

@import url(../../../../css/generic.css); EUR-Lex - 61994J0055 - EL

Avis juridique important

/

61994J0055

?????? ?? ?????????? ?? 30?? ???????? 1995. - REINHARD GEBHARD ????
CONSIGLIO DELL'ORDINE DEGLI AVVOCATI E PROCURATORI DI MILANO. - ?????? ?? ?? ?
?????? ?????????? ??????: CONSIGLIO NAZIONALE FORENSE - ??????. - ??????
77/249/??? - ??????? ?????? ?????? - ??????? - ?????????? ?????? ??????????
?????? - ????? 52 ??? ?????? ???. - ?????? C-55/94.

?????? ?? ?????????? ?? ?????????? 1995 ?????? I-04165

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

?????? ???

++++

1. ??????? ?? ?????????? ?? ??????? * ??????? ?????????? * ??????? ??
?????? * ?????? ??????? * '?????? ?? ?????? ?????? ?????? ?? ?????? ?? ??????????????
??????, ? ?????? ??????? ?? ?????? ?????? ?????? ?????? ?? ?????? ??????????????,
?????????????? ? ?????? ???????????, ?????? ?????, ?????? ?????? ?????? ?? ??????
?????? * ??????????????

(?????? ??, ????? 52)

2. ??????? ?? ?????? ??????? * ??????? ?? ?????? * ?????? ??????? * ???????
?????????? ?? ?????????? ?????????????? * ??????? * ?????????? ??????????????
????????? ?? ?????? ?????? ?????? * ??????? * ????????????

(?????? ??, ????? 60, ?? 3)

3. ??????? ?? ?????????? ?? ??????? * ??????? ?????????? * ??????????
?????????? ?? ?????? ??????? ?????? ?? ?????? ?????? ?????? ??????????
????????? ??????? ?? ??? ?????? ?????? ?????????? ?????????????? * ??????? * ??????????
* ?????????? ?????? ?????? * ??????? ?? ?????? ?????? ?????? ?? ?????????? ?????? ??
????????? ?? ?????????? ?? ?????? ???????????

(?????? ??, ????? 52)

?????????

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

2. ????? ?????????? ??? ?? ?????? 60, ????? ??????, ??? ???????, ?? ?????????? ??????? ??
??? ??????? ?????? ?????????? ???????, ?????????? ??? ? ?????? ??????????????????
??? ?? ?????????????? ??? ?????????? ??? ???????????, ??? ?????????? ????? ??
????????????? ??? ?? ?????? ?????? ??? ?? ??? ?????? ?? ?????? ?? ?????????????? ??? ?? ??
????????? ?? ?????????????? ??? ??????????.

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

3. ? ?????????? ??????? ??????? ??????? ?? ?????? ?? ??????? ??? ?????????????? ??? ??
????????????? ??????? ?? ??????? ?? ??????? ?? ?????????? ?? ?????? ?? ?? ?????????????? ??
?????? ?? ??????? ?? ?????????? ?? ?????? ??????? ?? ?????? ??????????.

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

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

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

?????????

???? ??????? C-55/94,

??? ??? ?? ??????????? ??? Consiglio Nazionale Forense (???????) ??? ??
??????????, ???' ??????? ?? 177 ??? ??????? ??, ?? ??? ????? ???????, ???
?????? ??? ??????? ?? ??????? ??????? ??? ??????? ?????????? ????????

Reinhard Gebhard

???

