Downloaded via the EU tax law app / web

62014CJ0160
??????? ??? ??????????? (??????? ?????)

??? 9?? ??????????? 2015 (*1)

«???????????? ????????? — ?????????? ??? ?????????? — ????????? ??? ??????????? ??? ??????????? ?? ????????? ???????????? ????????????, ????????????? ? ???????? ????????????? ? ???????????? — ?????? ??? ???????????? ????????????? — ????????? ???????? ????????????? ?????????? ??????? ??? ?????? 267, ????? ??????, ???? — ???????? ????????? ??? ??????? ??? ?????? ????????????? ?? ?????? ?????????? ?? ????????? ??? ?????? ??? ?????????? ?? ?????? ???? ??? ?????????? ??????? — ?????? ????????? ??? ?????? ?? ???????? ???????????? ??? ????? ??????????? ??? ??????? ?????? ????????? ??? ??? ??????????? ??????? ??? ?????????? ????????? ? ????? ????????? ?? ???????????? ?????»

???? ??????? C?160/14,

?? ??????????? ?????? ????????????? ????????? ??????? ??? ?????? 267 ????, ??? ???????? ?? Varas Cíveis de Lisboa (??????????) ?? ??????? ??? 31?? ?????????? 2013, ? ????? ???????? ??? ?????????? ???? 4 ???????? 2014, ??? ??????? ??? ?????

João Filipe Ferreira da Silva e Brito ?.??.

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Estado português,

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

?????????? ??? ?? R. Silva de Lapuerta (??????????), ??????? ????????, ??? K. Lenaerts, ??????????? ??? ???????????, ???????? ????????? ??????? ??? ???????? ????????, ???? J.-C. Bonichot, A. Arabadjiev ??? ?. ????????, ????????,

??????? ???????????: Y. Bot

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

??????? ????? ??? ??????? ?????????? ??? ??????? ??? ??’ ??????????? ?????????? ??? 25?? ??????????? 2015,

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

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?? J. Ferreira da Silva e Brito ?.??., ??????????????? ??? ???? C. Góis Coelho, S. Estima Martins ??? R. Oliveira, advogados,

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? ??????????? ?????????, ?????????????? ??? ??? L. Inez Fernandes ??? ??? A. Fonseca Santos,

—

? ??????? ?????????, ?????????????? ??? ???? M. Smolek ??? J. Vlá?il,

—

? ??????? ?????????, ?????????????? ??? ???? G. de Bergues, D. Colas ??? F.-X. Bréchot,

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? ??????? ?????????, ?????????????? ??? ??? G. Palmieri, ?????????????? ??? ??? F. Varrone, avvocato dello Stato,

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? ????????? ????????, ?????????????? ??? ???? J. Enegren, M. França, M. ???????????? ??? M. Kellerbauer,

???? ?????? ??? ?????? ?????????? ??? ???????? ??? ????????? ??? ???? ?? ?????????? ??? 11?? ??????? 2015,

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1

? ??? ????? ?????? ???????????? ????????? ????? ??? ???????? ??? ?????? 1, ?????????? 1, ??? ??????? 2001/23/?? ??? ??????????, ??? 12?? ??????? 2001, ???? ??????????? ??? ?????????? ??? ?????? ?????, ??????? ?? ?? ????????? ??? ?????????? ??? ?????????? ?? ????????? ??????????? ???????????, ???????????? ? ???????? ???????????? ? ???????????? (?? L 82, ?.16), ??? ?????? 267, ????? ??????, ????, ????? ??? ????????? ??????? ????? ??? ??????? ??? ??????.

2

H ??? ????? ?????? ?????????? ??? ??????? ??? ??????? ???????? ?????? ??? J. Ferreira da Silva e Brito ??? ????? 96 ???????? ??? ??? Estado português (??????????? ????????) ?? ?????????? ????????? ??? ??????? ??? ?????? ??? ?? Supremo Tribunal de Justiça (??????? ??????????).

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3

?? ??? ?????? 2001/23 ?????????????? ? ?????? 77/187/??? ??? ??????????, ??? 14?? ?????????? 1977, ???? ??????????? ??? ?????????? ??? ?????? ????? ??????? ?? ?? ????????? ??? ?????????? ??? ?????????? ?? ????????? ??????????? ???????????, ???????????? ? ???????? ???????????? ? ???????????? (?? ???. ???. 05/002, ?. 171),

???? ???????????? ?? ??? ?????? 98/50/?? ??? ??????????, ??? 29?? ??????? 1998 (?? L 201, ?. 88).

4

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«? ???????? ??? ? ????????? ??? ??????? ????????? ?? ???????????? ? ?????? ??? ??????????? ?? ???? ?? ????????? ??? ???????????. ? ??????????? ???? ??? ??????????? ?? ????? ????????? ??? ??????? 77/187/???, ??????? ?? ??? ???????? ??? ???????????.»

5

?? ????? 1, ?????????? 1, ???????? ?? ??? ??, ??? ??????? 2001/23 ?????? ?? ????:

«?)

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

?)

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

6

???? ?? ????? 3, ?????????? 1, ????? ??????, ??? ?? ???? ???????:

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

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7

?? ????? 13 ??? ????? 67/2007 ???? ????????? ??? ?????????? ??????? ??????? ??? ???????? ??? ????? ???????? ?????? (Lei no 67/2007 — Aprova o Regime da Responsabilidade Civil Extracontratual do Estado e Demais Entidades Públicas), ??? 31?? ?????????? 2007 (Diário da República, 1? ?????, ????. 251, ??? 31?? ?????????? 2007, ?. 91117), ???? ???????????? ??? ??? ???? 31/2008, ??? 17?? ??????? 2008 (Diário da República, 1? ?????, ????. 137, ??? 17?? ??????? 2008, ?. 4454, ??? ????: RRCEE), ????????? ?? ????:

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

2. ? ?????? ??????????? ??????????? ???? ??????????? ??????? ??? ????????? ????????? ??? ?? ??????? ??????????.»

