

@import url(../../../../css/generic.css); EUR-Lex - 62001J0058 - EL

Avis juridique important

1

62001J0058

????????? ??? ??????????? (?????? ???) ??? 25?? ??????????? 2003. - Océ Van der Grinten NV ??? Commissioners of Inland Revenue. - ?????? ??? ??? ?????? ?????????????? ??????????: Special Commissioners of Income Tax - ?????? ??????. - ?????? 90/435/??? - ?????? ??? ??? ?????? - ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? - .????? ??? ?????????????? ?????? ??? ????. - ?????? C-58/01.

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???? ????? ?? ??????????? ?????? ??? Special Commissioners of Income Tax (????????
????????) ??? ?? ???????????, ???' ?????????? ??? ?????? 234 ??, ?? ??? ????? ??????????,
??? ??????? ?? ?????????? ??? ??????? ??????? ??? ?????? ?????????? ?????????????? ??????

Oc? van der Grinten NV

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Commissioners of Inland Revenue

? ??????? ?????????????? ?????????? ?? ??? ???? ?????????? ??? ?????? 5, ??????????? 1, ???
?????? 90/435/??? ??? ??????????, ??? 23? I?????? 1990, ??????? ?? ?? ?????
?????????? ??????? ?? ????? ?????? ??? ??? ?????????? ??? ??? ?????????? ???????
?????????? ?????? ??? (EE L 225, ?. 6), ????? ??? ?? ??? ??? ?????? ??? ??????? 7,
????????? 2. ??? ??????? ????.

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

?????????? ?? M. Watheler, (?), ???????, ???????, D. A. O. Edward, A. La Pergola, P. Jann ?? A. Rosas. ???????.

???????? ??????????: A. Tizzano

?????????: L. Hewlett, ????? ?????????? ??????????,

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

- ? Oc? ?an der Grinten NV, ?????????????? ??? ??? G. Aaronson, QC, ??? M. Barnes, QC,

- ? ?????????? ??? ?????? ?????????, ?????????????? ??? ??? J. E. C?llins,
????????????? ??? ??? L. Henderson, QC, ??? R. Singh, barrister,

- ? I?????? ?????????, ?????????????? ??? ??? U. Leanza, ?????????????? ??? ??? G. De Bellis, avv?cato dello Stato,

- ?? ?????????? ??? ?????????? ??????, ?????????????? ??? ??? J. Monteiro,

- ? ?????????? ??? ?????????? ??????, ?????????????? ??? ??? R. Lyal,

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

???? ?????? ??? ?????????? ?????????????? ??? Oc? ?an der Grinten NV, ?????????????? ???
G. Aar?ns?n ??? M. Barnes, ??? ?????????? ??? ?????????? ??????????,
????????????? ??? ??? P. ?rm?nd, ?????????????? ??? ??? L. Henders?n, QC, ??? M.
H?skins, barrister, ??? I?????? ?????????, ?????????????? ??? ??? G. De Bellis, ??? ???
?????????, ?????????????? ??? ??? R. Lyal, ??? ???? ??? ?????????? ??? 3?? ?????? 2002,

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?? 23?? I????????? 2003,

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1 ?? ?????? ??? 6?? ?????????? 2001 ??? ?????? ??? ?????????? ??? 12 ?????????? 2001,
?? Special C?mmissi?ners ?f Inc?me Tax (???: C?mmissi?ners) ???????, ??'
????????? ??? ?????? 234 ??, ??? ?????????? ?????????? ?? ??? ??? ??? ?????????? ???
?????? 5, ?????????? 1, ??? ?????? 90/435/?? ?? ?????????? ??? 23?? ?????? 1990,
?????? ?? ?? ????? ?????????? ?????? ?? ??? ??? ?????? ??? ??? ?????? ??? ??
????????? ?????? ?????????? ?????? (?? L 225, ?, 6, ??? ?: ?????? 90/435 ?
?????), ?????? ??? ?? ??? ??? ?????? ??? ?? ??? ??? ?????? 7, ?????????? 2, ???
?????? ????.

2 ?? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? Oc? ?an der Grinten
NV (???: Oc? NV), ?????? ?????????? ?????? ?? ??? ??? ??? ?????? ??? ??????
?? 100 % ??? ?????????? ??? ?????????? ?????? Oc? UK Ltd, ??? ??
C?mmissi?ners ?f Inland Revenue (????????? ?????????? ??????), ??? ?? ??
????????????? ??? ?????? ?????? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??????????.

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3 ?? ?????? 5, ??????????? 1, ??? ??????? ????. ?? ????:

4 ?? ?????? 7, ??????????? 2, ??? ??????? ????. ?? ????:

«? ??????? ?????? ??? ?????? ??? ?????????? ??? ?????? ? ?????????? ? ?????????????? ?????????? ??? ??????
????? ?? ?????????? ? ?? ?????????? ?? ?????? ?????????? ??? ??????????????, ??? ?????? ???
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5 ???' ??????? ???. ?????????? ???. ?????? I ??? Inc?me and C?rp?rati?n Taxes Act 1988
(????? ???. 1988 ????. ????. ?????????? ???. ????. ????. ??????. ??????, ????. ????: ICTA),
????????? ???. ????. ?????? (c?rp?rati?n tax) ????. ??????. ?????????? ???. ????.
?????. ????. ??????. ????. ????. ??????. ????. ????. ??????. ??????. ????. ??????. ????. ?'!
?????. ??????. ????. ??????. ????. ??????. ????. ??????. (????? 8 ???. 11 ???. ICTA).

6 ? ?????? ?????????? ?????????????? ??? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ???? ???? ?????? ??? ?????? ??? ???? (????? 6, ?????????? 1, ??? 8, ?????????? 1 ??? 3, ??? ICTA), ??? ?????? ??? ?????? ?????? ?????? ?????? (????? 12 ??? ICTA).

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

7 ?????? ??? ??????????? ??????????? ??? ????? ?? 1992 ??? ?? 1993, ??? ??????
????????? ??? ??????? ??????? ??? ??????? ?? ??????? ???????, ??? ? ???????
????????? ???, ??????? ?? ?????????????? ??? ??? ????? ?????? (ad?ance
c?rp?rati?n tax, ??? ????: ACT) (????? 14 ??? ICTA), ? ?????? ?????????? ??? ?? ???? ???? ?
??? ?????? ??? ?????????????????? ????????. ????????, ?? ? ?????????? ??? ACT ????
25 % ??? ?? ??? ?? ?????? ?????? 4 000 ??? ?????? (GBP), ? ACT ??????? ?? 1
000 GBP.

8 ?? ??????? ?? 1998 ?? ???? Finance Act 1998 ?? ??????? ?? ACT
?? ?? 6 ??????? 1999, ?? ?????????? ?? ?? ??????? ?? ?? ??????? ?? ??
?????? ?? ?? ??????? ??.

9 ????? ??????? ??????? ?? ???????, ???' ????? ????? ???????, ?? ???? ??? ??????? ??
?????????????? ?? ?? ??????? ??, ?????? ?? ???? ?? ?????? ?? ??????? ?? ?? ?? C.? ?
????????????? ?? ?? ??????? ACT ?????????????? ?? 14 ??????? ?? ?? ?????? ??
????????? ?? ?? ?????? ?? ?????? ?? ?????? (?????????? 13, ?????????? 1 ?? 3, ??? IICTA).
??????, ? ACT ?????? ?? ??????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?????? ?? ???????????, ?????? ????? ??????????? ?????? ?????? ??
????? ????? ?? ?????? ????? ??????????? ?????.