Consiglio dell' Ordine degli Avvocati e Procuratori di Milano,

? ??????? ??????????? ??????? ?? ??? ?????? ?? ??????? ?? 77/249/??? ???
??????????, ??? 22?? ??????? 1977, ??? ??????????? ?? ??????????? ??????? ??
????????? ??????? ??????? ?? ??????? (?? ????. ????. 06/001, ?. 249),

?? ????????,

?????????? ??? ??? G. C. Rodriguez Iglesias, ???????, ?. ?. ???????, D. A. O. Edward
(???????) ??? G. Hirsch, ??????? ???????, G. F. Mancini, F. A. Schockweiler, J. C.
Moitinho de Almeida, P. J. G. Kapteyn, C. Gulmann, J. L. Murray, P. Jann, H. Ragnemalm ??? L.
Sevon, ???????,

????????? ??????????: P. Leger

?????????: H. A. Ruehl, ?????? ??????? ????????????,

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

* ? Reinhard Gebhard, ?????????????? ??? ??? Rechtsanwalt Reinhard Gebhard, ???
Massimo Burghignoli, ??????? ???????, Jim Penning, ??????? ???????????????, ??? Fabrizio
Massoni, ??????? ????????,

* ?? Consiglio dell' Ordine degli Avvocati e Procuratori di Milano, ?????????????? ??? ??
?????? Bruno Nascimbene,

* ? ??????? ???????, ??????????? ??? ??? ???????, ?????? ??? ???????
?????? ??????? ??????? ??????? ??????? ??? ??????? ???????, ??? ?? ???????
??????, ???????, ??????????? ??????? ??? ??????? ??????? ??????? ???????
????????? ??? ????? ????????,

* ? ??????? ???????, ??????????? ??? ??? Alberto Jose Navarro Gonzalez, ???????
????????? ??????? ??? ??????? ??????? ???????, ??? ??? Miguel Bravo-Ferrer
Delgado, abogado del Estado ??? ??????? ???????, ???

* ? ??????? ???????, ??????????? ??? ??? Philippe Martinet, ?????????? ??????????
????????? ??? ??????? ??????? ??????? ??? ??????? ???????, ??? ???
Catherine de Salins, ??????????? ??? ??? ????? ????????,

* ? ??????? ??? ??????? ???????, ??????????? ??? ??? Stephen Braviner, ???
Treasury Solicitor's Department, ??? ??? Daniel Bethlehem, barrister,

* ? ??????? ??? ??????? ???????, ??????????? ??? ??? Marie-Jose Jonczy,
?????? ???????, ??? ??? Enrico Traversa, ????? ??? ??????? ????????,

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

???? ?????? ??? ?????????? ?????????????? ??? Reinhard Gebhard, ?????????????????? ???
??? ?????? Massimo Burghignoli, ??? Consiglio dell' Ordine degli Avvocati e Procuratori di
Milano, ?????????????? ??? ??? Bruno Nascimbene, ??? ?????? ?????????????? ???
????????????? ??? ??? ??? ?????????? ??? ?? ?????????? ???????, ??? ??????????
????????????? ??? ?????????? ??? ??? Miguel Bravo-Ferrer Delgado, ??? ??????
????????????? ??? ?????????? ??? ??? Marc Perrin de Brichambaut, ?????????? ??????
????????? ??? ?????????? ?????????? ??? Philippe Martinet, ??? ?????????? ??????????
????????????? ??? ??? Pier Giorgio Ferri, avvocato dello Stato, ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? Stephen Braviner ??? Daniel Bethlehem, ???
??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ??? Marie-Jose Jonczy
??? ??? Enrico Traversa, ??? ?? ?????????? ??? 10?? ??? 1995,
???? ?????? ??? ?????????? ??? 20?? ??? 1995,

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

???????

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

1 ?? ?????? ??? 16?? ?????????? 1993, ??? ?????? ??? ?????????? ??? 8 ?????????? 1994,
?? Consiglio Nazionale Forense ??????, ?????? ??? ?????? 177 ??? ????????, ??,
????????????? ?????????? ?? ??? ??? ?????? ??? ?????? 77/249/???, ??? ??????????,
?? 22?? ?????? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ?????????? ??? ?????????? (?? ????. ??? 06/001, ?. 249).

