? ?????? ?????????? ??? ?????????? ?????????? ??? ??  
????? ??? ???, ?? ?? ??????, ? ?????? ?????? ?????????? ?????? ?????????? ?????????? ???

????????????? ?????? ?????????? ?????? ?????????????? ?????? ??? ???? ??????????  
???? ?????????????? ??? ?????? ??? (?? . ?????? JP Morgan Fleming Claverhouse  
Investment Trust ??? The Association of Investment Trust Companies, ??????????????, ???  
47 ??? ??? ?????????????? ??????????).

34 ?? ?????????? ?????????? ??? ?????? ?????????????? ?? ?????? ?????????? ??????  
????????? ??????, ??? ?????????? ??? ?????????? /??? ??? ?????????? ??????, ???  
????????? ??? ?????????? ??????????????, ?? ?????????? ? ?????????? ?????????? ??????  
????? ??? ?????????? ??? ??? ??? ?????????? ??????????, ?????????? ??? ?? ?  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??????, ?? ??????  
?? ?????? ?????????? ?????? ??? ?????????? ?????? ??? ?? ??? ??????????.

35 ?????? ??? ?????????? , ??? ?????? ?????? ?????? ?? ?????? ? ?????????? ??? ???  
«????????? ?????????? ??? ??????», ??? ??? ?????? ??? ?????? 15, ?????? 6, ??? ???  
??????, ?????????????? ??? ?? ?????????? ?????????? ?????? ??? ?????? ??? ??????  
????????????? ??? ??????.

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

36 ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ?????? ?? ?????????????? ?? ??  
????? 15, ?????? 6, ??? ?????? ?????? ??? ?????? ??? ? ?????????????? ??? ???  
????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ?? ?????????? ??? ???  
????? ? ??? «????????? ?????? ? ?????? ??????, ??????, ?????????? ?????????? ???  
????????» ??? ??? ?????? ??? ?????????? ?????, ??? ?????? ??? ?? ??? ?????? ?????????? ??  
????? ??? ?????????? ?????? ??? ??? ??? ?? ??? ??????.

37 ?????? ??????, ??????, ?? ?????????? ??? ?? ?????? ?????? 15, ?????? 6, ???  
????????? ?????? ??? ?????? ??? ?????? ?????? «??» ?????????? ?????? ???  
??????, ??????, ?????? ?????? ??? ??????.

38 ????????, ??? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ???  
?????? ?????? ??? ?????????? «?????????????» ??? ??? ?????? ??????.

39 ??? ?????????? ??? ?????? 24 ??? ?????? ??????????, ? ?????????? ??? ??????????  
????? ??????, ???' ????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??????????.

40 ????????, ?????????? ? ?????????? ??? ?? ?????? ??? ?????? 15, ?????? 6, ???  
????? ???????, ??? ?????????? ??? ?????????? ??? ?????????? ???, ?????????? ?????? ??? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ?? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
«?????????????» ??? ?????? ??? ??????, ??????, ?????????? ?????????? ??? ?????? ???  
??? ??????????, ??? ??????, ??? ?????????? ??? ?? ?????? ?????????? ??? ?????? ???  
??? ?????????? ? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ?????? ??????????.

41 ???, ??? ?????????? ??? ?????? 27 ??? ?????? ??????????, ??? ??? ??????  
??? ?????? 15, ?????? 6, ??? ?????? ?????? ??? ?????? ?? ?????????? ?????? ??? ??? ??  
????? ??? ?? ??? ??????????, ??? ??? ?? ?????????? ??? ?? ?????? ??? ???  
?????????.

42 ??? ???, ??? ?????, ??? ?????????? ???, ??? ?????????? ??? ?????? 29 ???

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

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

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

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

43 ????????????, ??????, ? ?????????? ???, ??? ??? ????? ????? ?????? ?? ???????? ?  
????????? ??????? ?? ??????? 15, ?????? 6, ??? ????? ???????, ??? ?? ??????  
?????????? ?? ?? ?????? ? ??????? ?????????? ?????? ??? ?????????????? ?? ?? ?????? ?? ??????  
?????????? ?? ?? ??? ????? ?????????? ?? ?????????? ??? ?????? ??? ??????? ? ??????  
????????????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ???????, ????? ??  
????? ?????? ??????.

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

45      ????????, ?? ??? ?????? ?????????? ??? ?????? ?????????????? ? ??????? ??????????????  
???? ?????? 38 ??? ?????????? ???, ?????? ??? ?? ?????????? ??? ?????????????? ??? ?????????????? ???,  
?????????????, ??????? ?? ??? ?? ?????? ?????????? ? ?????????????? ??? ?? ?????? ??? ??? ??  
????????????? ??? ?????????? ? ??? ???????, ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??  
????? ?????????????????? ??? ?????????????? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ??  
????? ??? ???, ?? ?????? ?????? ?? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??  
?? ??? ??????.