10 ??????? ?? ?? ????? 239 ??? 240 ??? IICTA, ? ACT ??? ?????????? ??? ??????? ???
????????? ??? ?????????????? ??? ????? ?????????? ?????? ?????????? ?????? ?????? ???' ????,
?? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ???????, ???? ?? ?????????? ??? ??
????? ??? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ??
????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ??
????????? ?? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

11 ??? ??????? ??? ??????? ??? ??????? ?????????? ??? ??????? ??? ??????? ??? ??????? ???
????????? ? ?????? ??????? ??? ??????? ??? ?????? ?????????? ??? ??????? ?????? ???????
????? (????? 208 ??? IICTA). ???????, ??? ?????????? ?? ACT ?????? ?????????? ???
????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

H ??????? ????

12 ?? ?? ?????? ??????? ??? ??????? ?????????? ??? ??????? ?????? ? ??? ??????? ??? ??????? ???
?????? ??????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????? ??????? ??????? ???
????? ?????????? ?? ACT, ? ??????? ?? ?? ??????? ??? ?????? ?? ??????? ?????????? ??????? ???
?????.

13 ? ??????? ?????? ?????? ??? ?????? ??? ACT ??? ?????????? ? ?????????? ?????????? ???
????? ??? ?? ?? ?????? (????? 231, ?????????? 1, ??? IICTA). ???????, ?? ?
????? ?????????? ACT ??? 25 % ?? ?? ??? ?????? ?????????? ?????????? ??? 4
000 GBP, ? ?????? ?????? ?????? ??? 1 000 GBP.

14 ???? ?? ??????? ?????????? ??? ??????? ?????????? ??? ??????? ?????? ??? ?? ??? ??
????????? ??? ?????????? ??? ?????? 241 ??? IICTA ?????? ???, ? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????? ??? ??
????????? ?????????? ??? ACT ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???
????? ??? ??????.

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

16 ?????? ?? ?????????? ??? ?? ??????? ??? ??????? ?????? ??? ??????? ?????????? ???
????????? ?? ??? ??????? ??? ?????? ??? ?????? ??? ???????, ???' ????, ??? ??
????????? ??? ?????? ??? ???????, ??? ?????? ?????????? ??? ?? ??? ??????? ??? ??
????????? ??? ?????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
??? ??? ??? ???????, ???' ??????? ??? ?????? 233, ?????????? 1, ??? IICTA.

17 ????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????? ?????????? ?? 1992 ?? ??
1993, ?? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ???
????????? ??? ?????? ?????? (?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ???) ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ??

????????? ??? (????? 231, ?????????? 3, ??? ICTA).

18 ?? ? ?????? ??????????, ? ?????? ?????? ?? ?????????? ??????? ??? Special
C?mmissi?ners ? ??? General C?mmissi?ners ???, ?????????, ??? High C?urt.

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

19 ? ??????? ??????? ?????? ?? ??????? ??? ??????? ?? 1980 ?????? ??? ???????
????????? ??? ??????? ?????????? ??? ??? ?????? ?????????? ??? ??? ?????????? ??? ???
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??? ??? ?????????? ??? ?? ?????????? ?????? ???.

20 ?? ????? 10, ?????????? 3, ??????? c), ??? ?? ??? ?????? ?????????? ?????????? ?? ????:

«c) [...] ??? ?????? ?? ??? ?????? ??? ?????? ?????? ?? ?????? ?????????? ??? ??????? ??
??? ?? ??????? ???????, ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ???, ???
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?????????? ?????? ???????, ?????????? ??? ?????????? ?????????, ?? ??? ?????? ???
?????????? ???, ?????? ??? ?????? ?????????? ??? ?????????????? ??? ?? ??? ?????? ?????????? ???
??? ?????????? ??? ?????? ?????????? ?????? [...].»

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

22 ?? ????? 10, ?????????? 3, ??????? a), ?????????? ii), ??? ?????????? ??? ?????? ????:

«ii) ??? ?????? ??????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ???
????????? [?? ??? ??????? ??????? ??????? ?????????? ??? ?????? ??? ?????? ???], ?????? ???
????????? c) ??? ??????? ?????????? ???????, ?????? ?????? ?? ??? ?????????? ??? ?????? ??
????????? ???????, ??????? ??????? ?? ?? ?????????? ??? ?????????? ?????????? ???, ?? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?? ?????????? ??? ?? ??? ?????? ?????????? ?? 5%.»

23 ?? ?????? ?????????? ?????????? ??? ??????? ?? ??? ?????????? ??? ?????? ?? ?? ?????????? ??????????
?????????:

?????? ??? ?????????? ? ??????? 80

?????? ??? ?????? ??? ??????? ?????? 20

1/2 ??????? ??? ??? ??????? ?????? 10

90

????????? 5% ??? (80+10) 4.5

????????? ??? ??? ??????? ? ??????? ?????? 85.5.

24 ??? ?? ??????? ??? ?????????? ?????? ?????????? ???, ?????? ??? ?????? 10, ?????????? 3,
????????? a), ?????????? ii), ??? ?????????? ??? ?????????? ?????????, ? ?????????? ??????
????????? ??? ??????? ?? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ??? ?????? ??? ?????????? ???.

????????????? ?? ??????????? ??????????????, ?? ????? ?????????? ??? ?????????????? ?? 5,5.

26 ?? ?????? 22, ??????????? 2, ???????? c), ??? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ?? ????:

«c) [...] ??? ????? ?????? ?????????????? ?????????? ??? ??? ?????????? ????? ??? ?? ?????????? ???
??????????? ???, ??????? [?????? ?????? ??? ?????? 10, ?????????? 3,] ??? ??????
?????????, ??????? ?? ?????????????? ??? ?????????? ??????????, ??? ?????? ??? ?? ??????
???? ?????????????? ??? ?????????????? ??? ?????? a) ??? ?????? ?????????? ????.
?? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??????
????????? ??? ?? ?? ??? ?????? ?????????? ??? ??????????, ??? ?? ?????????????? ?? ?? ??? ??
????????? ??? ?? ?????????? ?? ?? ?????????? ??? ?????????? ?????????? ??? ?? ?? ??????
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ????
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

27 ???????, ?? ??? ???? ????? ?????? ?? ?????????? ??????? ?? ???? ?? ???? ?????????? ?? ???? ?? ???? ???????, ?? ???? ???????, ??????? ??????? ?????????? ?? ???? ?? ???? ?????, ?? ???? ?? ???? ?? ???? ?? ???? ??????? ?? ?????????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? 10, ?????????? 3, ??????? a), ??????? ii), ?? ???? ?????? ?? ???? ?????? ??????????.

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

28 ? Oc? NV ?????? ? ??????? ??????? ??? Oc? UK Ltd, ??????? ??? ?????????? ??? ??????? ??? ??????? ??? ???????.

29 ?? 1992 ??? ?? 1993, ? Oc? UK Ltd ??????? ??? ??????? ??? ??????? ?????????
????????? ????? 13 ??????? ???????????? GBP ???, ??? ?????, ?????? ?? ?????????? ??
ACT. ??? Oc? NV ?????????? ??????? ????? ?? ??? ????? ?? ?????? ??? ?????????? ???
?? ?????????? ?????? ???????, ??????? ??????? ??????? (???? ??????? 2 174
????????? GBP), ?????????? ??? ?????????? ??? 5 % ??? ??? ?????????? ???
????????? ??? ??? ?????????? ??? (761 000 GBP), ????? ?????????? ?????????? ???
????? ??? 1,4 ?????????? GBP.

30 ??????????? ??? ? ?????????? ??? 5 % ??????????, ??? ?????????? ??? ?????? 5,
????????? 1, ??? ?????? 90/435, ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ? ?????????? ???, ? Oc? NV ?????? ?????????? ??? ??? ?????????? ???
????? ??? Special C?mmissi?ners, ?? ??????, ??? ?????????? ??? 2000, ??????
????????? ??? ?????? ??? ??????????. ??????, ?? ?????????? ??? ?????? ?????? ???
????? ??? High C?urt ?f Justice (England and Wales), ?????????? ??? ?????????? ???
????????? ??? 5 % ?? ?????? ??? ?????????? ??? ??????.