2 ?? ?????????? ??? ?????????? ??? ?????? ?????????????? ?????????????? ??? ?????? ??
Consiglio dell' Ordine degli Avvocati e Procuratori di Milano (???, ????: ?????????? ???
????????? ?????????? ??? ??????) ??? ??? Gebhard, ??? ?? ?????? ?????????????? ???
????? ??? ?????????? ??? ?????? ??? ??? ??? ??' ????. 31, ??? 9?? ?????????? 1982,
???? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ?????????? [GURI (????????? ?????????? ??? ?????????? ??????????????) ??? 12??
????????? 1982, ??? 42], ?????? ??? ?????? ?????? ?????????? ?????????????? ??????????????
?? ?????????? ?????? ?? ??? ?????? ?????? ?????? ?????????????? ??? ?????? "avvocato".

3 ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??????????
?? ?????????? ?????????? ??? ? Gebhard, ??????? ???????, ??? ?????? ??? ?????? ??
????? ?? ?????????? ??? "Rechtsanwalt" ??? ??????? ??? ?? 3 ?????????? 1977. ???
????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? "????????? ??????????"
?? ?????????? ?????? ("Buerogemeinschaft") ?????? ??? ?? ?????????? ??? ??? ??????????
?????? ??? ?????? ???.

4 ? Gebhard ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? 1978 ??? ?? ?? ?????? ???,
????????? ??????????, ??? ?? ??? ?????? ????. ?? ?????????? ??? Gebhard ?????????????? ??
????????? ??? ?????? ???.

5 ? Gebhard ?????? ?????????????? ?????????????? ??? ?????? ??? ?? 1? ?????? 1978,
????? ?? ?????????? ("con un rapporto di libera collaborazione") ?? ?????? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ??? 1? ?????????? 1980 ??? ?? ?? ???
1989, ?? ?????? ("associato") ??? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ???

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

6 ??? 30 ??????? 1989, ? Gebhard ?????? ??? ?????????? ??????? ??? ??????, ??? ?????? ?????????????? ??? ????? "avvocati" ??? "procuratori". ? Gebhard, ?????????? ?? ?????? ??????? ??? ?????????? ?????? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ??????.

8 ?????????? ?????? ????????????????, ??? ??? ??????????? ?? ?????? "avvocati" ?? ??? ??????????
???? ??????????????? ? Gebhard ??? ?? 1989, ??????? ?????????????? ?? ?????????? ??? ?????????? ???
?????????? ??????? ??? ??????. ??? ?????????? ?? ?????????????? ??? ?????????? ??? ?????? "avvocato"
??? ?????????????? ??? ????????????????, ??? ??????? ?? ??? ?? ?? ??? ?????? "avvocato"
?????? ??? Pretura ??? ??? Tribunale di Milano ??? ??? ?????? ???????????????
????????????? ?? ??? ?? "Studio legale Gebhard".

9 ????? ??? ??????????? ?? ????? ??? ?????? "avvocato", ?? ?????????? ??? ???????????
????????? ??? ??????? ??????????, ??? 19 ??????????? 1991, ?? ?????? ??????????
????????? ??? ??? Gebhard, ??????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ???
??? ??? ??? ??' ????. 31/82 ??????? ??? ?????? ?????? ?????????? ?????????????? ??????????????
?? ??? ???? ?? ????? ??? ?????????? ?????? ??? ?????????????? ??? ?????? "avvocato".

10 ???? 14 ?????????? 1991, ? Gebhard ??????? ??? ?????????? ??? ?????????????? ?????????
??? ??????? ?????? ?????????? ??? ?????? ??? ??????????. ? ?????? ??? ?????????????? ???
????? 89/48/??? ??? ??????????, ??? 21? ?????????? 1988, ??????? ?? ??? ?????
????? ?????????? ?????? ?????????? ?????????? ?????????? ??? ??????????
????????????? ?????????? ?????????? ?????????? ?????? ??? (? 1989, L 19, ?. 16), ???
???? ??????????????, ??? ??????, ?????????????? ?????????? ?????????? ?????????? ???
???. ??? ?????????? ??? ?? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ???
???. ??????? ???.

