

@import url(../../../../css/generic.css); EUR-Lex - 62001J0275 - EL

Avis juridique important

/

62001J0275

?????? ?? ?????????? (?????? ?????) ??? 12?? ??????? 2003. - Sinclair Collis Ltd ???
Commissioners of Customs & Excise. - ??????? ??? ??? ?????? ?????????????? ??????????
House of Lords - ??????? ??????. - ??? ?????? ??? - ????? 13, ?, ??????? ??-
????????????? ????? - ?????? ?????? - ?????? - ?????? ?????? ?????? ??????
????????? ?????????? ?? ?????????? ??????. - ?????? C-275/01.

?????? ?? ?????????? ??? ?????????? 2003 ?????? I-05965

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

?????? ???

????????? ?????? - ?????????? ??? ?????????? - ????? ?????? ?????? - ?????
????? ?????? ?????????? ????? - ?????????? ?????????? ??? ??? ?????? ?????? -
????????? ??? ?????????? ?????? - ?????? - ?????? ?????????? ??????????????
????????? ?????? ?????? ?? ?????????? ?????? - ??????????

(?????? 77/388 ?? ??????????, ??? 13, ?, ????. ?_)

?????????

\$?? ??? 13, ?, ??????? ?_, ??? ??? ?????? 77/388, ??? ?????????? ???
????????? ??? ?????? ???, ??? ?????? ?? ??? ?????? ?????? ?????? ??????, ??? ??
????? ??? ??? ?????? ?????? ??????, ??? ??? ?????? ??? ?? ??? ?????? ??????, ?? ??
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????

(???. ?????? 31 ??? ????????.)

?????????

???? ??????? C-275/01,

??? ????? ?? ??????????? ?????? ??? House of Lords (????????? ????????) ??? ??
???????????, ???' ????????, ??? ?????? 234 ??, ?? ??? ????? ????????, ??? ??????? ??
????????? ??? ??????? ??????? ??? ?????????? ?????????? ?????????? ????????

Sinclair Collis Ltd

???

Commissioners of Customs & Excise,

? ??????? ??????????? ??????? ?? ?????? ??? ??????? ?????? 13, ?, ??????? ?_,
??? ?????? ??????? 77/388/??? ??? ????????, ??? 17?? ??_?? 1977, ??? ??????????????
??? ?????????? ??? ?????? ?????, ??? ??????? ?? ??? ????? ?????? ?????? - ?????
?????? ????? ?????????????? ?????: ?????????? ?????????? ??? (?? ????. ????. 09/001, ?. 49),

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

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

?????? ??????????: S. Alber

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

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

- ? Sinclair Collis Ltd, ??????????? ??? ??? D. Milne, QC, ??? R. Baldry, barrister,
?????????? ???' ??????? ??? ??????? Ernst & Young, Tax advisers,

- ? ??????? ??? ??????? ???????, ?????????????? ??? ??? J. E. Collins,
????????????? ??? ??? K. Parker, QC,

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

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

???? ?????? ??? ??????? ??????????? ??? Sinclair Collis Ltd, ??? ?????????? ???
????????? ??????? ??? ??? ???????, ??? ?? ?????????? ??? 18?? ?????????? 2002,

???? ?????? ??? ?????? ?????????? ??? ??????? ??? ?????????? ??? ?????? ??? ?????? ?? ??????????
?? 10?? ??????? 2002,

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

??????

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

1 ?? ??????? ??? 7?? ??????? 2001, ??? ??????? ??? ??????????? ??? 12 ??????? 2001, ??
House of Lords ???????, ???' ?????????? ??? ?????? 234 ??, ?????????????? ??????? ?? ???
??? ??????? ??? ?????? 13, ?, ??????? ?_, ??? ????? ?????? 77/388/?? ?? ???????????,
??? 17?? ??_?? 1977, ??? ?????????? ??? ?????????? ??? ?????? ?????, ??? ??????
?? ??? ?????? ?????? ?????? - ????? ?????? ????? ?????????????? ?????: ??????????
????????? ??? (?? ????. ??? 09/001, ?. 49, ??? ????: ??? ?????).

2 ?? ??????? ??? ?????? ??? ?????? ?????? ??? Sinclair Collis Ltd (?? SC)
SC) ??? ??? Commissioners of Customs & Excise (???: Commissioners), ??? ???
????????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? (??
???: ??), ??????? ?? ?? ??????? ??? ??? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??
????????? ??? ?????? ??????? ?? ?????? ?? ?????????? ??????????.