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

47      ????? ?????, ????????, ?? ??????? ?? ?????? ??????????? ?? ?????? 15, ?????? 6, ???  
????? ???????, ???? ??????????? ?? ?????? 31 ??? ?????? ???????, ?? ?????????? ???  
????????? ? ??????? ?? ??????? ?????? ?????????? ??????? ?? ?????? ??? ???????, ??  
?????? ?????? ?? ??????????? ?? ?????? ??????? ?? ?????? ?????????? ?? ??? ?? ?????.  
????????? ?? ??? ?? ??????.

48     ?? ??????? ???. ?????????????? ???. ?? ???. ??????. ??????, ? ???. ?????????????? ???.  
????? ?????? ???. ?????????? ???. ?? ???. ?????????? ???. ???. ??????, ? ???. ?????? ?????????? ???.  
????? ?????? ???. ?????????? ???. ?? ???. ?????????? ???. ???. ??????, ? ???. ?????? ?????????? ???.  
32 ???. 33 ???. ???????, ???. ?????????? ???. ???. ??????, ? ???. ?????? ???. ?????????? ???.  
????? ???. ???. ??????, ?? ???. ?????????? ???. ???. ??????, ? ???. ?????? ???. ?????????? ???.  
????? ???. ???. ??????, ?? ???. ?????????? ???. ???. ??????, ? ???. ?????? ???. ?????????? ???.

49      ???????, ????, ????? ???????????, ?????????????? ????? ?? ???? ????? ?????, ?? ??????????  
???? ??????? 15 ??? ????? ??????? ??????? ?? ?????????????? ?????, ??????????? ??? ??????????  
????????????? ??? ?? ??????? ????? ??????? ?? ??? ????? ???? ? ?? ?????????????? ?? ????  
????????? ??????? ??? ?? ??? ????? ??????? ?????????? ??? ?????????????????? ?? ?????????? ??????  
??? ??????????? ??? ?? (??., ?????, ?????????? Velker International Oil Company,

???????????????, ??? 19, Cimber Air, ????????????????, ??? 25, ??? 14?? ????????????,  
2006, C-181/04 ??? C-183/04, Elmeka, ??????? 2006, ?. I-8167, ??? 15, Navicon,  
???????????????, ??? 22, ??? ?? Feltgen ??? Bacino Charter Company, ????????????????,  
??? 19), ??? ? ?????? ??? ?????? ?????? ????????, ??? ????????, ????????, ??? ?? ???  
?? ????????????????, ??? ?? ????????????, ??? ?? ????????????, ??? ?? ?????? ????????,  
???????????????, ??? ?? ?????? ??? ?? ????????????, ??? ?? ????????????, ??? ?? ?????? ???  
(??., ???, ??? Navicon, ????????????????, ??? 22).

50    ?? ???????????, ??????, ???? ?????????????????? ???????, ?? ??? 15, ?????? 6, ???  
????? ??????? ??????????, ???' ??????, ???? ?????????? ??? ? ? ?????? ??? ? ? ?????????? ??  
????? ??????? ??? ?????????? ? ??????? ???, ???? ?????????? ??? ??? ??? ??? ??? ??????  
?????????? ?? ???? ?????????????? ??? ?????? ??? ?????? ??? ?????????????????? ??????  
????? ???? ??? ?????? ?????????? ??? ??????.

51 ????????, ??? ?????????? ????? ?????????? ??? ?????? ?????????? ??? ?????? ??  
????????? ??? ?????? ??? ?????????? ?????????????? ? ?????????? ??? ??? ?????? ?  
????????????? ??? ?? ?????? 15, ?????? 6, ??? ?????? ?????????? ?????????? ?????? ??? ??? ???  
????????? ?????????? ?? ?????????? ??? ??? ?????? «????????? ??????, ? ?????? ??????,  
?????, ?????? ?????? ?????????? ??? ??????» ??? ??? ?????? ??? ?????????? ??????, ???  
????? ?? ?? ??? ?????? ?????????? ?? ?????????? ?????? ?? ?????????? ??? ??? ??? ??  
????? ??????.

52      ??????????, ??? ???? ?????????? ? ??????? ?????????? ??? ?????? 40 ???  
????????? ???, ??? ?????? ?? ?????????? ?? ??? ?????? ??? ? ?????? ??? ??????????  
??????, ??? ?????????? ???????????, ?? ?????????? ??? ?? ?????? ???.