11 ? ?????????? ?????????? ??? ??????? ??? 19 ?????????? 1991 ??????? ?? ??????
??? 30?? ??????? 1992, ?? ??? ????? ?? ??????? ??? ?????????? ?????? ???
?????? ??????? ??? Gebhard ??? ????? ?? ?????????? ??????? ??? ??????????????
??? ?????????? ??? ??? ??? ("sospensione dell' esercizio dell' attivita professionale").

12 O Gebhard ??????? ???????? ??? Consiglio Nazionale Forense ?????????? ??? ?? ??????????
?????, ?????????????????? ?????? ??? ? ?????????? ??? ?????????? ?????? ??? ?? ??????????
?????????? ??? ?????????? ??? ??? ??????? ??? ??????. ???????????, ?????? ???, ???
????????? ??? ??? ? ?????? 77/249 ??? ??????? ?? ?????????? ?? ?????? ??? ??????????????
?? ?????????????? ?? ??? ?? ??? ?? ?????????? ?????? ??? ?????.

13 ? ??????? 77/249 ?????????????? ??? ?????????????????? ??????????? ?? ?????? ?????????? ??
?????? ??????????. ?????????? ??? ? ??????? ??? ?????????? ?????????????? ?????????? ??
????????????? ??? ??????, ??? ?????? ? ?? ??? ??? ????? ?????? ??? ?????? ?????? ??????
???????????, ?? ??? ??????? ??? ?????????????? ?????????? ??? ?????? ?????? ?????? ? ??
?????????? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ?? ? ??????????
????? ??? ?????? (????? 3).

14 ? ?????? ??? ???????????, ????, ??? ?????????????? ??????? ?? ??? ??????????? ???
??? ?????????? ??? ????? ?????? ??? ?????????? ? ??????? ?? ??? ??????? ???, ???,
???????, ??? ?? ??? ????? ???????????.

15 ??? ?? ?????? ??? ?????? ??? ???????????????, ? ?????????? ??? ?????? ??? ???????????????
?????? ?? ??? ??????? ??? ?????? ?????????? ??? ??????? ?? ??? ?????????? ?? ??? ??????? ???
?????????? ??? ?????? ?????? ?????????? (????? 4, ?????????? 2). ??? ?? ??????
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? 1, ? ??????????
????????? ?? ?????????? ?????? ?????????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??????????, ??? ?? ?????? ?????? ??? ?????????? ??? ???????, ?????????? ??? ?? ??? ?? ?????? ?
???? ??, ?? ?????? ?????? ?? ?????????? ??? ???????, ??? ?????? ???????, ?????? ?????? ???
????? ?? ?????????? ?????? ??? ?????????? ??? ???????, ??? ?????????? ???????, ???
????????? ?????? ?????????????? ??? ?????? ???, ?? ?????????????? ???????, ???
?????? ?? ???????????, ??? ?????????? ?????????? ??? ??? ??? ?????????? ???????, ???
??? ??? ?????????? ?????? ??? ?? ?????????? (????? 4, ?????????? 4).

16 ?? ??? 4, ?????????? 1, ??? ?????? 77/249 ?????? ??? "?? ???????????????, ??
?????? ?? ??? ?????????? ??? ?????????? ?????? ??????? ?????? ??? ?????????? ?? ???
????????? ??? ?????? ?????????? ?? ??? ?????? ?????? ?????? ???????, ??????? ?? ??? ?????? ???
????????????? ??? ?????? ???????????, ?? ?????? ?????? ?????????????? ?' ??? ?? ??? ?? ??????,
????????????? ??????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ?????????????? ??????? ???
?????? ????".

17 ? ?????? 77/249 ?????????? ??? ?????????? ?????? ??? ?????? ?? ??? ??? ??? ??' ????.
31/82, ?? ?????? 2 ??? ?????? ?????? ???:

"(?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????????? ???
????????? ??? ?????? ??? ??????????) ?????? ?? ?????? ??????????????
????????????? ??? ???????, ??? ?????? ?????????? ??? ?? ?????????? ???????????????,
????????? (' con carattere di temporaneita') ??? ?????? ?? ??? ?????? ??? ?????????? ???
?????? ????".