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

8

???? 19 ??????????? 1993 ?????? ? Air Atlantis SA (??? ????: AIA), ??????? ??? ????????? ?? 1985 ??? ????????????????? ???? ????? ??? ?? ???????? ??????????? ????????? (?????????? ???????). ??? ??????? ????, ?? ????????? ??? ?????? ????? ?????????? ?? ?? ?????????? ??? ???????? ?????????.

9

??? ??? 1? ????? 1993 ? TAP, ??????????? ??????? ??? AIA, ?????? ?? ??????? ????????? ??? ??? ??????? ??? ???? ???????? ?? ????????? ? AIA ??? ??? ??????? ??? ??? 1? ????? ??? ??? 31 ????????? 1993. ? TAP ???????? ?????? ????????? ?????????? ???????, ????? ???? ????? ??? ???? ?????????????????? ????? ????, ??????? ????????? ??? ?????????? ??? ??????????? ??????????? ? ???. ???? ??? ????? ?????, ? TAP ???????????? ????? ??? ?????????? ??? ????????????????? ? ??? ??? ??? ????????????????? ???, ???, ??????????, ??????? ????????. ? TAP ??????? ?????? ??? ????????? ????????? ??? ?????????? ??? ????????????????? ???? ????????? ????????????????? ????????? ??? ??????????, ??? ????? ????? ??? ??? ?????????? ???????? ??? ???, ??? ????? ????????????????? ???? ???? ???????????? ??? ??? ????????? ??? ??? ???? (??????????), ????? ??? ????? ??????? ??????. ??????, ? TAP ????????? ?????????? ??? ???? ????? ??????????? ??? ???.

10

?? ????????, ?? ????????? ??? ?????? ????? ??????? ??????? ??? ?ribunal de ?rabalho de Lisboa (????????????? ??? ??????????) ????? ??? ??? ??????? ??? ???????? ????????, ???????? ??? ???????????????? ???? ???? TAP ??? ??? ???????? ??? ?????? ????.

11

?? ??????? ??? 6?? ??????????? 2007, ?? ?ribunal de ?rabalho de Lisboa ??????? ?? ????? ?? ?????? ????????? ??? ???????? ?????????, ??????????? ??? ???????????????? ??? ????????? ??? ?????? ????? ???? ??????? ?????????? ??? ??? ???????? ???????????. ?? ?ribunal de ?rabalho de Lisboa ???????? ??? ?????????? ???, ?? ??????????, ???? ????? ???? ?????????? ????????????????, ??????????? ?? ?????, ??????? ??????????? ? ????????? ??? ???????????????? ??? ????????? ?? ????????? ?? ????? ?????????????????, ?? ?????????? ?? ?????????? ? TAP ???? ??????????? ??? ??????????? ????????.

12

???? ??? ????????? ????? ???????? ????? ??????? ??? Tribunal da Relação de Lisboa (??????? ??? ??????????), ?? ?????, ?? ??????? ??? 16?? ?????????? 2008, ??????????? ??? ??????? ??? ??????????? ??????????? ???? ?? ????? ??? ???????? ???

???????????? ??? ??????????? ???? TAP ??? ??? ???????? ???????????, ??????? ?????????? ??? ??? ????? ????? ???????? ?? ???????? ????? ??? ??? ??????? ??? ???????? ?????????.

13

?? ????????, ?? ????????? ??? ?????? ????? ??????? ???????? ??????? ??? Supremo Tribunal de Justiça, ?? ?????, ?? ??????? ??? 25?? ??????????? 2009, ?????? ??? ? ??????? ??????? ????? ?????? ??????. ?? ?? ???? ?????????? ????????? ???, ??? ?? ???????? ??? ??????? ?????????? ????????????, ??? ????? ? «???? ????????» ????????? ?????????????, ???? ?????????? ???????? ? ????????? ??? ?????????? ??? ????????????. ?? ??????????, ? TAP, ?????????? ??? ??????? ??? ??????? ???????? 1993, ??? ????? ????? ??? ????? «?????????» ?? ?????? ??? ????? ??????????? ???? AIA. ???????? ?????????? ??? ??? «?????????», ??? ???? ???????, ???? ?? Supremo Tribunal de Justiça, ?? ??????? ?????????? ????????????.

14

?? Supremo Tribunal de Justiça ?????? ?????? ??? ??? ???????????? ? ???????? ??? AIA ???? TAP. ????????, ???? ?? ?? ???? ??????????, ? AIA ??????? ?????????? ?????????? ?? ??????????? ?????, ?? ?????????? ?????, ? ????? ??? ???? ???????????, ??????? ??? ?????????? ??????? ?? ?????????? ????????????, ???? ????? ??? ???? ?? ?????????? ?????????? ????????, ??? ??? ? ?????????? ???? ?????????, ????????? ?? ?????????? ?????????? ??? ????????.