31 ?? ??? ?? 2 ?????????? 2000 ??????? ??, ?? High C?urt ?????? ??? ? ??????????????
??? ?????????? ??? ?????????? ?????? ??? ?????? ??????, ?????? ?? ?? ??????????
??? 5% ??????? ?? ?????? 5. ?????????? 1. ??????? ?????? ??? ?????????? ??????.

????????? ??? ??????? ??????? ??? C?mmissi?ners ?????? ??? ??????? ?????????????????
????????? ??? ?????????.

32 ??? ??? ??????? ????, ?? Special C?mmissi?ners ?f Inc?me Tax ??????? ???
????????? ?? ??????? ?????????? ??????????:

«1) ??? ??? ?????????? ??? ?????????????? ??? ?????????? ??? ??????????????, ??????????
????????? ??? 5 % ??? ?????? 10, ?????????? 3, ????????? a), ????????? ii), ???
????????? ??? ??? ?????? ??? ?????? ?????????? ??? ?????????? ?? ?????????? ?????????? ???
?? ??? ?????? 1980 ("????????? 5 %") ?????????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????, ??? ??? ?????? ???
????? 5, ?????????? 1, ??? ?????? 90/435/??? ??? ?????????? ??? 23? I?????? 1990;

2) ?? ? ?????????? ??? 5 % ?????? ?????? ?????????? ?????? ???, ?????? ??
????????? ?????? ??? ?????? 7, ?????????? 2, ??? ??????;

3) ?? ? ?????????? ??? 5 % ?????? ?????? ?????? ??? ?????? ??? ?????? 7, ?????????? 2, ???
??????, ??? ???? 7, ?????????? 2, ?????? ??? ?????????? ?????????? ?
????????? ?????????? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ?????????? ?????????? ?,
????? ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ???
????????? ??? ?????????? ??? 5 %;»

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

33 ?? ???? ?????? ?????????????? ?????? ?? ?????? ?????????? ?????? ???' ?????? ?? ???
????? ??? ???? ?????? ??? ?????? ??? ?????????? ??? 5 %, ??? ?????? ?????????? ?
????? ??? ?????? ??????????, ?????? ?????????? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?????? ?????????? ??? ?????? ???, ??? ??? ?????? ??? ?????? 5,
????????? 1, ??? ??????.

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

34 ? Oc? NV, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?
????????? ?????????? ??? ???? ?????? ??? 5 % ?????? ?????????? ?????? ??? ?????? ???
?? ?????? ??? ?????? ?????? ?????? ???, ??? ?????? ?????? ?????????? ??? ?????? ???
5, ?????????? 1, ??? ??????, ?????????? ???' ?????? ??? ?? ?????? ???.

35 ? Oc? NV ?????????? ??? ?????? 26 ??? ?????? ??? ?????? ?????????? ?????????? Alber ???
????????? ?????????? ?????????? (????????? ??? 4? ?????????? 2001, C-294/99, ?????? 2001, ?.
?-6797), ?? ??? ?????? ?????? ???, ??? ?????? ?????? ?????????? ??? ?????? ???
????????? , ? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????? ? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?? ?????? ?????? ?????? ??????. ??????, ?? ?????? 5, ?????????? 1, ??
????? ??? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ?? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

36 ? Oc? NV ?????????? ??? ? ?????????? ??? 5 % ?????????? ??? ?????? ??? ????
?? ?????????? ??? ?????? ? Oc? UK Ltd ??? ??? ?????? ??? ?????????? ??? ??????. ??
????????? ??? ?????? ? Oc? UK Ltd ?????????? ??? ?????? ?????? ?????????? ??? ??????????
?? ?????? ?????? ??? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ??????, ??? ?
????????? ??? 5 % ??????, ?? ??? ?????? ??????, ?????????? ?????? ??? ?????? ??? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???.

37 ??????, ??? Oc? NV, ? ??????????? ?????? ?????? ?? ??????? ?? ???????????
????? ????, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ????. ?? ???????????
??? ??' ????, ??? ?? ??????.

38 ???', ??? Oc? NV ?????? ??? ? ?????? «?????» ??? ??????????? ??? ??????? ???
?????????? ?? ?????? ??? ?????? ?????? ?? ??????????? ??? ?????? ??? ??????
?????????? ??? ??????. ? ?????? ??? ?????????????? ?????? ?????? ??????
?????????? ??? ?????? ?? ?????? ??? ??????. ??? ?????????? ??? ??? ??????
????????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
?????????, ? ?????? ??? ?????? ?????? ?????? ??????????? ?? ??????, ??? ??? ??????
??? ??????????? ??? 5 %. ???????, ? ?????? ??? ?????? ?? ?????? ??? ?????? ??
????? ??? ?????? ??????. ???????, ?? ?????? ??? ?????????? ?????? ?????? ??????
????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??????.

39 ? ?????????? ??? ??????? ?????????? ??????????? ???, ?? ??? ?????? ??? 8?? ??????
2000, C-375/98, Eps?n Eur?pe (?????? 2000, . ?-4243), ?? ?????????? ?????????? ??????
????????? ??? ?????? ??? ??????????? ??? ?????? ??? ?????? ??? ??????????? ??????, ???
????? ?????????? ? ?????? ?????????? Alber ??? ?????????????? ?????? ??????
?????????. ????, ??? ?? ????? 23 ??? ?????? Eps?n Eur?pe ?????????? ??? ??????
???? ?????????????? ??? ?????? ??? ? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????????? ??? ?????? ?????? ?????????? ??? ??????, ??? ?? ??? ?????????????? ??? ??????
????, ?????????? ??' ??? ?????? ?????? ??? ?????? ??? ?????? ??????.

40 ??? ?? ??? ??? ?????????? ????, ? ?????????? ??? ?????? ?????????? ???????????
?? ??? ?? ??? ?????????? ????, ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???
??????, ??? ?? ??? ?????? ??? ?????????? ??? 5 % ??? ?????????? ??????????? ?????? ???
???? ?? ??? ?????? ??? ??????, ??? ?????? ??????????, ?????????? ?????????? ???
???? ?? ??? ?????????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ?????? ?????????? ???
?? ??? ?? ??????????. ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? 5
% ??? ? ?????? ?????? ??????, ? ?????? ?????????? ?????? ??? ?????? ?????? ??????????
?????-. ??? ?? ??? ?????????? ????. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??????. ??????, ???, ??? ?? Oc? NV, ??? ? ?????????? ?????? ?????? ??????????
????? ?? ??? ??? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ??????.

41 ? ??????? ?????????? ??? ? ?????????? ??? ?????? ??? ?????? ?? ?????????? ???
?? ?? ?????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ???
????????????? ??? ?? ?????????? ??? ?? ?????? ???.

42 ??????????? ?? ? ?????????? ?? 5 % ?????? ?? ??????? ?? ????? ?? ??
?????????? ??????. ????????????, ? ?????? ??????? ??????? ?????????????? ????? ??
????????? ?? ?????? ??????? ??????? ?????? ?? ????? ?? ?????? ?????? ????? ??
????????? ???. ????? ?? ????????, ?? ?????? ??????? ??????? ?????????? ?????? ??
????????? ?? ?? ?????????? ?? ?????? ?? ????????. ??????? ?? ?????? ???????
????????? ?? ?? ??????? ?? ?????? ??, ??? ?????? ??????? ?? ?????? ?? ??????? ??
????????? ?? ?? ??????? ???????, ??? ?????? ??????? ?? ?????? ?? ??????? ??
??? ? ??????? ?? ???????????, ??? ???????????????, ?? ?????? ?? ?????? ??
????????? ?? ?? ??????????? ??' ????? ?? ?????? ?????? ?? ??????? ??, ???
????????? ??????????? ?? ?????? ?? ?????? ??????????? ?? ?????? ?? ?????????? ??
????????? ??????. ?? ??????? ?? ?? ??????????? ?? ?????? ?? ?????? ?? ?????????? ??
?????????????? ??' ????? ?? ?????? ??????????? ?? ?????? ?? ?????? ?? ?????????? ??
?? ??????????? ?? ?? ?????? ???????, ?? ?? ??????, ??? ?? ?? ?????? ?? ??????????? ??
??????.