53 ????????????, ?????? ?????? ??????? ?????? ??? ? ?????????? ??? ?????????? ???  
????? 51 ??? ??????? ?????????? ?????? ?????? ?????? ?? ??????? ?? ??? ??? ?????? ??? ???  
?????? ??? ??????? ?? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?? ??? ?????? 15,  
????? 4 ??? 8, ??? ????? ??????? ??????????, ?? ?????? ?? ?????? ?????????? ?????????? ??????  
?????? ??? ??? ????? ?????????? ??? ??? ?????? ?????? ?????? (???. ??????????????????  
????????? Velker International Oil Company, ??????? 21 ??? 22, ?????? ??? Elmeka, ???????  
22 ??? 24), ???????? ?????? ?? ????????????, ???????, ??? ??? ?????????? ? ???????  
?????? ??? ?????? ??? ?????????? ?? ?? ?????? ?????????? ??? ??? ?????? ??????? 6  
??? ?????? ?????.

54 ????????, ????????, ????, ???, ???, ????????, 23 ???, 25 ???, ??????????????????  
????????? Elmeka ?? ??????? ??? ? ??????? ??? ?????????? ??? ?????????? ?? ?????? 15,  
?????? 4 ??? 8, ??? ????? ??????? ?? ?????? ?????????????? ??? ?????????? ?????????? ???  
?????? ? ??????? ??? ?????????? ?????????? ??? ?????????? ?????????????? ??? ??  
????????? ?? ??? ?? ??? ????? ?????????? ??? ???, ????, ??? ??? ?????? ?????????? ??  
????????? ?? ???????, ?? ?????? ??? ?????, ?????????? ???????? ??? ?????????? ??  
????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ?????? ??? ??????????. ??  
????????? ??? ?????????????, ??? ??? ?? ?? ??? ????? ?????? ??? ??? ??? ??? ?????  
???????????, ?????????? ?????????? ??? «????? ??? ????? ?????????? ???  
?????????» ??? ??? ????? ?????????? ?? ?????? 15, ??? ????? ??????, ??? ????? ?????? (??.,  
?????, ??? Velker International Oil Company, ??????????????, ??? 24).

55    ????, ?????? ????, ?????????? ? ??????? ?????????? ??? ?????? 44 ??? 46 ???  
????????? ???, ??????? ?????? ??? ?????? ?? ??????? ??? ?????????? ???' ??????? ??? ??  
??? ??????? ??? ?? ??? ?????? ?????????? ?????????? ?? ?????????? ??? ?? ??? ??  
????????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
??? ??????.

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

57    ?????? ??? ?????? ??? ?????????? ???, ??? ?????? ?????? ?????? ?? ??? ??  
????????? ??? ?? ??? 15, ?????? 6, ??? ?????? ?????? ??? ?? ??? ?????? ??? ??  
????????? ??? ?? ??? ?????? ?????? ??? ?? ??? ?????? ?????? ?????????? ?? ??? ??????????  
??? ?? ??? ?? ??? «????????? ?????? ???, ? ??? ?????? ?????? ???, ?????? ?????? ?????? ???  
??? ??????» ??? ?? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ?? ??? ?? ??? ??  
?? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?? ??? ?? ??? ?? ??? ??.

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

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

59    ??????, ?????? ?? ?????????? ???, ?????? ?? ??? ?????? ??? ?????? ???  
????????? ???, ?? ??? ?????? ??? ?? ??? ?????? ??? ?? ??? ?????? ??? ??  
????????? ??? ?? ??? 15, ?????? 6, ??? ?????? ?????? ?????? ?????? ??? ??  
????????? ?? ?? ??? ?????? ?????????? ??? ?????????? ??? ?? ??? ?????? ??? ??  
????????? ?? ??? ?????? ?????????? ??? ?????????? ??? ?? ??? ?????? ??? ??  
????????? ?? ??? ?????? ?????????? ??? ?? ??? ??????.

60    ??? ?????? ???, ?? ?????????? ??? ?? ?????? ??? ?? ??? ?????? ?????????? ?? ??  
????????? ??? ?? ???, ??????, a priori ?????????? ??? ?? ??? ?????? ?????? ??? ??  
????????? ?? ??? ?????? ?????? ??? ?? ??? ?????? ??? ?? ??? ?????? ??? ?? ??? ??

