

Avis juridique important

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77/388/??? ??? ?????????? - ?????????? ?????????? ??????? ?????????? ?????????? ??????
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124/96.

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(?????? 77/388 ??? ??????????, ????? 13, ?, § 1, ??????? ???, ??? § 2, ??????. ??, ?????
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????????? 1, ??????? ???, ??? ????? ?????? 77/388, ??? ?????????? ??? ??????????
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??? ?? ????? 13, ?, ?????????? 1, ????????, ??? ?????? ?????????, ??? ?????? ?????? ???
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??? Francisco Enrique Gonz?lez D?az, ??? ??? ?????? ??????????, ??? ?????????? ??? ???
Miguel D?az-Llanos La Roche, ??? ??????, Enrico Traversa ??? Carlos G?mez de la Cruz,
????? ??? ?????? ??????????, ?? ?????????? ??? ?????????? ??? ?????????? ??? Carlos G?mez de la Cruz,
Centre Wagner, Kirchberg,

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Estado, ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ???????, 4-6, boulevard E.
Servais,

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Lindsey Nicoll, ??? Treasury Solicitor's Department, ?????????? ??? ?? Sarah Moore,
barrister, ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???????, 14,
boulevard Roosevelt,

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

????????? ??? ??? H. Ragnemalm, ??????? ????????, G. F. Mancini, P. J. G. Kapteyn
(????????), J. L. Murray ??? K. M. I??????, ???????,

?????? ??????????: A. La Pergola

?????????: R. Grass

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1 ?? ?????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? 17 ??????? 1996, ?
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????????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?? ??????? ??? ???????, ?????????? ??? ?
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??? ?????? ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ???
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2 ?? ????? 13, ?, ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????????????? ???????
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«1. ?? ??? ?????????? ????, ?????????? ??????????, ?? ??? ????? ???? ???????????, ??? ???.
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2. ?) ?? ??? ?????? ????? ?????????? ?? ???????, ??????? ??? ????? ???????????, ??? ? ?????????? ??
??????????, ????? ??? ?????????? ?????????? ???????, ??? ??? ??? ?? ?????????? ???
?????????? ????? ?????????? 1 ?????????? ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?, ?
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- ?? ?? ??? ????? ?????????? ??? ?????? ?? ?????? ?? ?????? ??? ?????????? ?????????? ???
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- ? ?????????? ??? ?????????? ?????? ?? ?????? ?? ?????????? ?????????? ?????? ???, ??
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- ?? ?????? ??? ?????? ?????????? ?????? ?? ?????? ?????????? ??? ??? ?????????? ?????? ??
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- ?? ?????????? ??? ?????? ?? ?????????? ?????? ?????????? ?????????? ??? ?????????????? ??
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3 ? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? 20 ??? ????? 37, ??? 28??
????????? 1992, ?????? ?? ??? ????? ?????????? ?????? (??? ????: ??? 37/92), ???
????????? ?? ?? ??? 13 ??? ????? 42, ??? 30?? ?????????? 1994 (??? ????: ???
42/94). ? ?????? ??? ??? ?????? ?????? ??? ?????????? ?????? ?????? ??? ?????? ?? ?????? 20,
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«??? ?????????? ??? ?????????? ??? ?????? ?????? ?? ?????? ?????????? ?? ???
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d) ?????????? ?????????? ?????????? ? ?????? ?????? ?????????? ?????????? ??? ?????? ??
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???? ??????? ? ????????: 265 000 ??????? ?????? (??),

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

4 ?? ??????? ??? 22?? ?????????? 1992, ? ??????? ?????????????? ?? ??????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? 8, ?????? 13, ??? ?????????? ?????? ??????
?? ??? ??? ?????????????? ??? (????? 30/85, ??? 2?? ?????????? 1985, ???
????????????? ?? ??? ??? 10/90, ??? 15?? ?????????? 1990) ?????????????? ?? ???
????????? ??? ?????? 13, ?, ?????????? 1, ?????????? ???, ??? ?????? ??????.