43 ??????, ??? ?? ?????????? ?? ?? ? ??????????? ?? ?????? ??????? ??????
?????????? ???????, ??? ?? ?????? 22, ?????????? 2, ??????? c), ??? ???????,
????????? ?? ?????? ????? ?? ?? ?????? ?? ?????? ?? ??????? ??????? ????? ??
?????? ?? ??????? ?? ?? ?????? ?????? ??????????????? ?? ?????? ?? ??????? ??
????? ?? ???????.

44 ?????, ??? ?? ????????, ?? ?? ??? ??????????? ?? ?? ??????????? ?? ?????? ??????
?? ??????? ?? ??????????? ?? ?? ???, ?? ?? ?????? ?? ??????????? ?? ?? ??? ??
????????? ?? ?? ??????????? ?? ?? ??????????? ?? ?????? ?? ??????? ??????. ??????????????
????? ?? ??????????? ?? 5 % ?????? ?? ??????? ?? ?????????? ?? ?? ??? ??????????
????????? ?? ?? ???????.

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

45 ??????????? ?? ?????????? ?? ?? ? ??????, ??? ?????????? ?????? ?????? ?? ?? ??
?????????? ?? ?? ??????, ?????? ??? ?????? ???????, ?? ?? ?????? ?????? ?????? ???????????
??????????, ??? ?????????? ??????????????? ?? ?????? ?????????? ?????? ???????
????????????? ?????? ?? ?????? ?? ?? ?????? ?? ?? ??????????? ?????? ?????????? ?? ?? ??
????????? ?? ?? ?????? ?? ?? ??????????? ??????????????? ?? ?????? ?? ?????????? ???????????.
????? ??????? ?? ?? ?????? ???????????, ?? ?????? 5, ?????????? 1, ?? ?????? ?????? ??????????
?? ??????? ?? ?? ?????? ??????????? ?? ?????? ?? ?? ?????? ?? ?????? ?? ?????????? ??
?? ??????? ?? ?? ?????? (?????? ?? ?? 17?? ??????? 1996, C 283/94, C-291/94 ?? C-292/94,
Denkavit ??., ??????? 1996, ?. I-5063, ?????? 22, ?? ??????????????? ?????????? Eps?n
Eur?pe, ?????? 20, ?? ?????? ???????, ?????? 25).

46 ??? ?? ?????????? ?? ?? ??????? ?? ?? ??????????? ?? ?????? ??????? ?? ?? ?????????? ??
?????? ?? ?? ?????? ?????? ??????????? ?? ?? ??????? ?????????? ?????????? ?? ?? ?? 5,
?????????? 1, ?? ?? ??????, ??????, ?????, ?? ?? ?????? ??????? ?? ?? ?????? ?? ?? ??????????
????? ?? ?? ??????????? ?? ?? ??????????? ??' ?????? ?????? «?????????? ?? ?? ??»
?? ??????????? ?? ?? ??????? ?? ?????? ??????????? ?? ?????? ?????????? ?? ?? ?? (??.
????????????? ?????????? Eps?n Eur?pe, ?????? 22, ?? ?? ??????? ??????????, ?????? 26).
???????, ??? ?? ?????? ???????, ?? ???????????, ?? ?? ??????? ?????????? ?????????? ?? ?? ??
?????, ??? ???????????, ??? ?????? ?? ?? ?????? ?????? ?????????? ?????????? ?? ?? ?????????? ??
?????????? ?? ?? ?????? ??????????????? ??????????????? ?? ?? ?????? ?????? ?? ?? ??
?????????? ?? ?? ?????? ??????????????? ?? ?? ?? ?????? ?????? (?. ???????????????
?????? ?? ??????? ???????, ?????? 27, ?? ?? ?????? ??????????? ??????????).

47 ?? ?????????? ?? ?? ?????? ?? ?? ??????? ??????????? ?? ?????? ?????? ?? ?? ??
?????????? ?? ??, ?? ?? ?????? ?? ?? ?????? 5, ?????????? 1, ?? ?? ???????, ?? ?? ??

????? ??? ?????????????? ??? ?????????????????? ??? ?????? ??? ?????? ?????????????? ??
 ?????????? ??? ?????????????? ?????? ??? ?????? ?????? ? ?????????? ?????????????? ?
 ?????????????? ??? ?????? ?????? ?????????? ??? ??????, ?????? ??? ?????????????? ??? ?????
 ?????? ??? ?????? ? ??????? ??? ?????? ?????????? ??? ?????? ??? ?????? ? ??????? ??? ?????? ??? ?????
 (??., ???????, ?????????????? ???????? Eps?n Eur?pe, ????? 23, ??? ????????
 ????????, ??????? 28 ??? 29).

49 ????? ?????? ?? ?????? ??? ??????????????? ?? 5 % ??? ?????????????? ?? ??????????, ??????
?? ?????????? ?? ?????????? ?? ????? ?? ?????????? ?? ????? ?? ????? ?? ????? ???????????, ??????
???? ?????????????????? ?? ?? ????? ??.

50 ?????????????? ??? ????? ????? ? ?????????? ??? ?? ??? ????? ?????????????? ??? ??????, ???????,
?? ?????????????? ??? ? ??????? ????? ?????? ????? ?????????????? ?????????????? ?????? ?????
????????? ?????????? ?? ??????? ?????, ?????, ?????????? ?????????? ?????? ??????????????
????? ?????????? ??? ????? ???????????, ?? ?????????? ?????????????? ??? ?????? ????.
?????????????, ??? ?????????????? ??? ? ??????? ????? ?????????????? ?????? ??? ??????????
?? ?????????? ?? ??? ????? ?????????? ?????????? ??? ?????????? ?????? ?????????? ??? ??????
????????? ?? ??????? ??????? ?????????? ?????? ??? ?????? ?????. ?????????? ??????? ??????????, ???
????????????? ??????? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????????? ?????????? ???
??? ?????????? ?????? ??? ?????? ?????? ?????????? ? ?? ??? ?????? ??????.

51 ?????, ?? ?????? ??? ?????????????? ??? 5 % ??? ?????????? ??? ?????????? ???
?????? ?? ?????? ?? ???? ?????? ???, ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ???
??? ??????? ?? ??????????. ??? ?? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? ?
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ?? ?????? ???
??? ?????????? ??? ?? ?????? ??? ?????? ??????, ?????? ?????????? ??? ?????? ???
????? ??? ?????????? ???.