61    ??????????, ?? ?? ?????? ?????? ???, ?????? ?? ??? ?????? ?????????? ???  
????????? ??? ?? ?????? ??? ?? ??? ?????? ???, ?? ?? ??? ?????? ??? ?? ??? ?????? ???  
????????? ?????????? ?? ?? ??? ?????? ??? ?? ??? ?????? ??? ?? ??? ?????? ??? ??  
????????? ?? ??? ?????? ??? ?? ??? ?????? ??? ?? ??? ?????? 15, ?????? 6, ??? ??????.

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

? ?????????????? ?????????????? ??? ?????????????? ??? ?????????? ?? ?????? ??? ?????? ???  
??? ? ???? ???? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ??????  
????? ???? ??? (??., ?????? ????, ?????? ??? 21?? ?????????? 2006, C-255/02, Halifax  
?.., ?????? 2006, ?. I-1609, ?????? 69 ??? 70 ??? ??? ?????????????? ??????????).

63 ? ???? ???? ?????????? ?????????? ??? ?????? ?????????? ?????????????? ???  
????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ??????????  
????????? (????? ??? 22?? ????? 2008, C-162/07, Ampliscientifica ??? Amplifin,  
????? 2008, ?. I-4019, ????? 28).

64 ??? ???????, ??? ?????? ??? ?????????? ??? ?????? ???????, ???????????  
????????? ?????????? ??? ?????????? ???, ??????, ?? ??????? ???????, ??? ??? ??????  
????????? ??? ?????????? ??? ?????????? ?? ??????? ?????????? ??? ?? ??? ??????  
??? ??? ??????? ??? ?????????? ??? ?????????? ??? ??????? ??? ?????????? ???, ????  
?? ?????????? ??? ?????????? ?????????? ?????????????? ??? ??????? ? ?????????? ??  
????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ???, ???????, ??? ???  
????? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????? ? ?????????? ?????????? ?????????? (?. ?????????? Halifax ?..,  
?????????????, ?????? 74 ??? 75, ??? ??? 21?? ?????????? 2008, C-425/06, Part Service,  
????? 2008, ?. I-897, ????? 42).

65 ??? ?????? ?????????? ?????????? ?? ???????, ??????? ?? ??? ?????? ??? ??????????  
????????? ??? ??????? ??????? ??? ?????? ??? ?????????? ? ?????????????????? ???  
????????? ??? ??????, ?? ?????? ??????????, ??? ?????????? ??? ?????????? ??? ?????? ???,  
?? ?????????? ?? ??? ?????? ?????????????? ?????????? ?????? (?. ?????? Halifax  
?.., ???????????, ????? 76).

66 ??? ?????? ??? ?????? ??? ??????????????, ??? ?????? ?????????????? ??????? ??? ??????  
? ?????????? ??? ?? ?????????? ??? ??????? ?? ?????? ??????????, ??????? ?? ??????? ???  
? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ?? ?????? ??? ?? ?????? ??? ?? ??????  
? ?????? ?????? ??? ?????? ??? ?????????????? ?? ?? ??? ?????? ?????????? ??? ?????? ???  
????? ?????? ??? ?????????????? ???/? ?????????? ???????, ??? ? ??????????  
????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???????, ??? ?????? ???  
????? ?????? ??? ?????????? ??? ???????.

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

67 ??? ?????????? ??? ? ??????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ???  
??? ?????????? ?????????????? ??? ??????? ??? ?????? ??? ?????? ??? ??????????, ?' ???  
????????? ?? ??? ?????????? ??? ??? ?????????? ????. ?? ?????? ??? ?????? ??????????  
????? ?????????? ?????????????? ??? ??????????, ??? ??? ?? ??? ???????, ??? ??????????.

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

1) ??? «????????? ?????????? ??? ??????», ??? ??? ?????? ??? ?????? 15,  
????? 6, ??? ?????? 77/388/???, ??? ??????????, ??? 17?? ????? 1977, ???  
????????? ??? ?????????? ??? ?????? ???, ??? ?????????? ?? ??? ??????  
????? ?????? — ??? ?????? ??? ?????? ?????????????? ????: ??????????  
????????? ???, ??? ?????????????? ?? ??? ?????? 92/111/???, ??? ??????????  
??? 14?? ?????????? 1992, ?????????????? ??? ?? ?????? ?????????? ?????????? ????  
????? ?????? ??? ?????? ?????????? ??? ??????.

2) ?? ?????? 15, ?????? 6, ??? ?????? ?????? 77/388 ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??  
????????? ??? ??? ?????? ??? «????????? ???, ??? ?????? ???????, ????,

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

3) ?????????????? ??? ??????? ?? ?????? ????????????, ?????? ?? ?????? ???  
????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
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