15

???? ????? ??? ???????? ??? ??????? ??? ??????, ?? Supremo Tribunal de Justiça ????????? ??? ?? ??????????, ??????????? ??????? ?? ?????????? ???? ?????? ??? ?????????? ???????? ?? ???????????? ??? ????? ??????? ??????????? ???? ??????????, ???? ?????? ??? ??? ???? «?? ??????? ??? ?????» ??? ????????? ??? ?????? ?????????? ?????????? ???????, ??????? «??? ?????? ??? ?????? ?? ?????????? ??????????? ?? ?? ???????????? ??? ????? ????????».

16

?????? ????????? ??? ???? ????????? ??? ?????? ????? ??????? ??? ??????? ???????????? ?????????? ??? ??????????, ?? Supremo Tribunal de Justiça ????????? ??? «[?]???????? ???????????? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?? ????????? ??? ?????????? ?? ????????? ?????? ???? ??? ?????????? ??????? ????????? ????? ???? ?? ?? ???? ?????????? ??????? ?????????? ??? ???????? ??? ??????? ??? ?????? ??? ??? ??????? ??? ???????? ??? ?????? ????? ????????? ??? ????, ????????, ???? ???????? ?????? ????????? ??? ?? ???? ???????». ????????????, ???????????? ????? ??? ?????????? ??? ?????????? ???? ????? ??? ???????? ??? ??????? ??? ?????? ??????? ?? ?? ?????????? ????????????, ??? «????????? ??????????» ???? ??? ???????? ??? ???????????? ??????? «???? ?? ????? ???????? ? ??????? ???????????? ??????????».

17

???? ?? Supremo Tribunal de Justiça, «[??] ???? ?? ?????????? ??? ?????????? ?????? ???? ?????????? ????? ??? “? ???? ???????? ??? ??????? [??? ??????] ?????? ?? ????? ???? ???????? ???? ?? ??? ????????? ????? ?????? ????????? ??????? ?? ??? ???????? ???

?????? ?? ????? ??? ???????? ??????”, ??????????? ?????? ???? ????????? ???? ??? ????????? ????????????? ??????????. ?????????, [???? ?? ?? ???? ?????? ??????????], ??????????? ????? ??? ??????????? ??? [????????? ??? ??????? ??? ??????] ??? ????????????? ?? ?????????????, ??? ????????? ???? ??? ?? ?????????? ??? ??? ???????? ???????? ??? ???????? ????????? […] ??? ?????????? […], ??? ??[????] ????? ????????? ???? ????? ??? ????? ????????? ? ????? ?? ??[??????] ??? ??????? ???????? ????????????? ????????? […]».

18

?? Supremo Tribunal de Justiça ??????????? ????? ??? «[…] ?? ?????????? ???? ??? ????????? ?????? ??? ?????????? ????????? ??????? ?? ??? ???????? ??? ??????? [??? ??????] ???? “???????????? ?????????????”, ????????? ??? ? ?????? [2001/23] ??????? ???? ??????? ??? ????????????? ??? ???? ??????? ??????? ??? ?????????? ??? ??????????? ???? ??????????? ????? ??? ??????? ??? ???????????? ????? ?? ?????? ???????? ???? ????? ??? (????????? ??? ??????) ??????????? ???????? ????, ???? ???????? ?? ?????????? ? ??????? ???????????? ?????????? ??? ?????????? […]».

19

?? ????????? ??? ?????? ????? ??????? ????? ??????????? ???? ??? Estado português ???? ??????? ??????? ??? ?? ?????? ??? ??????????? ??? ??????????? ??? ???? ??????????? ??????. ???? ????????? ??? ?????? ???? ????????? ??? ? ??????? ??? Supremo Tribunal de Justiça ???? ???????? ????????, ???????, ??????, ???????? ????????? ???????? ??? ??????? ??? ??????????? ????????????, ???? ???????? ???? ?????? 2001/23, ???, ????????, ?? ?? ???? ?????????? ?????? ??? ????????? ??? ?? ???????? ??? ?????????? ??????????? ????????? ??? ??? ???????? ??? ??????? ??? ??????.

20

?? Estado português ??????????? ???, ???????? ???? ?? ????? 13, ?????????? 2, ??? RRCEE, ? ????? ??????????? ?????? ?? ?????????? ?? ??????????? ??????? ??? ????????? ????????? ??? ?? ??????? ??????????? ??????, ????????????? ???, ?????? ??? ???? ???????? ? ??????? ??? Supremo Tribunal de Justiça, ??? ????????? ????? ??????????? ??? ?????????? ???????????.

21

?? ?????? ????????? ???????? ??? ????? ???????? ?? ???????????? ?? ? ??????? ??? ??????? ?? Supremo Tribunal de Justiça ????? ???????? ????????, ??????? ???????? ????????? ???????? ??? ??????? ??? ??????????? ???????????, ???? ??? ?????? 2001/23, ??? ??????????? ????? ??? ??????????? ????????? ??? ???? ??? ??????? ??? ?? ?? ???? ?????????. ??????, ?????? ??????? ?? ???????????? ?? ?? Supremo Tribunal de Justiça ???? ??????????? ?? ???????? ?????? ???????????? ????????? ???????? ???? ?? ?????? ??? ??? ???? ?????????.

22

??’ ????? ??? ???????? ?? Varas Cíveis de Lisboa ?????????? ?? ??????????? ?? ?????????? ??? ?? ????????? ??? ?????????? ?? ???????? ??????????? ????????:

«1)

???? ? ?????? 2001/23, ???, ??????????, ?? ????? 1, ?????????? 1, ????? ??? ?????? ??? ?