52 ???????, ??? ????, ??????? ??????? ??, ??? ??, ?????????????? ??, ??? ?????????????? ??, ??? ?????????????? ??, ??? ??, ???
??? ?????? ??, ??????? 5, ?????????? 1, ??? ??????, ??? ????? ??, ??? ????? ??, ??? ??????? ??, ??? ????? ??, ??? ????? ??,
????????????? ??, ??????? ??, ???????, ??, ??????? ??, ???, ??? ??????? ??, ??? ??????? ??, ??? ????? ??, ??? ??,
? ??????? ??, ??????-?????? ??????? ??, ??????? ??????? ??????? ??, ??????? ??????? ??, ??????? ??, ??? ??,
?? ??????? ??, ??? ??, ??????? ??, ??, ??????? ??, ???, ??? ????? ??, ??? ??, ??????? ??, ??? ??, ??????? ??, ??? ??,
????????????? ??, ??????? ??, ??? ??, ??????? ??, ???, ??? ??????? ??, ???, ??? ????? ??, ??? ??, ??????? ??, ??? ??,
????????????? ??, ??????? ??, ??? ??, ??????? ??, ???, ??? ??????? ??, ???, ??? ????? ??, ??? ??, ??????? ??, ??? ??,
????? ??, ??? ??, ???????, ?????? ??, ????? ??, ??????? ??, ???, ??? ????? ??, ???, ??? ??????? ??, ??? ??, ??????? ??,
????? ??, ???, ??? ??????? ??, ??????? ??, ???, ??? ??????? ??, ???, ??? ??????? ??, ???, ??? ??????? ??, ??? ??, ??????? ??,
????? ??, ???, ??? ??????? ??, ??????? ??, ???, ??? ??????? ??, ???, ??? ??????? ??, ???, ??? ??????? ??, ??? ??, ??????? ??,
????? ??, ???, ??? ??????? ??, ??????? ??, ???, ??? ??????? ??, ???, ??? ??????? ??, ???, ??? ??????? ??, ??? ??, ??????? ??,
?? ?????????? ??, ?????????? ??, ???, ??? ?????????? ??, ???, ??? ?????????? ??, ???, ??? ?????????? ??, ???, ??? ??????? ??, ??? ??, ??????? ??,
?? ??????? ??, ???, ??? ?????????? ??, ???, ??? ?????????? ??, ???, ??? ?????????? ??, ???, ??? ??????? ??, ??? ??, ??????? ??,
??????????.

? ?????????????? ??? ?????? ?????????????? ??? ?????????????? ??? ?????? 47 ??? ??????
????????? ????????, ?????? ?? ?????????? ??? ??? ?????????? ??? ??????
?????????????.

54 ???????, ??????? ??????? ?? ???????? ??? ??????? ? ??????? ?????????? ???
????????? ??????? ???????, ? ?????????????? ??? ??? ??????? ??? ?????? ??? ?????? ???
????? ?????????? ?????????? ??? 5 % ?????? ?? ??????? ?? ?????????? ??? ?????????? ???
????? ??? ??? ?????????? ??????, ? ????? ???' ????? ?????????? ??? ?? ?????? 5,
????????? 1, ??? ??????.

55 ??? ?????? ?? ?????? ??? ?????????? ??? 5 % ??? ?????????? ??? ?????? ??????
????? ?????? ?????? ??????? ? ??????? ??? ??????????, ??? ??? ??? ?? ??????????????
????????????? ?????? ??? ??? ??? ?????????? ??????, ? ?????? ???' ?????
????????????? ??? ?? ?????? 5, ?????????? 1, ??? ??????, ?????? ??? ?????? ?? ?????? ???
????????? ? ??????.

56 ???????????, ? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???,
?????????? ???????, ??????? ??? ?????? ??????????, ?????? ??? ?????????? ???
????????? ??? ?????? ?????? ??? ?????????? ?? ??????????, ??? ?????? ??? ?????????? ???
??? ?????? ??????????. ???????, ??? ?????? ?????? ??????.

57 ???????, ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? 30, 33 ??? 34 ??? ??????????
??, ?? ?????????? ??? ?????????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????????? ???
??? ?????????? ??? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ???.
??????????, ? ?????? ?????? ??? ?????????? ??????, ??? ??? ?????????? ??? 5 % ???
??? ???????, ??? ?????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
??????????, ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

58 ? ??????? ??? ?????????? ?????? ??? ?????? ???, ??? ?????? ??? ?????????? ???
??? ??????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????????, ? ?????????? ??? 5 %
??? ??????? ??????? ?????????? ?????????? ??? ??? ?????? ??? ?????????? ???
????????? ?? ?????????? ??? ?????????? ??? ??? ??? ??? ?????? ??? ?????? ?????? ???' ???
????????? ??? ?????? 22, ?????????? 2, ??????? c), ??? ??????.

59 ?? ?? ??????, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ?? ?????????? ??? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???, ?
????????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ?? 5 % ??? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ??? ???
????????????? ????, ?????????????? ???' ?????? ??? ?? ?????? 5, ?????????? 1, ???
?????.

60 ???????, ??? ?????? ??????? ?????? ?? ?????? ? ?????? ??? ?????? ??? ?????? ???
?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ?? 5 %, ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ??????. ??????????
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?????? ??? ??????, ? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?????????? ??? 5, ?????????? 1, ??? ??????.

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

61 ??? ?? ??????? ??????????? ???????, ?? ?????? ??????????? ?????? ???' ?????? ?? ??
????? 7, ??????????? 2, ??? ?????? ?????? ?? ??????????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ? ??????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ??? 5 %, ??????? ? ?????????? ??? ?????? ??? ?????? ?????????? ??????
????? ??? ??? ??? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ?????? ?????.

62 ??????? ??? ?????????? ??? ???????, ?? ?????? ??????? ?????? ???
????????? ??? 5 % ?????? ??? ?? ?????? ??? ?????? ?? ??????????.

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

63 ??? ?? Oc? NV, ?? ??? 7, ?????????? 2, ??? ?????? ??? ?????? ?? ?????????? ??
????????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ?????????? ?? ?????? ??? ??
??? ??? ??? ?????? ?????? ??? ?????? ? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ? ?????? ?????????? Alber ??? ?????? 41 ??? ?????????? ??? ???
????????? ?????? ?????? ??????????, ??? ?? ?????????? ?? ??? ??????
????????? ?????????? ? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ??
????????? ?? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ??? ??
????? ??? ?????? ??? ?????? ?????????? ??? ??????, ??? ?? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? 7, ?????????? 2, ??? ??????.

64 ??????, ??? ?? Oc? NV, ?? ?????????? ??? ??????? ??? ?????? ??? ?????? ?????????? ??
????? ?? ??????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????? ???
????? ??????? ?? ??? 7, ?????????? 2, ??? ??????, ?????? ??? ?? ?????? ??? ?????? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ??????????
?? 5 %. ??????????, ??? ?? Oc? NV, ? ?????????? ?? 5 % ??? ?? ?????????? ??
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??
????????? ?? ?????? ?????????? ??? ?????? ??? ??????????, ??? ?? ?????? ??? ??????????
?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ??????.

65 ? Oc? NV ??????? ?? 7, ?????????? 2, ??? ?????? ??? ?????? ??
????????? ?? ??????? ??? ?????? ??? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ??? ?? ?????? ??? ?????? ??? ??????.

66 ??????, ?????????? ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ??
????? ??? ? ?????????? ?? 5 % ?????? ?? ?????? ?? ?????????? ??? ?????? ??? ?? ?? 7,
????????? 2, ??? ??????, ?????? ?????????? ?? ?????????? ?? ?? ?????? ??? ?????? ??? ??????????
????. ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? 7, ?????????? 2, ???
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ??? ?????? ??? ?????? ??? ??????.

67 ??????????, ? ?????? ???????, ??? ?????? ?????????? ??? ?????? ??? ?????? ??????
????????? ??? ?? 5, ?????????? 1, ?? ?????? ??? ?????????? ??? ?????? ??? ?? ??
????? 5 ??? ?????????? ?? ??? ?????? «??? ?????????? ??? ??? ?????? 1». ??????????,
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??
?? ?????? 7, ?????????? 2, ?????????? ??? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ??
????????? ?????? ??? ?????? ??????.

68 ??? ?? ??????? ??? ?????? ?????????? ??? ?????? ?????????? ??
????????? ??? ? ???????, ?????? ??? ?? ?????????? ?? 5 % ?????? ?????????? ??? ??
????? ???, ?????? ?????? ?? ?????? ??? ?????? ??? ?????? 7, ?????????? 2, ??? ??????.

