

?????? C-382/02

Cimber Air A/S

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Skatteministeriet

[?????? ??? Vestre Landsret (?????) ??? ?? ?????? ?????????????? ??????????]

«???? ?????? ??? – ????? 15, ?????? 6, 7 ??? 9 – ???????? ??? ???????? ??? ?? ?????? ??? ?????? ???
????????? – ?????? ??? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ??????????
??? ?????????? ?????? ?????????? ?????????? – ???????? ??? ?????? ?????????? ?????????? ??? ??????
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????????? ?????? – ?????????? ??? ?????????? – ????? ?????? ?????? – ?????
?????? ??? ?????????????? ??? – ?????????? ?????????? ??? ??? ??? ??? ?????? –
????????? ?????????? ?????? ?????? ?????????? ?????????? ??? ?????????? – ????? ?????????? –
????????? ?????????? ?? ?????????? ??? ?????????? ?????????? ?????????? – ?????????? – ?????
??? ?????????? ??? ?????????? ?????? ?????????? ?????????? – ?????????? ??? ?? ??????
????????? ???

(?????? 77/388 ??? ??????????, ????? 15, ??? 6, 7 ??? 9)

?? ?????????? ??? ?????? 15, ?????? 6, 7 ??? 9, ??? ?????? 77/388 ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ???????, ??? ??? ??? ?????? ??? ?? ?????????? ??? ??? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????????, ??? ?? ??? ????? ?????????????? ??? ??? ?????? ?????????? ?????????? ???????,
????????? ??? ??? ??? ?????? ?????????? ???.

?? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ???
????????????? ??? 15, ?????? 6, ?????? ?? ??????????, ?? ??? ?????? ??????????, ??????
??? ?????? ?? ?????????????? ??? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ???
????????? ?????????? ????. ????, ??????, ?????????? ??? ?????? ?????????? ??? ?????????? ??
????????? ?? ??? ??? ??? ?????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ????. ???
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ??? ?????? ??? ??????
????????? ?? ??? ??? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ??? ?????? ??? ??????.

(?? . ??????? 30, 39-40, ??????. 1-2)

????????? ??? ?????????????? (????????? ??????)

??? 16?? ?????????? 2004 (*)

«???? ??????? ??? – ?????? 15, ??????? 6, 7 ??? 9 – ?????????? ??? ?????????? ??? ?? ??????? ???
????????? – ?????? ??? ?????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ??????????
??? ?????????? ?????? ?????????? ?????????? – ?????????? ??? ?????????? ?????????? ??? ??????????
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???? ??????? C-382/02,

?? ?????????????? ?? ?????? ?? ??????? ?? ?????????????? ?? ?????????? ?? ?????? ?? 234 ??,

??? ?????? ??????? ?? Vestre Landsret (?????), ?? ??????? ??? 9?? ?????????? 2002, ???
????????? ?? ??????????? ??? 23?? ?????????? 2002, ??? ??????? ??? ???

Cimber Air A/S

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Skatteministeriet,

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

?????????? ??? ??? C. W. A. Timmermans, ?????? ????????, C. Gulmann, J.-P. Puissochet (??????), J. N. Cunha Rodrigues ??? N. Colneric, ???????,

????????? ??????????????: D. Ruiz-Jarabo Colomer

???????????: H. von Holstein. ?????? ???????????.

?????? ???? ?? ?????? ?????????? ??' ??????? ??' ?????????? ?????????? ??
4?? ?????? 2004.

????????????? ???? ???? ?????? ?????????????? ??? ??????????;

- ? Cimber Air A/S, ?????????????? ??? ?? R. Mikelsons, advokat,
 - ? ?????? ?????????? ?? Skatteministeriet, ?????????????? ??? ?? J. Molde, ?????????? ??? P. Biering, advokat,
 - ? ?????????? ????????, ?????????? ??? ?? M. Lumma,
 - ? ?????????? ??? ?????????? ????????, ?????????? ??? ?? E. Traversa ??? N. B. Rasmussen,

???? ??????? ??? ??????? ??????????? ??? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ??????? ??? 25?? ?????? 2004,

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1 ? ??? ?????? ??????? ?????????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? ???
?????? 15, ?????? 6, 7 ??? 9, ??? ?????? ??????? 77/388/??? ??? ?????? ??????????, ??? 17?? ????