?? ?? ?????? ??? ?????????????? ?????????????? ??? ?????????????? ???????, ??
????????????? ??? ?????? ?????????? ??? ?????????????? ? ?????? ??? ?????????? ??????? ???
?????? ?? ?????????????? ??????????????."

18 ??? ?? ??????? ?????? ?? Consiglio Nazionale Forense ?????????? ?? ?????????? ??
?????? ?? ?????????? ?? ??? ?????????? ??? ?????????? :

"?) ?? ??? ?? ?? ?? 2 ??? ?????? ????. 31, ??? 9?? ?????????? 1982, ???
'????????? ?????? ?????????? ??? ?????????? ?????? ??????? ??? ?????? ??? ?????? ???
????????? ?????????? * ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ???
?? 22?? ?????? 1977 *, ?????? ?????? ?? ??? ?????? ??? ?????????? ?' ??????????????
???? ?????? ?????????? ?????????? ?????????? ?????? ??? ?????? ??? ?????????????? ???',
????????????? ??? ?? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?' ??? ?? ??
????? ?????? ?????????? ??? ?? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ???
????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?? ??? ?? ??
????????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ??? ?? ??

?) ??? ?? ?????????????? ?????????? ??? ?? ?????? ??? ?????????? ?????????? ???, ?? ???
?? ?? ?????? ??? ?????????????? ?????? ?????? ?????????? ?? ??? ?????? ??? ?????????? ???
????????? ??? ?? ?????? ??? ?????????? ?????? ??? ?????? ??? 22?? ?????? 1977."

19 ?????? ??? ??????????? ??? ?????????????? ??????????, ?????? ?? ?????????? ???,
????? ?????? ????????, ?? ?????????? ??? ?????? ?????? ?? ?????????? ??? ??? ???
????? ??? ?????? ??????? ?????????? ?? ?? ?????????? ??????. ?????, ?????, ??????
?? ??????? ??? ?????? ?????????? ?? ?? ?????????? ?????? ?? ?????? ?? ??????????
????? ??? ?? ?????? ?? ?????????? ??? ?????? ?????????? ?? ?????????? ?? ??????????
?? ??????? ?????????? ?? ?? ?????????? ?????? ?????????? ?? ?????????? ?? ??????????
????????? ??? ??? ?????? ?????? (?., ?????? ???, ?????? ??? 11?? ?????????? 1995, C-
63/94, Belgapom, ??? ??? ??? ?????????? ??? ?????? ??? ??????, ??? 7).

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

21 ?????? ?? ??????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ?????????? ?? ???????????,
????? ?? ??????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???????????, ??
????? ?????? ?????? ??? ?????? ??? "?????????????" ??? ??? "????? ?????? ??????????".

22 ??? ??????? ??? ?????? ?? ?????????? ??? ? ?????????? ??? ?????????? ??? ??????? ???
????????? ??? ?????? ??????????? ?? ?????? ?? ??? ?????????? ??? ?????????? ??? ??????? ??
????????? ?????????? ??? ?????? ???, ??? ??????, ? ?????????? ??? ?????? 59, ???
?????, ?????????? ??? ? ?????? ??? ?????????? ??? ? ?????????? ??? ? ?????? ??? ??????
????? "?????????????" ?? ??? ?????????? ??? ?????? ??? ???, ??? ???????, ?? ???
60, ??? ??????, ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ??????? ??
?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????? ??
???????????. ??????, ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
??? "?????????????".

23 ?? ??????? ??????????????, ?? ?????? ?????????? ??? ?????? 52 ?? 58 ?? ???????,
????????????? ??? ??? ?????? ?????? ??? ??? ?????? ??? ?????? 58 ?? ??? ??? ???
????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???????????, ?? ???
????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??? ???
?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??
????? ??? ?????????? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ???????.