69 ? ?????????? ??? ??????? ?????????? ?????????? ?????? ?? ?????? ??? ?????? ??? ?????
????????? ?? ??? ??????? ?????? ?????????? («? ??????? ?????? ??? ?????») ???
????????? ??? ??? ??????? ?? ?? ?????????????? ??? ?????? 7, ?????????? 2,
????????????? ??? ??? ?????????? ?? ??????????, ?????????? ??? ???
????????? ??? ?????? ??? ?????? ??????????.

70 ??? ?????? ??????? ?? ??? ??? 10, ?????????? 3, ??????? a), ?????????? ii, ?? ???
????????? ??? ?????????? ??? 5 %, ??? ??????? ???' ?????? ??? ?????????? ???
????????? ??????. ?????????? ?????????? ??? 5 % ??? ?????? ?? ?????? ???
????????? ?????? ?????? Oc? NV ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ???
???? ??????????, ? ?????? ?????????? ?????????? ??? ?????? ??? 5 %
?????????, ??? ?????? ??? ?????????? ??????, ?? ??? ?????? ?????????? ?????? ???
????? ?????? ? ?????????? ??? ?????? ?????????? ???.

71 ??? ??? ?????????? ??? ??????? ??????????, ?? ??? 10, ?????????? ?? ??????????
??????, ??????? ?????? ??? ?????? ?? ??????? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ?????????? ??? ??????????, ?????????? ??? ?????? ?????????? ???
????? 7, ?????????? 2, ??? ??????. ? ?????? ?????? ?????????? ??? ??? 10,
????????? 3, ??? ??????.

72 ???? ?????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????????? ? ?????????? ???
????????? ??????? ??? ?????? ?? ??? ?????? ?? ?????? 10 (? ? ?????????? 3 ??? ??????
?????) ??? ??????? ??? ?????? ??????????. ??? ?????????? ??? ??? ?? ??????
????????? ??? ?????? ?????????? ??? ??????, ??? ? Oc? NV, ??? ??? ?????? ???
????????? ??????. ???????, ?? ?????? ??? Oc? NV ?? ?????????? ?????? ???
????????? ??? ??????? ?????????? ??? ??? ?? ?????? ?????????? ?????? ??? ??? ???
?? ??????? ??? ?????????? ??? Oc? NV, ??? ?? ?????????? ?? ?????????? ???'
????? ?????? ??? ?????? ????. ?? ?????? ?????? (?? ??????? ?? ??? ??? ???)
????????? ?????????? ?? ?????? ???????, ??????, ?? ?? ?????? 10, ?????????? 3, ??????? c),
?? ???????, ?????????? ??????? ?? ?????? ?????? ??? ?????? ?? ?????? ??? ??????????
????? ??? ?? ?????????? ?? ?????? ?????? ?????? ??? ?????????? ?????????? ???
????????? ??? 5 %. ?? ?????? ?????? ?????????? ???, ?? ?? ??????, ???,
????? ??? ???????, ? Oc? NV ??? ?????? ?????? ???' ?????? ?? ?????? ???
??????????, ??? ??? ?????? ???, ??? ?????, ?????????? ?????????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????.

73 ? ?????????? ??? ??????? ?????????? ?????????? ??? ?? ?????? 7, ?????????? 2, ???
?????? ??? ?????? ?? ?????????? ??? ??? ?????? ?? ?????????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ???
??? ?????????? ??? ?????? ??????????, ?????? ?? ??? ?????????? ? ?????? ??????????
Alber ??? ?????? 40 ??? 41 ??? ??????? ??? ?????? ?????????????? ?????? ??????
????????? ??????, ? ?????????? ??? ?????? ???, ??? ?????? ??????, ?? ??????????
?? ?? ??? 5, ?????????? 1, ??? ?????? ?????????? ?? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
??? ?????? ?????????, ??? ?? ?????? 10 ??? ?????? ??? ?????? ??? ??????.

74 ? ?????????? ??? ??????? ?????????? ?????? ???, ??? ??????????????, ? Oc? NV
????????????? ??? ??? ??? ?? ??? 10, ?????????? 3, ??? ?????????? ??? ???
????????? ??? ??????? ?? ??? ????? ?????????? ??? ?????????? ??? ??? ???
?????????. ? ?????????? ??? ?????? ?????????? ??????????, ??????, ??? ?? ??? 7,
????????? 2, ??? ?????? ??? ??? ?? ?????????? ??? ?????????? ??? ?????? ??????
???? ?????? ?????? ???.

75 ?????????? ???, ?? ??? ?????? ??? ? ?????????? ??? Oc? NV, ?????? ?? ??? 7,
????????? 2, ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ?????? ??? ???
????? ??? ?????????? ?????? ???, ?? ?????? ??? ?? ?????????? ?????? ???
????? ??? ??? ??? ?????? ???.

76 ? ?????? ?????????? ?????????? ??? ? Oc? NV ??? ?????? ?? ?????????????? ??? ?? ???
? ?????????? ?????? ??? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?? ???
????????? ??? ?? ?????????? ??? ?????? ??? 5 %. ??? ?? ?? ?? ?????? ?? ? ??????????
??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? ?? ?????????? ??? ??????????
????, ?????? ??? ??? ?????????? ?? ??????????.

77 ??? ??? ???????, ?????? ??? ?????? 7, ?????????? 2, ??? ?????? ?????? ??
????????? ??? ??? ?????????? ?????????????? ??? ??? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????????? ?????????? ?????? ??? ?? ?????? 7, ?????????? 2,
????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??
????????? ??? ?????? ??? ?? ?????????? ??? ??? ?????? ??? ?????? ?????? ??? ??
?????????, ?????????? ?????? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??
????????? ??? ?????? ??? ?????? 10, ?????????? 3, ??? ?????????? ???
????? ???????. ? ?????????? ?????????? ??? ?? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?? ?????????? ???
????????? ??? ??????????, ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??????????
?? ?????????? ?? ?????????? ??? ??????.

78 ? ?????????? ??? ??????? ?????????? ??????????, ??? ? ?' ?????????? ???????,
??? ? ??? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ???
?????????, ??????, ?????, ?? ??? 7, ?????????? 2, ??? ?????? ?????? ?????? ???
??? ??????.

79 ? ?????????? ?????????? ??? ??? ?????? ?? ?????????? ??? ?? ?????? 7, ?????????? 2, ???
????? ??? ?????? ??? ??? ?????????? ??? ?????? ????. ?? ?? ?????? 7, ?????????? 2, ???
????? ?? ?????????? ?? ?? ?????? ?????? ?????? ??? ?????? ?????????? ??? ??, ?? ???
????? ?? ??? ?????? ?????, ?????? ??? ?? ?????? ??? ?????? ?????? ??? ?? ?????? ?? ??
????? ? ??????.

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

80 ??? ?????????? ?? ?? ?????? 45 ??? ?????? ?????????? ???????, ?????? ??? ?????? ???
?? ??????????, ?? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ??????????
?????, ? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??
????????? ??? ?????? ??? ?? ?????? ?????? ?????????? ?????????? ?? ?????????? ??? ??????
?? ?????????? ??????.

81 ??? ??????, ??????, ??? ?????? ? ?????? ?????????? ?????? ??? ??????, ??? ??
?????? ??????, ?? ?????? ??? ?????? ???, ?????? ?????? ?????????? ???, ??
????? ?????? ??? ?????? ?????? ?????? ??? ?? ??? ?????????? ?? ?????? ??? ?? ??
????????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??

