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

??? 24?? ?????????? 2018 (*)

«????????????? ?????????? – ?????????? ?????????? ??? ?????????? – ?????????? ???
????????? ?? ?????? ??? ?????????????? ??? ?? ?????? ?????? ?????????? – ??????
????????? ?????????? ??? ?????? ?????????? – ?????????? ??? ?????????? ?????????? –
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???? ??????? C?602/17,

? ? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???
?????? ?? ?????????? ?????? (?????) ?? ?????? ??? 3?? ?????????? 2017, ? ????
?????? ?? ?????????? ??? 19 ?????????? 2017, ??? ?????? ??? ????

Benoît Sauvage,

Kristel Lejeune

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

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

????????? ??? ??? A. Arabadjiev, ?????? ??? ?????? ???????, ?????????????? ???
????? ????????, C. G. Fernlund (?????????) ??? S. Rodin, ????????,

?????? ??????????: M. Campos Sánchez-Bordona

?????????: A. Calot Escobar

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

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

– ? B. Sauvage ??? ? K. Lejeune, ?????????????? ??? ??? M. Gustin, avocat,

– ? ??????? ????????, ?????????????? ??? ??? P. Cottin ??? J.?C. Halleux ????? ???
??? ??? C. Pochet,

– ? ?????????? ????????, ?????????????? ??? ??? T. Henze ??? R. Kanitz,

– ? ?????????? ????????, ?????????????? ??? ??? A. Falk, C. Meyer-Seitz, H. Shev, L.
Zettergren ??? A. Alriksson,

– ? ?????????? ????????, ?????????????? ??? ??? N. Gossement ??? C. Perrin,

????????? ??? ?????????? ??? ?????, ??? ?????? ??? ?????? ????????????, ?? ?????????? ???
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1 ? ??????? ?????????????? ?????????? ?????? ??? ??????? ??? ?????? 45 ????.

2 ? ??????? ??? ?????????? ??? ??????? ?????????? ?????????? ?????????? ??? Benoît Sauvage
??? ??? Kristel Lejeune, ????, ??? ??? ??????? ?????????? ????, ????, ????, ????, ????, ????, ???,
??? ??????? ??? ?? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ???????????????
????????????? ?????????? ??? ?? ??????? ??????? ??? B. Sauvage ??? ?????????? ?? ??????
???? ??? ?????? ? B. Sauvage ?????? ??? ?????????????? ?? ?????? ?????????????????? ???
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3 ? ??????? ??? ?????? ??? ?????????? ??? ??????? ??? ?????? ??? ?????? ?????????? ???
????????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ?? ?????? ?????????? ??????????
????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ?????? ?????????? ???, ??? ??
????????? ?????? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? 17 ??????????
1970, ??? ?????????????? ?? ??? ??????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? 11
????????? 2002 (??? ????: ?????? ??????-?????????????), ?????????? ??? ?????? 15,
????????? 1 ??? 3, ?? ???:

«1. ? ? ?????? ?????????? ??? ?????????? ??? ?????? 16, 18, 19 ??? 20, ?? ??????, ??????
????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ??????????
????????????? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? ?????? ???, ????
?? ? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ??????. ??? ?????????? ??? ?
????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??????, ?? ?????????? ??? ??? ??
??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ???.

[...]

3. ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? 1 ??? 2 ??? ?? ??
????????????? ??? ?????? ?????????? 1 ???????, ?? ?????? ??? ?????? ?????????? ???
????????? ??? ?????? ?????????? ?????????? ??? ?????????? ? ?????????? ?????? ? ??????
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??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ???
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4 ?? ?????? 23, ?????????? 2, ?????? ??????, ??? ?????????? ?????, ??? ?????? ???
????? ?? ??? ?????? ?????????? ? ?????? ?????????? ??? ?????????????? ?????? ??????????
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«[?] ?????????? ??? ?????????? ??? ?? ?????????? ???, ?????????? ??? ?????? ??????????
?? ?????? ??? ?????? ???????, ??? ?? ?????????? ?????? ??? ?????????? ???
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????, ?????????????? ??? ??? ??? ??? ??????. ? ???????? ??? ??? ?????????? ???
????????? ??? ??? ?????? ?? ??????? ??????, ??? ??? ?????????? ??? ?????????? ???
??, ?? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ??
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5 ?? ?????? 8 ??? ?????? ?????????? ??? ?? ??? ?????????? ??? ?? ???:

«???? ??? ?????? ??? ?????? 15, ?????????? 1 ??? 2, ?????????? ??? ?????? ??????
????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????????? ??? ??? ???
????????????? ?? ??????, ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????, ??? ??? ?????? ?????? ?????? ?????? ?????? ???
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6 ?? ?????? 3 ??? ?????? ?????????? ?????????? ??? 1992 ?????????? ?? ???:

«???? ??? ?????? ?????? ?????????? ?? ?????????? ??? ?????????? »

7 ?? ?????? 5 ??? ?????? ?????? ?????? ?? ???:

«?? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ??? ??
????????? ??? ?????? ??? ?????? ?????? ?????????? ???, ??? ??? ??? ??? ?????? ??? ??
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8 ?? ?????? 155 ??? ?? ??? ?????? ?????? ?? ???:

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

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

9 ? B. Sauvage ??? ? K. Lejeune ??????? ??? ??????, ??? ?????????? ??? ???
?????? ??? ?????? ??? ?? ?????????? ?????? ????. ? B. Sauvage ?????????? ?? ??????
?? ?????? ?? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ??
????????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???.

10 ??? ?? ?????????? ??? 2007, 2008 ??? 2009, ? B. Sauvage ?????? ??? ??? ??????
??? ?? ?????????? ??? ?????????? ?? ??? ??? ??? ??????, ??? ?????? ?????? ??? ??
????????? ??? ??? ?????? ?????????? ?????? ??? ??? ?????? ?????? ??? ?? ?????? ??? ??
??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??.

11 ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ? ?????? ?????????? ??? B.
Sauvage, ? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?? ???
???? ?????? ????. ? ?? ??? ??? ?????? ???, ?????? ??? ?????? 15, ?????????? 1, ???
????????? ??????-????????? ???, ?? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ??????
?? ?????? ? B. Sauvage ?????? ??? ?????????? ??? ?????? ?????? ?? ?????? ??? ??
????? ? B. Sauvage ??? ??? ?????????? ??? ?????? ?? ?????? ?????????? ??? ??
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

12 ? B. Sauvage ??? ? K. Lejeune ?????? ?????????? ?????? ??? ?????? ???
??? ?? ??? ??? ??? ?????? ?????? ??????. ?????? ?????? ??? ?????? ??? ?????? ??? ??
???? ???, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? (?????)

????????? ?? ??? ????? ?????????????? ?? ?????????????? ?? ??? ??????? ?? ???? ????? ?????????? ??
?????? 15, ?????????? 1, ??? ?????????? ?????.

13 ??????? ?? ??????????? ??????, ? B. Sauvage ??? ? K. Lejeune ?????????????? ?? ?? ??
?? ?????? 15, ??????????? 1, ?????? ?? ??????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????????? ??
????????????? ?????????????? ?? ??????????? ?? ?????????? ?? ?????????????? ?? ?????????? ?? ??????????????
?? ??????? ?? ?????? ?? ???????????, ?????? ? ?????? ?????????????? ?? ?????????? ?? ??????
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?????????????, ? B. Sauvage ??? ? K. Lejeune ?????????? ?????????? ?? ?? ??????????
????????????? ?? ?????????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?? ??????
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14 ?? ??????? ??????????? ????????????, ???' ??????, ??? ?? ??????? ???????????
?????? ?????? ?????????? ???? ?????????? ?????????? ?????? ??? ?????? ?? ?????????? ????
???? ?? B. Sauvage ??? ?? ???? ?????? ?????? ?????????? ?? ?????? ?????? ?????? ?????????????? ??
?? ???????? ??? ??????? ?? ?????? ?????????????? ?????????????? ?????? ?????? ?????? ??????.
?????????, ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ??? ?? ?????? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? 15, ?????????? 3,
??? ??????? ??????-????????? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ??
???? ??????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????????????? ?????????????? ??? ?? ??? ??
??? ??????, ??? ?? ??? ?????? ?????????????? ??? ?? ?????? ?????? ?????????????? ?? ??????????
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15 ?????? ?????????? ??????, ?? ?????????????? ?????? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????:

«?????????? ?? ?????? 15, ??????????? 1, ??? [?????????? ????????-?????????????], ??????
?????????? ?? ???? ??????? ???, ??????, ?????????? ??? ???????????, ??? ??????????? ??
?????? ?? ??????????????? ???????????????, ??? ?????????? ??? ?????????? ??????? ?? ???????????
?? ?????????? ?????????? ?????????? ??????? ??? ?????? ??? ??????????????? ??? ??
?????????????? ???????, ???????, ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????????? ??? ??? ???????????????
?? ?????? ?????????? ?????? ??? ?????????????? ?????, ???????, ???????, ??????? ??
????????? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???, ??? ??
????????????? ??? ? ?????? ?????????????? ?? ?????? ?????????????? ??? ?????? ?????????? ?? ??????????
????????????? ???????, ???, ???????, ??????? ??? ?? ?????????????? ?? ?????????? ???
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?????????? ???, ??????????? ?? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? 220
????????? ???????, ??? ?????? 45 [????], ??????? ?????????? ?????????????? ??????? ?????????? ??
????? ?????????? ??? ?????????????? ?????????????? ??? ?????? ??????? ??? ?????? ??? ??????????
??????, ??????? ??? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ???
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16 ??????????, ?????????????? ??? ? ?????????? ?????????????? ?????? ??? ? ??????????????