24 ???????, ??? ?????? ??? ?????? ?? ???????????, ??? ??? ?????? ??? ???????, ??
?????????? ??? ??? ?????? ???, ???, ??? ?????? ??? ???????, ?? ??? ??? ???
??????????, ?????????????? ??? ?????????? ?????? (????? 52), ???, ??? ?????? ??
????????? ??? ?????????? ?????? ?????????? ???????????, ?? ?? ?????????? ??????????
????????????? ?????? (?? . ?????? ??? 12?? ?????? 1984, 107/83, Klopp, ???????
1984, ?. 2971, ??? 19).

25 ??????, ? ?????? ??? ?????????? ?????? ?? ?? ?????? ?????? ??? ???????,
?????????? ?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?? ??????? ??
????? ???, ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????
?? ??? ?? ?????????? ?????? ???, ?????????? ?????? ???' ?????? ??? ?????? ???
????????? ??? ?????????? ?????????? ?????? ??? ?????????? ??? ?????????? ?? ? ?? ???
?? ??? ??? ?? ?????????? ?????????? (??., ??????, ?????? ??? 21?? ?????? 1974,
2/74, Reyners, ?????? ??? 1974, ?. 317, ??? 21).

26 ??????????, ??? ?????????? ??? ? ??????? ??? ?????????? ?????????????? ?? ??? ????? ??????
?????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???, ?????, ?? ????? 60,
????? ??????, ??? ???????, ?????????? ??? ? ??????? ??? ?????????? ?????? ???
????????????? ??? ??????????.

27 ??? ?????? ???? ? ??????? ???????????, ? ?????????? ?????????? ??? ?? ???
????????????? ??? ?????? ?? ??????? ??? ?????? ?? ?????? ?? ?? ??????? ??? ???????, ???
??? ?? ?????? ?? ?? ???????, ?????????????? ??? ??????? ??? . ? ?????????? ??????????
??? ??????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ???????, ??? ?? ??? ??????
??? ???????, ?? ??????? ??? ?????? ?????? ?????? ?????????? ???????, ?????? ??? ??????
(????????????????????? ??????? ?????????????? ???????), ??? ?????? ??? ? ??????? ???
????? ?????????? ??? ??? ?????????? ??? ?? ??? ??????.

28 ??????????, ? ?????????? ??? ?????? ?? ?????????? ??? ?? ?????????? ??? Gebhard, ?
?????, ??????? ??????? ????, ?????? ??? ?????? ?????? ?????? ??? ??????, ??????????????
????????????? ?? ??? ?????? ?????? ???, ??????? ??? ?????????????? ??? ???????,
???????????, ?????? ????, ????? ??????? ??? ?????? ?????? ??????. ? ??????? ?????? ??????
???? ?????????? ??? ?????????? ??? ?????? ?? ??????? ?????????????? ??? ??? ?????? ???
????? ??? ???????.

29 ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????? ?????????????? ??? ?? ??????
???? ? Gebhard ??? ?????? ?? ???????, ??? ??? ?????? ??? ???????, ?? "?????????????"
?? ?????? ????, ?? ?????????? ??? ???????, ??? ?????? ?? ?????? ??? ?????? ??????????????
?????? ??? ?????? ????, ?? ??????????, ?? ??????? ?? ?????????????? ??? ?? ??? ??????????
? ?????????? ?? ??????? ??? ?????? ??? ?????????? ?????????????? ??? ??????.

30 ? ?????????????????? ??? ??? ?????? ?? ?????? ??????.

31 ?? ?????????? ?? ?? ?????????? ?????????????? ?????????? ??? ??????? ??? ??????? ??? ??????
????????????? (??., ?????? ????, ??? ?????????????? ??????? Reyners, ??????? 46 ??
47). ???????, ? ??????? ??? ?????? ?????????????? ??????? ??????? ??????? ???
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ??
??????, ???????, ?? ??????? ?? ??????? ?????????? ??? ??????? ??? ?????????????? ???.