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

82 ????????, ??? ?????????? ??? ??? ?????? ?????????????? ?????? ??? ????????, ??????????????
?? ?????????????? ? ?????????? ?????? ??????????????, ?????? ?? ?????????????? ??? ??????????????
????? ??? ? ?????????????? ?????? ??? ?????????? ?????????? ??? ?? ??????? ???, ???
??? ?????????? ?????? ?????????? ??????????. ??????????????, ????????, ??? ?????????? ??
????????? ??? ?????????????? ?????????? ??? ?????????? ??? ??? ?????????? ??????????,
????? ??? ?????????????? ??? ?????????? ?????????? ??? ??? ?????????? ??????????, ??? ???
????????? ?????? ?????????? ??? ?????????????? ??????, ?? ?????????? ?? ?????????? ?? ??????????
????????? ?????????? ??? ???.

83 ?????? ????, ?? ?????? 5, ?????????? 1, ??? ?????? ?????? ??? ??? ?????? ??? ??????????
??? ?????????????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ?? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ???
????? ?????? ??? ?????????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ???
????????????? ?????????? ??????????, ??? ?????? ?????????? ? ?????? ??????????
?????, ?????????? ??? ??? ?????? 5, ?????????? 2 ??? 4, ??? ??????. ?????? ??????
????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ?????? ??? ?????????? ??????????.

84 ????????????, ??????????, ??? ?????? ??? ?????????? ??????????????, ??? ?? ??? 7,
????????? 2, ??? ?????? ??????????, ?????? ?? ??? ??? ??????????????, ??????????????
????? ??? ?????????? ?????????? ??? ?????? ? ?????? ??? ?????????? ?????????????? ???
????????? ?????????? ?????? ??????, ??? ?????? ??? ?????????? ??? ?????? ??? ?? ???
????? ?????? ?????????? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ??????????
????????? ??? ??? ?????? ??????, ?????????? ??? ?? ?????????? ??? ??????????
????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ??? 5
% ??? ?????? ??????. ? ?????????????????? ??? ?????????????? ??? ? ?? ???
????????? ?????? ??? ??? ?????? ?????? ?????? ??? ??? ??? ??? ?????? ??? ?????? 5,
????????? 1, ??? ??????.

85 ? ?????? ?????????? ??? ? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ? ??????????
????????? ??? ?? ??? 7, ?????????? 2, ??? ?????? ??? ?????? ??? ?????? ??? ?? ??????????
?? ?????????? ??? ??? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ? ?????????? ?????? ??? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ???
????????, ?????? ? ?????? ??? ?????????? ?? ?????????? ??? ?????? ?????????? ?????????????? ???
????? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????????? (????? ????, ???' ????, ??? ?????? ?????? ??? ??????
?????????) ??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????????????? ???
?????????.

86 ?????? ?????? ?? ?????????? ??? ?? ?????????????? ??? ?????? ?????? ?????? ??????????????
?????. ??? ???, ??????????, ??? ???, ??? ??? ?????? ??? ?????????? ??? ??? ?????????? ???
????? ??? ?????? 5, ?????????? 1, ??? ??????, ?? ?????????? ??? ??????, ?? ?? ?????? 27 ???
????????????? ?????????? Denkavit ??., ??? ?????? ?? ?????? 3, ?????????? 2, ??
??????, ???, ?????? ? ?????? ??? ?????? ?????? ?????????? ??? ??? ?? ??? ???, ?????? ??
????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???.

87 ?????? ?? ?????????? ???, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????????, ?
????????? ??? 5 % ?????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???, ? ???
????????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 5, ?????????? 1,

???? ????????, ??? ? ? ????? ???? ????????, ?? ? ???????????, ??? ????, ??? ?????????????? ?
????????? ??????????, ?????? ??????????? +??? ? ? ?????????????? ?? ?????????????? ???
????????? ??? ?????? ?????????? ???????????, ?? ?????? ??????????, ??? ?????? ??? ??
?????????? ??? ???????????, ?? ?????? ?????? ?????????? ?????????? ?????????? ?? ?????????? ??? ??
?????????? ??? ?????? ?????? ???, ???' ?????? ??? ?????? 22, ?????????? 2, ?????????? c),
??? ??????? ??? ?????? ??? ???????.

88 ?????? ?????? ?????????? ??????, ? ???????? ?????? ?????? ?????? ?????? ?????????????? ?????? ?????? ?????? ?????
????????? ?? ??????????? ?? ??? ?????? ?????????? ?????????? ?????????? ?????????? ?? ?? ??????????
????????? ?????? ?????? ?????????????? ??? ?????????????? ??? ?????????????? ?????????????? ?????????????? ???
????????? ??? ?????? ??????????.

89 ????????, ??? ??????? ??????? ??????? ?? ?????? ? ??????? ??????? ?? ?????? 7, ???????????
2, ??? ??????? ??????? ?? ??????????? ??? ?????? ?????? ??? ??????? ?????? ?????????? ?????? ?
????????????? ??? ??? ??????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????????
?????????? ??? 5 %, ??? ??? ?? ? ?????????? ???, ??? ?? ?????? ??? ?????????? ???
????????? ??? ?????????? ? ?????????? ??? ??????? ??? ???????, ?????? ??????????
????? ??? ??? ??? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ?????? ??????.

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

90 ??? ?? ?????? ????????, ?? ??????? ?????????????? ?????? ?? ?? ?????? 7, ?????????????? 2, ???
????????? ?????? ?????????? ??? ?????????? ?????????????? ???? ???? ?? ?????????? ?? ???
????????????? ??? ?????????? ?????????? ??? ?? ?? ?????????? ??????????????, ?????? ???
????????????? ??? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??? 5 %.

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

91 ? Oc? NV ??????? ??? ?? ?????? 7, ??????????? 2, ??? ?????? ?????? ?? ???????
?????? ?? ?? ?????? ?????????? ??????????? ?? ?? ?? ?? ?? ?????? ?????????? ?? ??
?? ?? ?????????? ?? ?? ?????????? ?????????? ?? ?? ?? ?????????? ??????????.

92 ? Oc? NV ??????????? ??? ?? ?????? 7, ??????????? 2, ??? ??????? ??? ??????????????
???????, ??? ??????? ??? ?????? 253 ?. ? ?????? ?????? ??? ?????? ?????????????? ???
????? ?? ?????? 7, ??????????? 2, ??? ?????? ??? ?????? ?????????????? ??? ?????? ??? ??????????
??? ?????????? ?' ?????? ??? ?????????? ??????????????, ?? ?????????? ?? ??? ??????
????????????? ?????????? ??? ??????. ? ?????? ?????????????? ??? ?????????????? ???
????? ??? ?????, ??? ?? ?????????????? ? ?????????? ??????????????, ?????? ??
????????????? ??? ?? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ??????
???????????, ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ????. ? Oc? NV ??????
??? ?????? ??????? ??? ?? ?????? ?????? ?????? ?? ??????????. ??? ?????? ??? ??????
????????? ??? ?????? 5, ? ?????? ?????????? ?????? ?????????? ??? ?????? ??????????
????????????? ??? ?????? ?????????? ?????? ??????. ??????????, ?????? ?????????? ?????? ???
??? ?????????? ??? ?????? 7, ?????????? 2, ??? ?????? ??? ??? ??????, ?? ?? ??????, ??
????? ????.

93 ? Oc? NV ?????????? ???, ??? ?????? ??? ??????, ?? ??????? ??? ?????????? ???
??????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????
??? ?????????? (?? 1969, C 39, ?. 7) ??? ??? ?????????? ??? ?????? ?????????? ??? ?? ??????
????? 7. ????????, ?? ??????? ?????????? ??? ? ?????????? ??? ?????????? ??? ?????????
????????? ??? ?? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? . ? ??????????
????????? ???, ?????? ???, ?? ?? ?????? ?????????? ?????????? ??? ?????? ??????????
?????????. ?????, ??? ?????? ?????????? ?????????? ??? ?? ?????????? ?????? ?? ??????????
??? ?????? ??? ?????????? ??? ?????????????? ??? ?? ?????????? ??? ?????? ?????????? ???,
????????? ??? ?????? ???, ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ? ??????