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2)

???? ?? ????? 267 ???? ??? ?????? ??? ?? Supremo Tribunal de Justiça, ??????????? ????? ?? ?????????? ??????????? ??? ?????????? ??? ????? ??????? ??? ?? ??????? ??? ?? ???????? ?????? ?????????? ?? ????? ??????????? ??? ????????? ???????? ??????????? ?????????, ???? ????????? ?? ???????? ??? ?????????? ??????????? ??????? ??????? ?? ??? ???? ???????? ??? ??????? ??? ??????????? ????????????, ???? ?? ????? 1, ?????????? 1, ??? ??????? 2001/23;

3)

?????????? ??? ?????? ??? ?????? ??? ????? ???? ????? ??? ???????? ?? ?????????? ?? ??? ??????? ??? ???? ??????? Köbler (C?224/01, EU:C:2003:513), ??????? ?? ??? ?????? ??? ???????? ??? ??? ?????? ??? ??????????? ?? ??????? ???? ??????????? ??? ??????? ??? ?????? ??? ?????? ?????????? ?? ????????? ??? ?????? ??? ?????????? ??? ?????? ???? ??? ?????????? ???????, ? ???????? ??????? ?????????? ? ????? ??????? ??? ??? ?????? ?????? ??????????? ???? ??? ???????? ??? ??????????? ??????? ??? ????????? ?????????;»

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23

?? ?? ????? ??????????? ???????, ?? ?????? ?????????? ????? ??? ?? ?????????? ?? ??????????? ?? ?? ????? 1, ?????????? 1, ??? ??????? 2001/23 ???? ??? ?????? ??? ? ???? «?????????? ????????????» ???????? ????????? ???? ??? ????? ?????????? ?????????????????? ???? ????? ??? ?????????? ??????? ?????? ?? ??????? ???

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

24

??????????? ?? ????? ???????? ??? ??????? ????, ??????? ????? ?? ?????????? ??? ?? ?????????? ???? ?????? ??? ? ?????? 77/187, ???? ????????????? ?? ??? ?????? 2001/23, ??????????? ?? ???? ??? ??????????? ????????, ??? ??????? ??? ?????????? ???????, ??? ?????? ? ?????? ??????? ??? ???? ??? ?????? ??? ????????????? ??? ??????????? ??? ?? ????? ??????????? ??? ??????????? ??? ???????? ?????? ??? ???????? ??? ??????????? (??. ????????? Merckx ??? Neuhuys, C?171/94 ??? C?172/94, EU:C:1996:87, ????? 28? Hernández Vidal ?.??., C?127/96, C?229/96 ??? C?74/97, EU:C:1998:594, ????? 23, ????? ??? Amatori ?.??., C?458/12, EU:C:2014:124, ????? 29 ??? ???? ??????????? ????????).

25

???? ????? ????????? ? ?????? 2001/23 ????????? ??? ?????????? ??? ?????????? ??? ?????????? ??????? ??? ?????????? ??? ??????? ???? ??????????? ????????, ??? ????? ??????????? ??? ??????? ??? ??????. ????????, ?? ??????????? ???????? ??? ?? ?????????? ??? ???????? ???????????, ???? ??? ?????? ??? ??????? ?????, ????? ?? ??? ? ?? ???? ???????? ???????? ??? ????????? ???, ?????? ??? ????????, ?????? ?????, ??? ??? ?????????? ???????? ??? ????????????? ? ??? ????????? ????? (??. ????????? Spijkers, 24/85, EU:C:1986:127, ??????? 11 ??? 12? Güney-Görres ??? Demir, C?232/04 ??? C?233/04, EU:C:2005:778, ????? 31 ??? ???? ??????????? ????????, ????? ??? Amatori ?.??., C?458/12, EU:C:2014:124, ????? 30 ??? ???? ??????????? ????????).

26

??? ?? ?????? ?? ????????? ? ?????????? ????, ?????? ?? ?????? ????? ?? ?????? ??? ??????????? ??????????? ??? ???????????? ??? ??????? ?????, ?????? ??? ?????? ??????????????, ?????, ? ????? ??? ??????????? ? ??? ???????????? ??? ??? ????? ????????, ? ?????????? ? ?? ??? ?????? ????????, ???? ?? ??????, ??? ?? ??????, ? ???? ??? ????? ???????? ???? ??? ????? ??? ???????????, ? ??????? ? ?? ??? ?????? ?????? ??? ???????? ???????? ??? ??? ??? ????????????, ? ?????????? ? ?? ??? ????????? ????? ??? ? ?????? ?????????? ??? ?????????? ????????????? ???? ??? ???? ?? ?????????? ??? ? ???????? ????? ????????? ??? ????????????? ?????. ?? ???????? ???? ????????, ??????, ????????? ????? ?????? ??? ??????? ??????????? ??? ??????????? ?? ????? ??? ??? ???????, ?? ?? ??????, ?? ?????????? ?????????? (??. ????????? Spijkers, 24/85, EU:C:1986:127, ????? 13? Redmond Stichting, C?29/91, EU:C:1992:220, ????? 24; Süzen, C?13/95, EU:C:1997:141, ????? 14, ????? ??? Abler ?.??., C?340/01, EU:C:2003:629, ????? 33).

27

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

??????? 2001/23, ????????? ???’ ?????? ??????? ?? ??? ????????? ????????????, ??? ??????? ?? ?????? ????????? ??? ?????????????? ??? ?????????????????? ???? ??????????, ???? ??????????? ? ??? ????? ??? ???????????? ???? ??? ?????? ????????? (??. ????????? Süzen, C?13/95, EU:C:1997:141, ????? 18? Hernández Vidal ?.??., C?127/96, C?229/96 ??? C?74/97, EU:C:1998:594, ????? 31? Hidalgo ?.??., C?173/96 ??? C?247/96, EU:C:1998:595, ????? 31, ????? ???, ??’ ?????, UGT-FSP, C?151/09, EU:C:2010:452, ????? 28).