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

33 ??????? ?? ?? ??? 52, ??????? ????, ? ?????????? ?????????????? ?????????? ??? ??
????????????? ??? ?????????? ? ?????????? ??? ?????? ?????????????? ??? ??? ?????? ???
???????.

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

35 ????????, ? ??????? ??? ? ?????? ?? ?????? ?????????????? ??????? ??? ?????????? ??
??? ??? ?????? ?????????? ???????????, ?????????????? ? ?????????? ???????, ???
????????????? ??? ?????? ?????? ???????????, ??? ?????? ??? ?????? ??? ??????? ???
???????, ?? ???????, ?? ???????????, ??? ?????? ??? ?????? ??? ?????? (??. ??????? ??? 28??
?????? 1977, 71/76, Thieffry, ??????? ??? 1977, ?. 229, ??? 12). ?? ?????????? ???
??????, ?????? ???, ?? ?????????? ??? ?????? ?????????? ??????????????.

??????????????, ??????? ?? ???????????, ????? ??????? ???????????, ?????????????? ???????????, ??????????????? ?
????? ??????, ??? ??? ??????????????? ??????? ? ?????? ??? ?????? ??? ??????? ??
????????? ??????????? ??????? ? ??????. ?????? ?????? ?? ??????????? ?? ???????????????
?????????????? ???????, ??? ??? ?????? "avvocato".

36 ????? ? ??????? ?????????????? ?????????????? ?? ?????? ??? ?????????????? ??????
??????????, ????? ?? ?????? ?????? ???????, ??? ?????? ???????????, ? ??????
????? ??????? ??????, ??? ?????? ?? ??????? ?? ?????????????? ???, ?????? ???' ??????
?? ?????????????? ??? ?????????????? ????? ??' ???, ?? ?????? 57 ?????????? ??? ??
????????? ??????? ?????? ??? ?????????????? ?????? 89/48, ? ?????? ???????????,
??????, ??? ?????????? ??????????? ???????????, ??????????????? ??? ?????? ??????? ??,
????????, ??? ?????????? ??? ??????? ?????????? ??? ??????? ??? ?????? ??? ??
?????? ?? ??????? ???????????????.

37 ??????, ??? ?? ?????????? ??? ??????????? ??????????? ??? ?? ?????? ?????? ???
?????????? ?? ??????????? ? ?? ??????????? ?????????? ?????????? ??? ?????? ???
?????????? ?????????? ?? ??????????? ?? ?????????? ??? ?? ?????? ?? ??????? ??????????
???????????: ?? ??????????? ??? ?????? ?? ?????????????? ???????????, ??
????????????? ??? ??????????? ?????? ?????? ?????????? ???????????, ?? ?????? ??????????? ???
?? ?????????? ??? ??????????? ?????? ??? ?? ??? ?????? ?????????? ?????? ??? ??????
?? ?????? ?????????? ??? ??? ?????????? ??? ?????? ?????? ?????? (?. ??????? ??? 31?? ???????
1993, C-19/92, Kraus, ??????? 1993, ?. ?-1663, ????? 32).

38 ??????, ?? ????? ??? ?????? ??? ??????? ??? ?????? ??? ??????? ??? ?????? ?????? ???
?? ?????????? ?????? ??? ??????? ??? ?? ??????? ??? ? ?????????????? ??? ??? ??
????????? ?? ??? ?????? ?????? (?. ??????? ??? 7?? 1991, C-340/89, ???????????,
?????? 1991, ?. ?-2357, ??? 15). ???????, ?????? ?? ?????????? ?????? ??? ?? ???????
??? ?????????? (?. ?????????????? ?????? Thieffry, ??????? 19 ?? 27) ???, ???????
?? ???????????, ?? ??????????? ?? ?????????? ?????? ??? ?????? ??? ?????????? ???
?????????? ??? ??? ??????? ??? ?????????? ??? ?????? ??? ?????????????? (?.
????????????? ??????? ???????????, ??? 16).