5 ?? ??????? ??? 28?? ??? 1993, ?? ?????????? ??? ?????????? ??? ? ??????????
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6 ??????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????????? ??? ?????????? ???
????????, ? ??????? ??? ???????, ??? 10 ?????????? 1994, ?????????????? ??? ?? ???
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7 ?? ??????? ??? 10?? ??????? 1995, ?? ??????? ??? ??????? ?????????? ???' ?????? ??
?? ?????????? ?? ??? ??????? ??? ?? ?????? ??? 22?? ?????????? 1992
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8 ?? ???????, ?? ??? ??? 42/94, ?? ??????? ??? ?????????? ?????????? ?? ?????? ??
????? 20, ?????????? 1, ?????? 13, ??? ?????? 37/92. ? ??????? ?????? ??? ? ??????????
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9 ??? ??????? ??? ?????????? ???, ? ??????? ?????????? ??? ?? ?????? 20, ?????????? 1,
????? 13, ??? ?????? 37/92, ??? ??????? ??? ?????????? ??? ?????????? ??? ?? ?????? ?? ????????
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????? ??? ???, ?????? ??????? ??? ?? ?????? 13, ?, ??? ?????? ??????. ? ??????????
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????????? 1, ?????????? ???, ??? ?? ?? 13, ?, ?????????? 2, ?????????? ??, ??? ??
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10 ? ??????? ??????????, ?????????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??????????,
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11 ??????, ?????????????? ??? ?? ?????????? ??? ?????? ?? ?????????? ?????? ???
????? 13, ?, ?????????? 1, ??? ?????? ?????? ?????? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? (??, ?????? ??? 19??
????????? 1982, 8/81, Becker, ?????? 1982, ?. 53, ??? 32).

12 ????????, ?? ?????????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????
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????????????? ??? Becker, ?????? 33 ??? 34).

13 ????????, ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ??? ??????????
????? ??? ?????? 13, ?, ?????????? 1.

14 ?? ????????, ? ??????? ?????????? ?????????? ???, ?????????? ??? ?????? ??? ??????????
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?? ????? ?????????? ??? ?????? 13, ?, ?????????? 1, ?????? ???, ??? ?????? ??????????
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15 ????????, ?????????????? ??? ??? ?? ?????? 13, ?, ?????????? 1, ?????????? ???, ??? ??????
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16 ???????, ??? ?? ??????? ??????????, ? ?????????? ??? ?????? 13, ?, ?????????? 1,
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17 ????, ? ??????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ?????? ? ??? ??????????
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??, ??????????. ??????, ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? 5
?? ?????????? ???, ? ?????? ?????? ?????? ?????? ?????? ?? ???? ?? ?????? ???,
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18 ????????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????????
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13, ?, ?????????? 2.

19 ????????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???
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20 ???????, ? ??????? ?????????? ?????????? ??? ? ?????????? ?????? ??? ??????
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????? ??? ??? ?????? ??? ?????? 13, ?, ?????????? 2, ?????? ???, ??? ?????? ?????????? ???,
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21 ??? ??? ??????? ??????, ??? ? ?????????? ??? ?? ??????? ??? ?????? ??? ?????????? ???
?????? ????, ?????????? ??? ??????? ??? ?????? 13, ?, ?????????? 1, ?????????? ???, ???
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22 ???????, ??? ??? ?????? ?????????? ? ???????, ?? ??? 13, ?, ?????????? 2, ?????????? ??,
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23 ???????, ?????????? ? ?????????? ??? ?? ??????? ??? ???????, ?????????? ??? ?
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????????? ??? ?????? ?????? ??? ?????? ?????????? ??????, ??? ?????? ?? ??? ?????? ?????? ?? ??
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24 ??? ?? ??? 69, ?????????? 2, ??? ?????????? ??????????, ? ??????? ???????
????????????? ??? ?????????? ??????. ?????? ?? ??????? ??? ??????? ???????, ??????
?? ?????????? ??? ?????????? ??????. ??? ?? ??? 69, ?????????? 4, ??? ??????????
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25 ?? ??????? ??? ???????, ?????????? ??? ? ??????? ??? ?? ?????? ??????????????
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?? ?????? ??? ?? ??? 13, ?, ?????????? 1, ?????????? ???, ??? ?????? ?????? 77/388/??
?? ??????????, ??? 17? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ????,
?? ?????????? ?? ??? ?????? ?????? ?????? - ?????? ?????? ??? ?????? ?????????? ??? ?????? ????,
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26 ??????????? ?? ??????? ??? ??????? ??? ??????? ?????.

27 ?? ??????? ??????? ?? ??????? ?????????? ?? ??????? ?????????? ?????? ??
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