28

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

29

??????????????, ????????, ???, ?? ????????? ???? ???? ??? ?????? ?????, ? ????? ????? ??? ????? ??? ??????????? ?????????, ? ?????????? ?????? ?????? ?? ???????? ?? ???????? ???????? ??????????? ?? ????????? ? ?????? «??????????? ????????????», ???? ??? ?????? ??? ?????? 1, ????????? 1, ??? ??????? 2001/23 (??., ??’ ???? ??? ??????, ??????? Liikenne, C?172/99, EU:C:2001:59, ????? 39).

30

???????, ???? ????????? ??? ??? ??????? ???? ??????????, ? TAP ????????? ??? ?????????? ??? ??? ??????????? ??? AIA ???? ????????? ????????? ?????????? ??? ????? ???????? ????? ??? ?? ???? ??????????, ??????? ??? ??????????? ??? ??????? ????????? ??????????? ??? ???????? ??? ????????????? ??? ??????????? ??????? ? AIA. ????????, ???? TAP ???????? ??? ????? ?????? ??????????.

31

???? ????????? ? ??????? ??????????? ??? ?????? 48, 51, 53, 56 ??? 58 ??? ????????? ???, ??????????? ???????? ????????????, ??? ?? ?????? ??? ????????? ??? ??????????? ??? ????? 26 ??? ???????? ????????, ??? ??????, ???? ??????? ??? ?????? ?????, ??????????? ????????????, ???? ?? ????? 1, ????????? 1, ??? ??????? 2001/23. ???? ?????? ???? ????? ??? ??????????? ??? TAP ??? ?????????? ??? ??? ??????????? ??? AIA ???? ????????? ????????? ?????????? ??????? ?? ??????? ????????, ??????? ??? ??????????? ?? ?????????? ??? ????????? ??? AIA ???? TAP, ??? ???????? ?????????? ??????? ??? ??? ??? ???? ????? ?????????? ??? ??????????? ??? ???????? ? ???, ?????? ??? ?????????????? ?? ???????? ??? ??? TAP ?????????????? ??? ??????????? ??????? ? ???, ??? ?????????? ???? TAP ????? ??? ?????????? ??? ????? ???? ?????????? ???? AIA ??????????? ?? ??????? ????????? ????? ?? ???? ??? ??????? ??????????? ???? ???, ???, ?????, ??? ???????? ??? ??? TAP, ??? ??? 1? ????? 1993, ????????? ??? ??? ?????????? ??????? ??? ? AIA ????????? ??? ?? ???? ??? ??? ?????????? ??? 1993, ??????? ??? ??????????? ??? ???? ????? ?? ?????????????? ????????????? ??? ??????????.

32

??? ??? ???????? ?????, ??? ????? ???????, ???? ????? ??? ???????? ??? ?????? 1, ????????? 1, ??? ??????? 2001/23, ?? ??????? ??? ? ???????? ??? ?????? ????? ????????

??? ????? ??? ?????????? ??????? ? ??? ??????????? ??? ???? ?????, ????? ?? ?????????? ??? ?????????? ??? ??????????, ???? ????? ??? ??????????? ? ????????? ??????, ??????, ??? ?????????????? ?????? ??? ??? ?????????? ??? ???????? ???????? ????? ???, ????????, ??? ?????????? ??? ?????????????? ??? ??????? ??????????? ? ??????? ???????. ??? ?????????? ???? ???????, ????? ???? ???????? ?? ??????? ??? ?? ??????? ????? ?????????????? ??? ??? ???????? ???? ???????? ??????? ??? ??? ?????????? ???????, ????????? ???, ?? ???? ??????????, ????????? ???? ??????????? ?????????, ??? ???????????? ??? ? TAP ????????? ??? ?????????? ??????????? ??? AIA ???? ????? ??? ?? ???? ?????????? ???????.

33

??????????, ??? ??? ??????? 46 ??? 47 ??? ????????? Klarenberg (C?466/07, EU:C:2009:85) ????????? ??? ??? ?? ????????? ??? ?????????? ??? ?????????????? ????????? ??????? ????? ? ????????? ??? ??? ??????? ?????????? ??? ????????? ? ?????????????? ????? ????????? ?????????????? ??????????? ????????, ???? ??? ??????????? ????????? ?????????????? ??? ??????????????????? ??? ????????? ?????? ??? ?? ???? ??????????? ?????????.

34

????????, ? ????????? ??? ????????? ????? ?????? ??? ???????? ?????????????? ??????????? ??????? ???? ??? ???????? ?? ?????????? ?? ???? ?????????????? ??? ??? ?????? ??? ????? ? ??????????? ??????????? ?????????????, ???? ??? ??, ???? ?? ??????????, ??????????? ?? ??? ??? ??????????? ?????????? ???? (??. ??????? Klarenberg, C?466/07, EU:C:2009:85, ????? 48).