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

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

3 ?? ????? 2, ?????? 1, ??? ????? ?????? ?????????? ?? ????:

«???? ??? ?????????????? ?????? ??????????:

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

4 ?? ????? 13, ?, ??????? ?_, ??? ????? ??????, ?????? ?? ????:

«?? ??? ?????????? ?????? ?????????? ??????????, ?? ??? ?????? ??? ??????????, ??? ??
????????????? ??? ???????, ??? ?? ?????????????? ?? ??? ??? ?????? ?????????? ??
????????????? ?????????? ?????????? ??? ?? ?????????? ?????????? ??????????????
????????????? ??? ??????????:

) [...]

) ??? ?????????? ???????, ??????????:

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

2. ??? ?????????? ??? ?? ??? ?????????? ??????????.

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

4. ??? ?????????? ??????????????.

[...]»

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

5 ??????? ?? ?? ?????????? 9, ????? ??, ????? 1, ?????? 1, ??? Value Added Tax Act 1994
(????? ?? 1994 ??? ??), ?????????????? ???:

«? ?????? ?????????????? ?????? ? ?????????????? ??? ?????????? ? ?????????????? ??????
?????? ??????».

6 ? ??????? ??? «?????? ??????? ??????????», ??? ?????? ?????????? ? ?? ??? ?????? ??????? ???
?????? ???????, ?????????? ??? ?????? ??? «????????? ???????», ??? ??????????????
??? ?????? 13, ?, ??????? ?_, ??? ?????? ???????.

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

7 ? SC, ? ?????? ??????? ??? Imperial Tobacco Group, ??? ?????????????? ?? ????????,
?????? ?? ???? ?????????? ??????? ??????? ??????? ???????, ??? ?????? ?????????? ??
????????? ?? ?? ???????.

8 ????? ???, ? SC ??? ??????? ?? ??? ????? ?????? ??? ?????????? ?????? ??? (??? ????:
?????? ?? ???????) ??????? ??????? ?? ?????????? ?????? ??? ?????????? ??? ?? ??? ??????
?????? ?? ?????????? ??? ?????????? ?????? ?????????????? ?????? ??? ?????????????? ??
????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????????????? ??? ??
????? ??? ?????? ?? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??
????? ??? ?????? ?????? ?????? (??? ????: ??????).

10 ? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ??????? ?? ??????? ??
?????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ??
?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ??
?????????????.

11 ? SC ?????????? ??? ?????????????? ?????? ??? ?????????? ????? ??????, ?????????? ??
????? ??? ?????? ??????? ??? ??????? ?? ?????? ?????? ??? ?????????? ?' ??? ?? ??? ??
????? ??? ?????????????? ???????.

12 ??? ?????????? ??? 1996, ?? Commissioners ?????????? ??? ?? ??????? ???
????????????? ??? ??????? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? 13, ?, ????????
?, ??? ????? ???????, ?? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ???????.
? SC, ? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???????.
?? ?????????? ??? ?? ??? ??? ??????, ?????? ?????? ?????? ??? ?? ??? ?????? ???????.
??????? ??? VAT and Duties Tribunal, Manchester (?????? ??????). ?? ?????????? ???
?????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???????.
?????? ??? ??? ?? ??? ?????? ??? ?????? ?????? ??? ??????, ??? ?????? ???, ??? ? ???????.
?? ?????? ?? ?????? ??? ???.

13 ?? Commissioners ??????? ??? ?? ?????? ??? ?????? ??? ?????? ??? Tribunal ??????? ???
High Court of Justice (England & Wales) (Civil Division) (?????? ??????), ?? ?????? ??????
?????? ??' ?????? ??????. ? SC ?????? ??? ?? ?????? ??? High Court ??????
?? Court of Appeal (England & Wales) (?????? ??????), ?? ?????? ?????? ??? ??????. ?
SC ?????? ?? ?????? ?????? ?????? ??? House of Lords.

14 ?? House of Lords, ??????? ??? ?? ??? ?? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ???, ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????? ???
????????? ?? ?????? ?????? ??? ??????.

«?????? ?? ?????? ??? ?????? [...] ??? ?????? ?????? ???, ??? ?????? ??? ?????? ???
?????? ???????, ??? ?????????? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????? ?? ?? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?? ?????? ???
????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ???, ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? "?????? ??????" ??? ?? ?????? ??? ?????? 13, ?, ??????? ?_, ??? ??????
????? [...] ??? ?????? ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
13, ?, ?????? ?_;»

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

15 ?? ?? ?????? ???, ?? ?????? ?????????? ??? ?????? ???' ?????? ?? ?? ?????? 13, ?, ????????
?, ??? ?????? ???????, ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?? ?????? ???????, ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

16 ?????????? ?? ?????????? ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ?? ?????? ???
? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??, ??? ?? ?????? ??? ?????? ??? ?????? 6, ?????? 1, ?? 4, ?????? 1, ??
????? ??????. ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??????. ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??????. ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? 13, ?, ?????? ?_, ??? ?????? ???.