39 ??? ?? ??????????? ?????????? ??? ?? ?????????? ??? ??????? ?? Consiglio Nazionale
Forense ?????? ?? ?????? ?? ????? ??????:

* ? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????????? ??? ?? 60,
????? ??????, ??? ??????? ?? ?????? ?? ?????????? ?? ?????? ?? ?? ?????????? ???, ??
????????? ???, ??? ?????????????? ??? ??? ?? ?????????? ???

* ? ??????? ??? ???????, ??? ?? ?????? ??? ?????????? ?????? ?? ???????, ?????? ??
?????? ?????? ???????, ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ???????
?????????

* ??????? ??????? ?????? ? ??????, ??? ?????? ??? ?????? ??? ??????? ?????, ?????? ??????????????
????????????? ?? ??? ?????? ?????? ???, ?? ??? ?? ?????????????? ??? ???????,
??????????, ?????? ?????, ????? ??????? ??? ??????? ?????, ?????????? ??? ???????
??? ?????????? ??? ?????? ?? ??????? ?????????????? ??? ?? ?????? ??? ?????? ??? ???????
?????????

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

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

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

* ??????, ?? ?????? ?????? ??? ?????????? ?? ?????????????? ?? ?? ?????????????? ??????????
????????? ??? ?????? ??? ?????????? ?????????????? ??? ?????????????? ? ??????? ?????? ???
????? ?????????? ??????????????: ?? ?????????????? ??? ?????? ?? ??????????????
??????????, ?? ?????????????????? ??? ?????????????? ?????? ?????? ?????? ??????????????, ?? ???
????????? ??? ??? ?????? ?????? ??? ?????????????? ?????? ??? ?? ??? ?????? ??????????
????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????

* ??????, ?? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???,
????????? ??? ???????????, ?? ?????????? ?? ?????????? ?????? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ???
?????????????.

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

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

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

???????????

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

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

????????? ??? ??? ?????????? ??? ??? ?????? ?? ?????? ??? 16?? ?????????? 1993 ??
Consiglio Nazionale Forense, ??????????:

1) ? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?? ???? 60,
????? ??????, ??? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?? ?????? ???, ??
????????? ???, ??? ?????????????? ??? ??? ?? ?????? ???.

2) ? ?????? ??? ???????, ??? ??? ?????? ??? ???????, ?????? ?? ???????, ?????? ???
?????? ?????? ???????, ??? ?????????? ?????? ??? ??? ?????????? ??? ?????? ???.

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

4) ? ?????????? ??? ?????? ??????? ?? ?????? ?? ??????? ??? ?????????????? ???
?? ?????????? ??? ??????? ??? ?????? ?? ??????? ??? ?????? ?? ??? ??????????????
??? ?????? ?? ?????? ??? ?????????? ??? ?????? ???????.

5) ??? ? ??????? ?????????????? ?????????????? ??? ?????????? ??? ?????? ??????????
?????? ??? ?????? ???????, ? ??????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????? ??
?????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ?? ??????????????
???. ??????????, ??? ? ??????? ?? ?????? ?????????? ?????????????? ?????????????? ???
????? ??? ?????? ??????? ??? ?????????? ???????????, ? ??????? ??? ?????? ?????? ?????? ???
????? ?? ?????? ?? ?????????? ??? ?????????? ??? ?????? ???' ?????? ?? ?????? ??? ?????? ???
?????.

6) ?? ?????? ??? ?????? ?? ?????????? ?? ?????????????? ? ?? ?????????? ??????? ???
?? ?????? ??? ?????????? ?????????? ?? ?????????? ? ??????? ?????? ?? ??????
????????? ??????????: ?? ?????????????? ??? ?????? ?? ?????????????? ???????????, ??
????????????? ??? ?????????????? ?????? ?????? ?????????? ???????????, ?? ?????? ?????????? ???
?? ?????????? ??? ?????????????? ?????? ??? ?? ?????? ?????????? ?????? ??? ??????
?? ?????? ?????????? ??? ??? ?????????? ??? ?????? ??????.

7) ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ???, ???????
?? ??????????, ?? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????????.