35

??????????? ????? ??? ????????????, ??? ????? ??????? ?????? ?? ????? ? ???????? ??? ?? ????? 1, ?????????? 1, ??? ??????? 2001/23 ???? ??? ?????? ??? ? ???? «?????????? ????????????» ???????? ????????? ???? ??? ????? ?????????? ?????????????????? ???? ????? ??? ?????????? ??????? ?????? ?? ??????? ??? ????????????? ??????? ???, ? ?????? ????? ?????? ?????????? ?????????????????? ???? ????? ??? ??????????, ??? ???? ?????, ??? ??????? ??? ???????????, ? ??????? ??????? ??????????? ??? ?????????? ??? ??? ??????????? ??? ???????? ???????? ???? ????????? ????????? ?????????? ??? ???? ????????? ????????? ?????????? ??????? ??? ?????????? ?? ??????????? ????????, ????? ?? ???????????? ??? ??????????? ??????? ? ??????? ???????, ?????????????????? ?????????? ??? ???? ??????????? ??? ???????????? ??? ???? ???? ??????? ???? ??? ???? ???????? ????? ????????, ??? ???????? ???????? ??????? ?????????? ??? ??? ?? ???? ???????.

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

36

?? ?? ??????? ??????????? ???????, ?? ?????? ?????????? ????? ?? ???????????? ??, ??????????? ????? ??????????? ???? ????? ??? ????????? ??? ?????? ?????, ???, ?????, ??? ????????? ??? ???????? ??????????? ?????? ????? ??????? ??????????? ????????? ???? ????? ??? ???????? ??? ??????? ??? ??????????? ????????????, ???? ?? ????? 1, ?????????? 1, ??? ??????? 2001/23, ?? ????? 267, ????? ??????, ????, ???? ??? ?????? ??? ?????????? ?? ????????? ??? ?????? ??? ?????????? ?? ?????? ???? ??? ?????????? ??????? ??????????? ???????? ?? ???????? ??? ?????????? ??????????? ???????

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

37

???????, ???????? ? ?????????? ??? ?????? 267 ???? ???????? ???? ??????????? ?????? ??? ??????????? ??? ??? ??????? ???????????, ?? ??? ????? ?? ?????????? ???? ??????? ?? ???????? ????????? ??? ??????? ??? ?????? ??? ????? ???????? ??? ??? ??????? ??? ???????? ??? ??? ?????? ????????? ?? ??????????, ????????, ???? ??? ??????? ?????? ?????? ???? ??? ?????????? ??????? ???? ??? ????????? ??????? ???????????, ??????????? ?? ???????? ??? ?????????? ?????? ???????????? ????????? ???? ??? ?????? ??? ?????? 267, ????? ??????, ????, ?????? ????????? ??????? ??? ?????? ????????? ??? ??????? ??? ?????? (??. ??????? Consiglio nazionale dei geologi ??? Autorità garante della concorrenza e del mercato, C?136/12, EU:C:2013:489, ????? 25 ??? ???? ??????????? ?????????).

38

???? ????? ?? ??????????? ??? ???????????? ???????????, ???? ????????? ??? ????????? ?????????? ??? ??? ???????? ??? ????????? Cilfit ?.??. (283/81, EU:C:1982:335), ?? ?????? ?????????? ??? ?????? ?? ????????? ??? ?????????? ?? ?????? ???? ??? ??????? ??????? ????????, ???? ????????? ???? ??? ????? ????????? ??????? ???? ?????? ??????? ?? ?? ?????? ??? ??????, ?? ?????? ??? ????????? ???? ?? ????????? ??????????? ???????, ????? ?? ??????????? ??? ?? ???????? ?????? ??? ????? ???????? ? ??? ? ?????? ??????? ??? ??????? ??? ?????? ???? ??? ?????????? ??? ?? ?????????? ? ??? ? ???? ???????? ??? ??????? ??? ?????? ????? ???? ????????, ???? ?? ??? ?????? ????????? ??? ??????? ??????????.

39

????????, ?? ?????????? ???? ??????????? ??? ? ??????? ??? ??????????? ????? ?????? ?? ???????? ????? ?? ????????????? ??? ??????? ??? ??????, ??? ?????????? ?????????? ??? ??????????? ? ???????? ??? ??? ??? ??????? ?????????? ??? ?????????? ??? ????????? ??? ?????? (??????? Intermodal Transports, C?495/03, EU:C:2005:552, ????? 33).

40

???????, ??? ?????? ?????????? ????????? ?? ????????? ?? ? ???? ???????? ??? ??????? ??? ?????? ?????????? ???? ????????, ???? ?? ??? ????????? ????????? ??????? ??????????, ???, ???????, ?? ?????????? ?? ??? ???????? ??? ?????????? ???????? ?????? ????????? ??? ??????? ??? ?????? ??? ??????? ??????? ??? (??. ??????? Intermodal Transports, C?495/03, EU:C:2005:552, ????? 37 ??? ???? ??????????? ?????????).

41

???????, ???? ????????? ? ?????? ??????????? ????????? ????? ??????? ??????????? ??? ??????? ???????? ???????????? ???????? ????? ?? ???????? ??? ????????? ???????? ???????????? ?????????? ???? ?? ????? 267, ????? ??????, ????.

42

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

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

43

?????????, ?????????????? ???, ???? ????? ?? ?????????? ?? ?????????? ??????, ??? ???? ????????? ??? ??? ??????? 24 ??? 27 ??? ???????? ????????, ? ?????? ??? ??????????? ???????????? ???? ??????? ?????? ?????????? ?? ?????? ?????? ??????? ??????????, ?? ?????, ???????? ?????, ??????????? ?? ????????? ??????????? ????????? ??? ??????????. ?? ?????????? ????? ???????????? ??? ???? ??? ?????? ??????????? ?????????? ???? ??? ??? ??????? ?? ???????? ?????????? ??? ????????? ??? ??????? ??? ??????.

