

@import url(../../../../css/generic.css); EUR-Lex - 61999J0345 - EL

**Avis juridique important**

/

# **61999J0345**

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????? 17, ?????????? 2 ??? 6, ??? ????? ?????? ??? - ?????????? ?????????? ??? ???  
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(?????? 77/388 ??? ??????????, ?????? 17 § 2 ??? 6, ?? 2)

## **???????**

\$????' ? ????? ? ?????????? ?????? ?????? ?????? ?????????? ?????????????????, ???  
?? ?????? ??? ?????? ??? ?????? ?????? 77/388, ?? ?????? ??? ?????????? ??????????????  
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( ?? . ??????? 22-23 )

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???? ?????? C-345/99,

????????? ??? ?????????? ??????????, ?????????????? ??? ?? E. Traversa ??? ?? H.  
Michard, ?? ??? ?????? ??? ?? ????????????,

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????????? ????????????, ?????????????? ??? K. Rispal-Bellanger ??? ?? S.  
Seam, ??? ?? ?????? ??? J.-F. Dobelle ??? S. Seam, ?? ??? ?????? ???  
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G. Amodeo, ?????????????? ??? ?? G. Barling, QC, ?? ??? ?????????? ??? ??????????????,

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?????? 77/388/?? ?? ??????????, ??? 17?? ??\_?? 1977, ??? ?????????????? ???  
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49), ?? ??? ??? ?????? 95/7/?? ?? ???????????, ??? 10?? ?????????? 1995, ??? ??  
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? ? ?????????? (?????? ????),

?????????? ?? ??? A. La Pergola, ??????? ????????, D. A. O. Edward, P. Jann, S. von Bahr  
(???????) ??? C. W. A. Timmermans, ????????,

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

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1 ??? ?????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? 17 ?????????? 1999,  
? ???????? ??? ?????????? ?????????? ??????, ?????? ??? ?????? 226 ??, ??????? ??  
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49), ?? ??? ?????? 95/7/?? ??? ??????????, ??? 10?? ?????? 1995, ??? ???  
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3 ?? ?????? 17. ??????????? 2. ?????????? . ??? ?????? ?????? ?????? ?????? ?????? ?? ????:

«???? ?? ?????? ??? ?? ?????? ? ?? ?????????? ?????????????????? ??? ?? ?????????????????? ??? ??  
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4 ?? ?????? 17. ??????????? 6. ??? ?????? ??????? ?????????? ?????????? ?? ????:

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5 ??????? ??? ??? ?????????? ??? ??????? ? ???????, ??????? ??? ?????? 17, ??????????  
6, ??? ??????, ??? ?????, ???????, ?????????? ??? ?? ??????????.

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6 ??? 1? ?????????? 1979, ?????????? ??????? ??? ?????? ??? ?????? ?????? ??????, ??? ??  
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7 ??? 1?? ?????????? 1993, ?? ?????? ??????? ??? ?? ?????????????? ??? ?? ???????  
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8 ??????, ?? ????? 273 *septies A* ??? ?????? ?????????? ??????, ?? ??? ?????? ??? 91-  
716, ??? 26 ?????? 1991 (JORF ??? 27 ?????? 1991, ?. 9955, ??? ????: ??????  
????????? ??????), ?????????? ?? ???:

«? ?????? ?????????????? ??? ?????? ??? ??????, ??? ??????????, ??? ??????? ?????? ???  
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??? 1?? ?????????? 1993 ??? ?? ?????????? ??? ?? ?????? ?????????? ??? ?? ??????? ??  
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9 ? ??????? ?????????? ??? ? ?????????? ??? ?????? 273 *septies A* ??? ??????  
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????????? ??? ?????? ?????? ?? ?? ?????? 17, ?????????? 2, ??? ?????? ??????, ?? ???  
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10 ?? ?????? ??? 18?? ?????? 1998, ? ?????? ?????? ?????? ?? ?????? ?????????? ??  
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11 ?? ??????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?? ?????? ??? 13?? ??????????  
1998, ?????????? ??? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ???  
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12 ?? ?????????????? ?? ??? ??? ?????? ?????? ?????????? ?????????? ? ?????????? ?????????? ??  
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13 ?? ??????? ??? 1?? ??????? 1999, ?? ??????? ?????? ??????????? ??? ?????? ???  
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14 ??? ??? ??????? ????, ? ??????? ??????? ?? ?????? ??? ?????? ??? ?????? ????.  
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15 ??? ??? ??? ?????? ?? ???????, ?? ?????? 17, ?????????? 6, ??? ??? ?????? ??????? ???????  
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??????, ??? ?? 1? ??????? 1979. ???????, ? ?????? ??? ?????? ??? ?????? ??? ??????? ???  
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2, ??? ??? ??????, ??? ?? ??? ?????? ??????????? ??? ?????? ??? ?? ?????? ??? ?? ???  
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16 ? ??????? ??????????? ??? ?? ??????? ?? ??? ?????? ?????? ?? ?????? ?? ??????????? ?? ???  
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17 ? ??????? ???????, ??????????? ??? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ???????,  
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?? ?????????? ??? ?? ?????? 17, ?????????? 6, ??? ?????? ??????, ??? ?????? ?????? ???  
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18 ??????, ?????? ?? ??????? ??? ?? ?????? ?????? 17, ?????????? 2, ??? ?????? ??????  
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19 ? ??? ??? ?????????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
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????? ??????, ??? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? (?? ?????? ??? 5?? ?????? 1999, C-305/97, Royscot ??., ?????? 1999, ?. ?-

6671, ???? 29).

20 ?????????? ??? ???? ?? ?????????? ??? ?????????? ?????? ??? ?? ?????????? ??? ??  
???????, ????, ?? ?????? ?? ?????????? ??? ?????? 17, ?????????? 6, ?????? ??????, ??? ??????  
???????, ????, ?? ?????? ?? ?????????? ??? ?????? ?????? ?? ?????????? ??? ?????? ??  
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????? ??? (?. ?????????????? ?????? Royscot ?, ?, 31).

21 ??? ?? ?????????? ?? ??????? ??? ?????????? ?????? ?????????? ?????????????? ???  
??? ?????????? ??? ?????? ??????, ?????? ?? ?????? ?????? ??? ?????? ??? 29?  
?????? 1999, C-136/97, Norbury Developments (?????? 1999, ?, ?-2491), ???? ??????  
???? ?????????? ??? ?????? ??????, ??? ?? ?????? 28, ?????????? 3, ?????? ?\_,  
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?? ?????? ?????????? ??? ?????????? ??? ?? ??, ???' ?????????? ?? ???????????, ???  
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????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? 28, ?????????? 4, ??? ??????  
????? (?. ?????????????? ?????? Norbury Developments, ??? 19).

22 ? ??????? ?? 17, ?????????? 6, ??? ??? ?????? ?????? ?????????? ??? ??  
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23 ?? ??????????, ? ?????? ?????????? ?????????? ?????????? ??? ?????? ??????  
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24 ?????????????? ??? ? ?????????? ? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
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25 ?????? ?????? ? ?????? ??? ?????????? ??? ?????????? ??? ? ?????? ?????? ???,  
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26 ??? ?? ???? 69, ?????????? 2, ??? ?????????? ????????????, ? ?????????? ??????????  
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?????????, ?????? ?? ?????????? ??? ?????????? ??????. ??????????, ??? ?? ?????? 69,  
????????? 4, ??? ?????????? ??????????, ?? ?????? ??? ?? ?????????? ?????? ???  
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1) ?????????? ??? ???????.

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

3) ?? ??????? ??????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ??  
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