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

17 ? SC ??? ? ?????????? ?????????????? ??? ? ???????? ??? ??????? ?????????????? ? ??????
????????? ??? ??? ?????? ?? ?????? 13, ?, ??????? ?_, ??? ????? ??????. ??????????????
??? ?? ?????? ?????????????? ??? ?????????? ??? ??? ?????? ??? ?? ??? ??????????
????????????? ??? ?????? ????????????, ??????, ??????? ??? ?????????? ? ???
????????????? ??? ?????? ??? ?????????? ?? ??? ?????????? ??? ??? ?????????? ???, ???????,
????????????? ? ??????? ?' ??? ?????? ??????.

18 ???????, ? SC ?????????? ??? ? ??????? ??? ?? ?????????? ??? ?????????????? ??? ?????????????? ??? ??
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????????? ??? ???? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???????????, ?
????????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ???
????????? ?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ?? ??????????????.
????? ??? ?????????? ???, ?? ?????? ?????? ??????, ???? ??? ?? ?????? ?????? ?????? ?????? ??? ??????
????????? ?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? . ? SC ??????????
????? ??? ?????? ?????? ??????, ???? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ????
?????, ???? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?? ???
?????????????. ???????, ? SC ???????, ???? ??? ??' ?????????????? ??????????, ???? ??? ??? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????
?????????.

19 ? ?????????? ??????????? ?? ???? ?? ?????????? ?????????? ?????????????? ??? ???? ?????????
????????? ?????????? ?? ??? ???? ?????? ?? ??? ?????? ?????? ?? ?????? ?????? ?? ?????????? ??????????
????? ?????????? ?? ??? ?????? ?? ?????? 13, ?, ?????????? ?, ?, ??? ?????? ????????, ??? ????
?????? ?????????????? ?? ??? ?????????? ??????? ?? ?????????? ?????????????????? ?????????? ??
?????????????. ?????????, ??? ???? ??????????, ? ?????????? ??? ???? ??? ?????? ??? ?? ???
????????? ??? ??????????? ??' ??????? ?? ???? ?????????? ??????????? ??? ??? ??????
????????? ??????????? ?? ??? ???? ?? ?????????? ???.

20 ? ?????????? ??? ???????? ?????????? ????????????, ??????????, ??? ? ??????? ???????
?????? ??????? ??? ??? ?????? ??? ?????? 13, ?, ??????? ?_, ??? ?????? ??????. ???
??? ??????? ???, ? ?????????? ??? ?????? ??????? ??????? ?? ??? ?????? ? ?? ???
?????????? ??? ??? ??? ?????? ??????? ?????????? ?????? ??? ?????? ??? ?????
????????? ? ??????, ? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ???, ???????,
????? ?? ??????? ??????? ??? ??? ?????? ??? ?? ??? ?????? ??? ?? ??? ???????.

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

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

22 ??????, ????, ?? ?????????? ???, ??? ?????? ??????????, ?? ?????????????? ??? ????
13 ??? ?????? ??????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??????????
??? ?????????? ??? ?????? ?? ??? ?????? ?????????? ?????????? (?? ?????????? ??? 12??
????????? 2000, C-358/97, ??????? ??? ??????????, ?????? 2000, ?. ?-6301, ??? 51,
??? ??? 16?? ?????????? 2000, C-315/00. Maierhofer. ? ?????? ??? ?????? ?????????? ????

???? ???????).

23 ???????, ?? ??? ???? ?????????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????
13 ??? ??? ???? ??????? ??? ?????? ?? ?????????????? ????, ?????????? ??? ?? ?????????? ??? ?????????? ???
????????? ?????????????? ??? ?? ?????? ??? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ???
????? ?????? ?????????? ?????????????????? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????
(??., ?????? ????, ?????????????? ?????? ?????????? ??? ?????????? ???, ?????? 52, ???
?????? ??? 18?? ?????????? 2001, C-150/99, Stockholm Lindöpark, ??????? 2001, ?. ?-493,
????? 25).

24 ????? ???? ?? ?????????? ?? ?????????? ?? ?????? 13, ?, ????????? ?_, ??? ?????
???????, ? ??????? ?? ?????? ?? ?????? ?? ?????? ?? «?????????» ??? ?????????? ??
????????????? ?? ??????? ?? ?????????? ?? ?????????????? ?? ?????? ?? ?????? ?? (?. ??????? ??
4?? ?????????? 2001, C-326/99, «Goed Wonen», ?????? 2001, ?, -6831, ??? 44).