44

?? ?? ??????, ??? ?????????? ???? ????? ??? ?????? ?????, ?? ?????? ?????????????? ???? ??? ??? ?????? ?????????? ??????????? ?????? ?? ?????? ??????? ???? ????? ??? ?????? ??? ??????????? ????????????, ???? ??? ?????? 2001/23, ??? ??? ??? ?? ??????????????? ?????????? ???????? ??? ?????????? ? ?????? ???? ??? ??????? ????? ????, ?????? ?????????? ?? ????????? ??? ?????? ??? ?????????? ?? ?????? ???? ??? ?????????? ??????? ??????? ?? ?????????? ???? ??? ????????? ??? ?? ???????? ??? ?????????? ??????????? ??????? ??? ????? ?????????? ?? ????????? ???????? ?????????? ????????? ??? ??????? ??? ??????.

45

??? ??? ??????? ??????? ????????? ??? ??? ??????? ??????? ?????? ?? ????? ? ???????? ??? ?? ????? 267, ????? ??????, ???? ???? ??? ?????? ??? ?????????? ??? ?????? ?? ????????? ??? ?????????? ?? ?????? ???? ??? ??????? ??????? ??????? ?? ???????? ??????????? ??????? ??? ?????????? ??????? ?? ??? ???????? ??? ??????? ??? ??????????? ???????????, ???? ?? ????? 1, ?????????? 1, ??? ??????? 2001/23, ??? ?????????? ???? ????? ??? ????????? ??? ?????? ?????, ?? ?????? ?????????????? ???? ??? ??? ?????? ?????????? ??????????? ?????? ?? ?????? ??????? ???? ????? ??? ?????? ???? ??? ??? ??? ?? ??????????????? ?????????? ?????????? ??? ?????????? ? ?????? ??? ??????? ????? ????.

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

46

?? ?? ????? ??????????? ???????, ?? ?????? ?????????? ?????, ???’ ??????, ?? ???????????? ?? ?? ?????? ??? ?????? ???, ?????, ?? ????? ??? ???????? ?? ?????????? ???? ????? ??? ?????? ??? ???????? ??? ??? ?????? ??? ??????????? ?? ??????? ???????? ??? ?????????? ??? ??????? ??? ?????? ??? ?????? ?????????? ?? ????????? ??? ?????? ??? ?????????? ??? ?????? ???? ??? ?????????? ???????, ??????????? ?? ?????? ????????? ? ????? ????????? ?? ????????????? ??? ?????????? ??????? ??? ????????? ????????? ??? ??????? ?? ?? ???? ??????????, ??? ??????? ?????? ??????? ?????????? ???? ?????.

47

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

?????????? ??? ??????? ?? ??????? ??? ???? ??????? ??? ??????, ?? ??????????? ? ?????? ?????????????????? ????? ??? ??????? ??? ?? ???????? ? ????????? ??? ?????????? ??? ????? ??????????? ?? ??? ????????? ????? ??????? ? ??????????, ??? ????????? ???????????, ?? ?????? ?????????? ???? ???????? ?? ?????????? ???? ???? ?????????? ??? ??????? ??? ?????? ???????????? ?? ??????? ?????????? ??????? ?????? ???????????? ?? ????????? ????? (??. ??????? Köbler, C?224/01, EU:C:2003:513, ????? 33).

48

?? ?????? ?????????? ????? ?? ???????????? ???? ????? ? ??????? ??? ?????? 13, ?????????? 2, ??? RRCEE, ? ?????? ????????? ??? ? ????? ??????????? «????????????» ???? ?????????? ??????? ??? ????????? ????????? ??? ?? ??????? ?????????? ????? ???????? ?? ??? ??????????????? ?????.

49

??? ??? ?????? ???? ????????? ??? ?????????? ????? ??????????? ???? ??? ??????? ???? ?????????? ??? ?????????? ??? ????? ????????? ?? ????? 267, ????? ??????, ????, ???????? ?????????? ?? ????????? ??? ??? ???? ???????? ? ??????? ???????? ???????.

50

???????????? ???, ?????? ?????????? ?? ??????????? ??? ?? ????????????? ??? ??????? ??? ???????, ?????? ??? ?????? ? ?????????? ????????? ??? ?????? ??????????, ?? ?????? ?????????? ?? ?????????? ??? ????????? ??? ??????????? ?????? ??? ??????? ??? ??????? ??????? ???? ????????????? ???????, ?? ???????? ??? ?? ??????????? ??? ?????? ??????? ?? ???????? ??????? ?????????? ??????? ?? ??? ??????????? ??? ?????? ??? ?????? ?? ????? ???????? ???????? ??? ??????? ??? ??????? ????????? ?????????? ??????????? ??? ????????? ?????? (???? ??? ??????????) ???? ??????? ?? ????? ??????? ???? ?? ????????? ????????? ??????? ? ?????????? ??????? ??? ?????????? (???? ??? ??????????????????) (??. ??????? Fuß, C?429/09, EU:C:2010:717, ????? 62 ??? ???? ??????????? ?????????).

51

??????? ??????? ???????, ???? ? ???????????? ??? ?? ????? 13, ?????????? 2, ??? RRCEE, ?????? ?? ?????????? ?????????? ??????? ??? ????????? ??????????? ??? ??? ?????? ??? ????????? ? ??????? ????????? ??? ??????? ??? ??????.