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?????? ??????? ? ?? ?????????? ?????? ?????? ?? ?????? ??? ??????. ??? ?? ??????
?????????, ?? ?????????? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??
?????? ?? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??
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17 ???????, ?????? ?? ?????????????? ???, ??????, ?? ?????????? ??? ?????? ???????,
?? ??????? ??? ?????? 267 ????, ?? ?????????? ??? ?????? ?????????? ???????????, ??
?????? ?????????????? ???????, ??? ?????????? ?????? ?????????? ?? ?????? ???
????????? ?? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? (?????? ??? 16?? ?????? 2009, Damseaux, C?128/08, EU:C:2009:471, ??? 22).

18 ??? ???, ??? ?????????? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ??????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ???
?????? ??????? ???????, ??? ?????????????? ??? ?? ?????? ?????????? ?? ?????? ???
?????? ?????? ?? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ?????? ??? ?????? ?????? (?????? ??? 19?? ?????????? 2006, Bouanich,
C?265/04, EU:C:2006:51, ??? 51).

19 ?? ????????, ?? ?????????? ??????? ??? ?????????? ??? ?????????? ??? ?? ???????-
????????????? ??? ??????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ??? ?????????????? ??? ?? ?????? ?????????? . ??????, ?????????? ??? ?????? ???
??? ?????? ??? ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ???.

20 ??????? ?? ?? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?? ???????-
????????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??, ???' ?????????? ??? ?????????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?? ?????????? ??? ?????? ??? ?????????? . ??? ?????????? , ??? ?????????? ??? ?
????????????? ??? ?? ?????? ?????????? ?? ?????????? ??? ?????? ?????????? ???
????????????? ??? ?????? ?????????? , ?? ?????????? ?? ?????? ?????????? ???
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21 ???????, ?????? ?? ?????? ???, ?? ?? ?????? ???, ?? ?????? ??? ??????????
????, ???' ??????, ?? ?????????? ?? ?? ?????? 45 ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ???, ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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22 ??? ?????? ???????, ??????? ?????? ??? ?????? ?????????? ? ?????????? ??? ??
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????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????? ?????, ? ?????? ??????????. ???????, ?? ?????? ??? ?????? ?????? ??????????, ??? ??????
?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ???????????, ?? ??????????? ?? ????????
????????? ??? ?? ?????? ?????????? ??? ??????????? ??????????? (??????? ??? 12??
?????????? 2013, Imfeld ??? Garcet, C?303/12, EU:C:2013:822, ??? 41 ??? ???
?????????? ??????????).

23 ???? ??????? ???, ??? ?????? ?????????? ?? ?????????????? ?? ?????? ??? ?? ???????
???? ?????????? ??, ??? ?????? ?????????? ?????? (??., ??? ??? ?????? ???, ???????
??? 12?? ???? 1998, Gilly, C?336/96, EU:C:1998:221, ????? 31, ??? ??? 16?? ?????? 2009,
Damseaux, C?128/08, EU:C:2009:471, ????? 30 ??? ??? ?????????? ??????).

24 ???????, ? ?????????? ??? ?????????????? ?????????????? ??? ?? ?????? ?????? ??? ???? ??
????? 22 ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????????????? ??? ?????? ?????? ??
????? ????. ??????????, ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ??????
?????????, ?? ?????? ??? ?????????? ?? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????? ?? ?????? ??? ?????? ??? ?????? ?????????????? (????????? ??? 12?? ?????????? 2002,
de Groot, C?385/00, EU:C:2002:750, ??? 94, ??? 94, ??? 12?? ?????????? 2013, Imfeld
??? Garcet, C?303/12, EU:C:2013:822, ??? 42 ??? ?????????????? ??????????).

25 ?? ???????????, ?????????????? ?? ???? ?? ??????????? ?? ??????????? ?? ????
????????? ?? ???? ??????? ?? ???? ?? ??????? ??????? ?? ???? ??????? ?? ???? ??????????? ??
?????????????? ?? ???? ?? ??????? ??????? ?? ???? ???????, ?? ???? ?? ??????? ?? ???? ???????,
?? ???? ?? ??????? ?? ???? ?? ??????????? ?? ???? ?? ???? ?? ??????? ?? ???? ?? ????
??????????????, ?? ???? 15 ?? ??????? ?? ????-??????????, ???????????????, ???????????????
????????? ?? ??????????? ?? ???? ??????????? ?? ???? ??????????? ?? ???? ??????????? ?? ???? ??
????????? ?? ???? ??????????? ?? ???? ??????????? ?? ???? ??????????? ?? ???? ??????????? ?? ???? ??
?????????, ??????????, ?? ???? ?? ???? ?? ???? ???????, ?? ???? ??????? ?? ???? ???????