??? ????????????. ?? ????????, ? Oc? NV ?????? ??? ?? ??????? ?????? ??? ??
?????? ????, ?????? ????????, ?????? ??? ?????? ????????, ??? ?????? ???, ??? ??
????? ????, ?????? ????????, ???, ?? ?????????? ?? ?????????? ?????? ?????? ???,
??? ??? ?????????? ????????, ??? ?????? ?????? ?? ?????? ?????? ?????? ??????
?????? ?????? ????????, ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
?????? ?????? ????????, ?? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ??? ??????? 7, ?????????? 2.

94 ? ?????????? ??? ????????, ?? ?????????? ??? ? ??????? ?????????????? ???
?? ?????? 7, ?????????? 2, ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????????? ???
????? ?? ?????????? ?? ?????? ???.

95 ????????????, ?? ? ?????? ?????? ?????? ?????????? ??? ???????, ?? ??? ?
?? ? ?????? ?? ?????? ????????, ???, ?????? ??????. ??? ?????? ??????? ?? ??????? ??????
?????????? ?? ??????? ??? ?????? ??? ?????????? ??? ?? ?????? ?????? ?????? ???????,
????? ??????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????? ??????? ?? ??? ?????? ??? ??????. ????????????, ?? ?????? 7, ?????????? 2, ???
?????? ??? ???????, ???' ??????, ??? ?? ?????? ?????? ?????? ?????? ??? ?????????? ???
??????????, ??????? ?? ?? ?????? ?????????? ??? ??????, ??? ?????? ?????? ??? ?????? ???
?????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

96 ??? ??? ??? ???, ? ??????? ??? ?????? 7, ?????????? 2, ??? ??????? ??? ???????
?????? ?????????? ??? ??????? ??? ?????? ??? ?????? ??????? ??? ?????????? ??? ??????? ???
???????????. ?? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?????? ??? ??? ?????? ??? ?????? ???' ?????. ?? ??? ?????? ?????? ??? ?????? ???
?????????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

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

97 ??? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? 7, ?????????? 2, ???
??????, ?????? ?? ?????????? ???, ??? ?????? ???????, ? ?????? ??? ???????????
?????????? ??? ??????? ??? ?? ??? ?????? ?????? ??????? ??? ???, ??? ?????????? ???
?????? ??????? ????????, ? ?????????? ?????? ?? ?????????? ??? ?? ?????????? ??? ??
??????, ??? ??? ??????? ??? ?????? ??? ?????? ??? ??, ???????, ??? ???????
?????? ??? ??????? (??, ??' ??? ??? ?????, ??????? ??? 19?? ??????? 1998, C-
150/94, ??????? ??????? ??? ??????????, ??????? 1998, ?. .-7235, ????? 25, ??? C-
284/94, ??????? ??? ??????????, ??????? 1998, ?. .-7309, ????? 28, ????? ??? ???
?????? ??? 7?? ??????? 2000, C-168/98, ?????????? ??? ?????????? ???
??????????, ??????? 1998, ?. .-9131, ????? 62).

98 ???????, ?? ??????? ??? ?????? ?????????? ???, ?? ? ?????????? ???
?????????? ?? ??????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ???????, ?? ???
?????????? ?? ??????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ???
????????? ?' ??? (?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
26, ?????? ??? ??????????, ??? 30, ??? ?????????? ??? ?????? ?????? ???
??????????, ??? 62).

99 ????? ?????????? ? ??????? ?????????? ??? ?????? 57 ??? ?????????? ???, ??? ???.
????????? ??? ??????? ?????????? ??? ?????? ?????? ?????? ??? ??????????, ??? ??
????????? ?????????? ??? ??????? ?????? ?????????? ?????? ??? ??????. ??????????
? ?????????? ??? ? ?????????? ??? ?????? ??? ?? ?????? ?????? ??? ?????????? ??? ???
????????? ??? ?????? ? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ??, ??? ??
????? 7, ?????????? 2, ??? ??????.

100 ??? ?????? ??? ??????? ?????????????? ?? ?? ?????????? ??? ?? ?????????? ???
????????? ???????, ??? ?????? ?????? ?????????? ?? ?????????? ?, ?????????? ??????????
?? ?? ??????? ?????????? ??? ?? ?????????? ?????????? ?, ??? ?????????? ??? ??
?????? ?????????? ?, ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??????
????????? ???????, ?????????? ??? ?????? ???, ?????????? ?????????? ??? ?????? ??? ??
?????? ?? ?????????? ??? ?? ?????????? (??., ??' ???? ??? ??????, ??? ??????????
??? 10?? ?????? 1997, C-392/95, ?????????? ??? ?????????? 1997, ?. ?-3213,
????? 15, ??? ?? 11?? ?????? 1997, C-408/95, Eur?tunnel ?.., ?????? 1997, ?. ?-6315,
????? 46).

101 ?????? ?? ?????????? ?? ?????????? ??? ?????? 7, ?????????? 2, ??? ?????? ???
?????? ?????? ?????? ?????????? ?? ?????? ?? ?? ?????? ??? ?????????? ??? ??????
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

102 ??? ?????? ?? ?????? 7, ?????????? 2, ??? ?????? ?????????? ??? ?? ?????? ???
?????? ?????? ? ?????????? ?????????? ?????????? ?, ?????? ??? ?????? ??? ?????? ??
?? ?? ?????? ??? ???????, ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ???
????????????? ??? ?????? 45 ??? ?????? ?????????? ?, ?????????? ??? ?????? 7,
????????? 2, ??? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????????? ??? ??
?? ?????? ?????? ?????????? ??? ?? ?????? ?????? ?????????? ?????????? ??? ??
????????? ??? ?? ?????????? ??? ?????????? ???.

103 ??????, ??? ?????? ?????????? ?????? ?? ?????? ? ?????? ??? ?? ?????? ??? ??
????? ?????????? ??? ?????? ?????? ? ?????? ?????????? ?????????? ??? ??
????????? ?? ?????? ??? ?????? 7, ?????????? 2, ??? ??????.

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

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

104 ?? ?????? ?? ?????? ?????????? ? ?????? ?????? ?????????? ??? ? ?????????? ??? ??
????????? ?????? ? ?????? ?????? ?????? ?????????? ?????????? ??? ??????????, ???
????????? . ?????????? ??? ? ?????? ?????? ?????????? ??? ?? ?????? ??? ?????????? ???
????? ???? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ,?' ??? ?????? ?????????? ?? ?????? ??? ?? ?????????? ???.

???????????

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

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

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

????????? ??? ??? ?????????? ??? ??? ????????, ?? ?????? ??? 6?? ?????????? 2001, ??
Special C?mmissi?ners ?f Inc?me Tax (?????? ??????), ??????????:

- 1) ????? ??? ? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? 5 %, ?????? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ? ??????????
??? ?????? ?????? ?????? ?????? ??? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ??????
?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
?????? ??? ?????? ??? ?????? ??? ?????? 5, ?????????? 1, ??? ?????? 90/435/??
??? ??????????, ??? 23?? l?????? 1990, ?????? ?? ?? ?????? ?????????? ?????????? ??
????? ?????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????????, ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? 5, ?????????? 1, ??? ??????
- 2) ?? ??? 7, ?????????? 2, ??? ?????? 90/435 ?????? ?? ?????????? ??? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????? ?????? ?????? ??? 5 %, ?????? ??? ?? ? ?????????? ???, ??? ?? ??????
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 5, ?????????? 1, ???
????? ???.
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