52

??????????, ??? ??? ??????? ??? ?????????? ?????????? ????? ??? ??? ??? ??’ ?????????? ???????? ????????? ??? ?? ?????????? ???? ?????? ??????? ?????????? ???????????? ??? ????????? ??? Supremo Tribunal de Justiça ????? ?????????? ????????????.

53

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

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

54

???????? ??? ?? ?????????? ??????????? ?? ??????? ??? ????? ??? ??????????? ???? ???? ?????? ???? ??? ?????? ??? ??? ???? ??????? ??????? ??????, ??????????????? ???, ???????? ???????? ?????????? ??? ??????, ???? ????????? ?????? ???? ???? ??????? ?????? ??????????? ? ?????????? ??? ?????????? ??????? ????????? ??? ????? ??? ???????????, ??????? ??? ????? ??? ???????????? ?????????? ??? ?????? ????? (??., ??? ??? ?????? ????, ??????? Fallimento Olimpiclub, C?2/08, EU:C:2009:506, ??????? 22 ??? 24).

55

???? ????? ??? ??????? ??? ????? ? ???? ??? ??????????? ???? ??????? ??? ?????? ?????, ????? ?? ?????????? ??? ? ?????????? ??? ??????? ??? ???????? ???? ????????? ??????????? ???????????? ?? ????????? ????? ??? ??????????, ???? ????????, ??? ??????????? ??? ?????? ??? ??????????? ??????????? ???? ??????? ????????. ?????????? ???????? ???? ?????????? ??? ??????? ??? ???????? ??? ???? ?? ???? ??????????, ???? ??????????? ???? ?????? ????????? ?? ?? ???? ??? ??? ?????? ???????? ? ??????? ??? ???? ?????????? ??? ???? ??? ??????????? ???????????. ????????, ? ????? ????? ??????????? ??????? ??? ???????? ??????????, ?? ????????? ??????????? ??? ??????, ?? ?????????? ?? ??????? ?? ??????????? ??? ?????? ??? ????? ????? ??????, ??? ???? ??????????? ??? ??? ??????????? ??? ?????? ??? ??????????? ??????????? ??? ?????????? ??????? ????????? ? ????? ????????? ?? ?????. ?? ???? ??????????, ? ??????????? ???? ??? ?????? ???? ??? ?????? ???? ??? ??????? ??? ???????? ????????? ??? ?????? ??????????, ??? ???? ??? ?????????? ??? ?????????? ????????? ? ????? ????????? ?? ????? (??. ??????? Köbler, C?224/01, EU:C:2003:513, ????? 39).

56

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

57

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

58

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

?????????? ? ????? (??., ??’ ???? ??? ??????, ??????? Specht ?.??., C?501/12 ??? C?506/12, C?540/12 ??? C?541/12, EU:C:2014:2005, ????? 98 ??? ???? ??????????? ?????????).

59

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

60

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

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

61

????????? ??? ? ??????? ?????????? ???? ?? ???? ???? ????????? ??? ?????? ????? ??? ????????? ????????????? ??? ??????? ??????? ??? ??????? ??????????, ?’ ???? ??????????? ?? ????????? ??? ??? ?????????? ??????. ?? ????? ??? ????? ??????????? ???? ???????? ??????????? ??? ??????????, ???? ??? ?? ??? ????????, ??? ??????????.

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

1)

?? ????? 1, ?????????? 1, ??? ??????? 2001/23/?? ??? ??????????, ??? 12?? ??????? 2001, ???? ??????????? ??? ?????????? ??? ?????? ?????, ??????? ?? ?? ????????? ??? ??????????? ??? ??????????? ?? ????????? ??????????? ???????????, ???????????? ? ???????? ???????????? ? ???????????, ???? ??? ?????? ??? ? ???? «?????????? ????????????» ???????? ????????? ???? ??? ????? ?????????? ?????????????????? ???? ????? ??? ?????????? ??????? ?????? ?? ??????? ??? ????????????? ??????? ???, ? ?????? ????? ?????? ?????????? ?????????????????? ???? ????? ??? ??????????, ??? ???? ?????, ??? ??????? ??? ???????????, ? ??????? ??????? ??????????? ??? ????????? ??? ??? ??????????? ??? ???????? ???????? ???? ????????? ????????? ????????? ??? ???? ????????? ????????? ?????????? ??????? ??? ?????????? ?? ??????????? ????????, ????? ?? ???????????? ??? ??????????? ??????? ? ??????? ???????, ?????????????????? ????????? ??? ???? ??????????? ??? ???????????? ??? ???? ???? ??????? ???? ??? ???? ???????? ????? ?????????, ??? ???????? ???????? ??????? ?????????? ??? ??? ?? ???? ???????.

2)

?? ????? 267, ????? ??????, ???? ???? ??? ?????? ??? ?????????? ??? ?????? ?? ????????? ??? ?????????? ?? ?????? ???? ??? ??????? ??????? ??????? ?? ???????? ??????????? ??????? ??? ?????????? ??? ?????????? ?????? ??????? ?? ??? ???????? ??? ??????? ??? ??????????? ????????????, ???? ?? ????? 1, ?????????? 1, ??? ??????? 2001/23, ??? ??????????? ???? ????? ??? ????????? ??? ?????? ?????, ?? ?????? ??????????????? ???? ??? ??? ?????? ??????????? ??????????? ?????? ?? ?????? ??????? ???? ????? ??? ?????? ???? ??? ??? ??? ?? ???????????????? ?????????? ?????????? ??? ?????????? ? ?????? ??? ??????? ????? ????.

3)

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

(?????????)

(*1) ?????? ???????????: ? ???????????.