27 ??????? ???, ?????????? ?? ? ?????? ???, ????? ??????? ?? ???? 22 ??? ???????
???????, ??? ???? ??????? ?? ?????????? ?? ??????? ??????? ?? ???? ??????? ??
?????? ?? ???? ??????? ??, ??? ??????? ?? ???? ??????? ?? ???? ??????? ??
?? ??????? ?? ???? ??????? ?? ??????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??
?????? ?? ???? ??????? ?? ???? ??????? ?? ??????? ?? ???? ??????? ?? ???? ??
?????? ?? ???? ??????? ?? ???? ??????? ?? ??????? ?? ???? ??????? ?? ???? ??
????????? ?? ???? ??????? ?? (??., ??? ??? ?????? ???, ??????? ?? 12?? ??? 1998,
Gilly, C?336/96, EU:C:1998:221, ??? 30).

30 ??????, ??? ?????? ?? ?????????????? ??? ?????? ??? ?????????? ??????? ??? ?????? ???
????????????? ??? ?????? ?????????????? ? ?????? ??? ?????????????? ???????, ??
????????????? ? ?? ?????? ???, ????? ?????????????? ?????????? ?? ??????????????
????????????? ?? ?????? ?? ?????? ??? ?????????????? ?? ?????? ??? ?????? ? ?????? ???
????????? ??? ?????? ?????? ?????????, ??? ?????? ??? ?????? ? ?????? ??? ?????? ???
????????????? ?????? ?????????????, ?????? ?????? ?? ?????? ?????????????? ??? ?????? ???
????? ??? ??????????????. ??????????, ?????????? ?????????? ??? ?????? ???
????????????? ??? ?? ?????? ??????-????????????? ??? ?????? ?? ?????? ??? ?????? ???
????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????????? ???
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31 ????? ?????? ?? ?????? 15, ??????????? 3, ??? ?????????? ??????-?????????????, ???
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????????????? ??? ?????? ??? ?????? ??????. ?????????, ?????????? ?????? ?????? ??? ??????????????
????????? ??? ?????? ??? B. Sauvage ?????????????? ??? ?????? ??? ? ?????????????? ??? ???
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32 ???????, ?????????????? ??? ?? ??????? ??? ?????????? ??? ?????????? ?????????????? ??????????
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?????????, ?????????? ?????? ?????????????? ? ?????????????? ??? ?? ??? ?????????? ??? ??????
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33 ?????, ?? ??????? ??? ?????? ??? ?? ?????????? ?? ?????????? ?????????????? ??????????
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34 ??????????, ??????, ?????? ?????? ??? ?????? ??? ?????????? ?????????????? ?????????????? ???
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????????????? ??? ?? ?????????? ?????????? ?????????????? (??., ??? ?? ?????? ????,
????????? ??? 30?? ?????? 2011, Meilicke ?.??., C?262/09, EU:C:2011:438, ??? 37, ????
??? ?? 9?? ?????? 2014, van Caster, C?326/12, EU:C:2014:2269, ??? 47).

35 ??? ???????, ?? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????????????? ?? ??????????
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??? ?????? ??? ?? ??? ?????? ?????? ??? ?? ?????? ?????????? ?? ?????????? ??? ?????? (??., ??? ?? ??
????? ???, ?????????? ??? 30?? ?????? 2011, Meilicke ?.??., C?262/09, EU:C:2011:438,
????? 45, ??? 9?? ??? 2014, van Caster, C?326/12, EU:C:2014:2269, ??? 52).

36 ???????, ??? ?????? ?? ?????????? ?????????? ??? ?????? ?????????? ?????? ?????????? ???
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? ?????????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ???
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37 ??? ??? ?????? ??????, ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ? ?????? ???
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38 ?????????? ??? ? ??????? ??????????? ??? ??? ?? ??? ?????? ?????????? ??? ?????? ?????? ??????
??? ?????????? ?????????????? ??? ??????? ??????? ??? ?????????? ??? ?????????? ??????????, ?' ????
????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ??????????????
???? ??????? ?????????????? ??? ???????????, ??? ??? ?? ??? ???????, ??? ???????????.

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?? ?????? 45 ??? ?????? ?? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??
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(?????????)

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