25 ???????, ??? ?????? ??????????? ??????????? ???, ??????, ?? ?????? ??????????????? ???
?????????? ????????, ??? ??? ?????? ??? ?????? 13, ?, ??????? ?_, ??? ?????? ???????,
????? ??? ?????? ??? ???????????????, ??? ?????????? ??????? ??????? ??? ??????
???????????, ?? ??????? ?????? ??? ?????????? ?? ??? ??? ?????? ?????? ??? ???
???????????, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ?????? (??., ??? ??????
????, ??????? «Goed Wonen», ??., ??? 55, ??? ??? 9?? ?????????? 2001, C-108/99,
Cantor Fitzgerald International, ?????? 2001, ?. ?-7257, ????? 21).

26 ????????, ??? ?? ?????????? ? ?????????? ??? ?????????????? ???????, ?????? ??
?????? ?????? ??? ?? ?????????? ??? ?????? ?????????? ??????? ?????? ?????? ??
????????? ?? ?????????????? ??? ?????? (?. ?????? ??? 2?? ??_?? 1996, C-231/94,
Faaborg-Gelting Linien, ?????? 1996, ?. ?-2395, ??? 12, ??? ??? ?????????????? ??????
Stockholm Lindöpark, ??? 26).

27 ???????, ??????????? ? ?????????? ???, ?? ???? ?? ??????? ??? ??????? ?? ??????
??????????, ? ??????? ??? ??? ?? ??????????? ??? ??????? ??????? ??? ??????????? ?
???? ??????? ?? ??????????? ??? ??????? ??? ?????????????????? ??? ?????????????? ???
????? ?????? ?? ??? ??? ??????? ??? ??????????? ??? ?????? ?????? ?????????? ??? ??? ??????
??? ??????????? ?????.

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

?????? ???? ??????????, ?????? ??? ???? ?????? ?????????????? ??? ??????????????, ??? ??? ??? ?????
??? ??? ??? ?????????? ? SC.

30 ????? ???? ?????????? ??????, ? ??????? ????? ?????????? ??? ?????????????? ? ??? ????? ??????? ???
????????? ?????????? ??? ???????, ??????? ?? ?? ???????, ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????? ??? ??????? ?? ?????????? ??? ??????????? ??? ?????????? ???, ?? ??????
?????????? ??? ?????????? ??? ??????? ??? ?????????? ??? ?????????????? ?????????????? ??? ??????
????????? ??? ?????? ??? ?????????????? ??? ?????????? ??? ?????????????? ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ??????????

31 ?????????????????? ?????????? ??? ???? ?????????? ?????????? ?????????? ?? ?????? ? ??????????
???? ?? ?????? 13, ?, ?????????? ?, _ , ??? ?????? ?????????? ??? ???? ?????? ??? ?????? ??? ??????
????????? ??????????, ??? ??? ?????? ?????? ??? ?? ??? ?????? ??????????, ? ?? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????????????? ??????????????
???? ?? ??? ?????? ?????? ??? ?????????????? ??? ?????????????? ??? ??? ?????????????? ??? ??????
???? ?????????????? ??? ??? ?????? ??? ???, ?? ??? ?????????????? ??? ??? ?????? ??? ??? ?? ??? ??????
???? ??????????, ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ???
????????? ?????????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????????????? ???, ??????
?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ?
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?????? ?????????? ?????? ??? ??????
??????.

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

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

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

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

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

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

????????? ?? ?? ?? ??????????? ?? ?? ?? ??????? ?? ??????? ?? ?? 7?? ??????? 2001 ?? *House of Lords*. ???????????:

?? ?????? 13, ?, ??????? ?_, ??? ????? ??????? 77/388/??? ??? ??????????, ??? 17?? ??_??
1977, ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ???, ??? ?????????? ?? ??? ????? ??????
?????? ??????? - ????? ??????? ??? ?????????????? ????: ??????????? ??????????
????, ??? ?? ?????? ??? ?????? ??? ?????? ?????? ???????, ??? ?? ?????? ??? ?? ???
??????????, ?? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ??????????? ??? ?????????????? ??? ?? ??? ?????? ??????? ??? ??????????? ???
?????????? ??? ?? ??????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?? ?????? ??? ?? ???,
?? ??? ??????????? ??? ?? ??? ?????? ??? ?????? ??? ???????, ?? ??????????? ??? ?? ??????
????????? ??? ?? ??????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?? ?????? ??????
????????? ??? ?? ??????????? ???, ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?? ??????

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