1977, ????? ?????????????? ??? ?????????? ??? ?????? ??????, ??? ?????????? ?? ??? ????? ??????
?????? ????????? – ????, ?????? ?????? ?????? ?????????????? ?????: ?????????? ??????????
???? (?? ??. ???. 09/001, ?. 49, ??? ?: ??? ?????).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ??? ??????
Cimber Air A/S ??? ??? Skatteministeriet (??????? ?????????? ??????????) ?????????? ??????
????????? ?????? ?????????????? ????? (?? ?: ???) ??? ?????????? ??? ??????????
?? ????????, ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????????? ??????????
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3 ?? ??? 15 ??? ????? ??????, ?? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
??? ??????, ??? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??????:
«?? ??? ?????????? ??? ?????? ?????????? ??????, ?? ??? ?????? ??? ?????????????? ??? ??
????????????? ??? ??????, ??? ?? ?????????????? ??? ?????? ??? ?????? ?????????? ???
????????????? ??? ?????? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??????????????,,
????????????? ??? ?????????:

1. ??? ?????????? ??????, ?????????????? ? ?????????????? ??? ?? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? [?? ??????????].

2. ??? ?????????? ??????, ?????????????? ? ?????????????? ??? ?? ?????????????? ???
????????? ??? ?????? ?????????? ??? ?????? ?????????? ???, ?????? ??? ?????? [?? ??????????],
????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????????? ???
????? ?????????? ??? ?????? ?????????? ??? ??????.

[...]

6. ??? ?????????? ??????, ?????????? ?????, ?????????????? ?????, ?????????? ?????????? ???
????????? ?????????? ?????, ?????????????? ??? ?????????? ?????? ?????????? ??? ??????
????? ?????????? ?????????? ??? ??????, ?????? ?????? ??? ?????? ?????????? , ?????????? ,
????????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????? ??????????????
??? ?????????? ??? ? ?????????? ??? ?????? ?????????? ??? ??????.

7. ??? ?????????? ??????, ?????????????? ??? ?????????? ??? ?????????????? ???
????????? 6 ??????????.

[...]

9. ??? ?????? ?????????? ??????, ?????? ??? ?????????????? ??? ?????? ?????????? 6, ?? ??????
????????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????? ???.

[...]».

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

4 ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? lov om mervaerdiafgift
(????? ????, ??? 16?? ?????? 2000 (??? ?: ??? ??)). ?? ?????????? ???

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

5 ?? ??? 34, ?????????? 1, ?? ?????? ???, ?? ?????? ???, ?? ?????? ???, ?? ?????? ???, ?? ???
?? ??? ???? ?????????? ?? ??????? ??????????, ??????????:

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

[...]

7. [...] ? ?????????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ?????????? ?????? ??????????, ?????????????? ??? ?????????? ?????? ?????????? [...],
????? ??? ???? ?????? ?????????? ?? ?????? ?????????? [...].

8. ? ?????? ??? ?????????? ?????????? [...], ?????????? ??? ?????????? ?????? ?????????? ???
??? ??? ?????? ??????????.

9. ?? ??????????, ? ?????????? ??? ?? ?????????? ??? ?????????? ?????? ?????????? ???
????????? [...], ?????? ??? ?? ??????????, ??????????, ?????????? ??? ? ?????????? ???
????? ?????????? ???.

[...]

16. ?? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ?????? ?????????? ???,
??? ?? ?????? ? ?????????? ??? ?????????? ?????? ?????? ?????? ???? ?????? ?????? ???,
????????? ??? ?????????? ??? ?????????? ?????? ??????????.

6 ?? ?????? ??? ?????????? ??? ?????? 34, ?????????? 1, ?????? 7 ??? 16, ??? ?????? ???
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- ?? ?????? ?????????? ??? ??????????????,
- ?? ??????,
- ? ?????????? ??????????,
- ? ?????????? ??? ??????????,

????????? ??? «?????????» ??? ??? «?????????» ??? ?????? 15, ?????? 7 ??? 9,
??? ?????? ??? ?????????????? ??? ??? ??? ?????? ?????? ?????? ?????? ??????.

7 ?? ?????? ??? ?????? 45, ?????????? 3, ??? ?????? ???, ?????????? ??????????
????????? ??? ?????????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????????? ??? ?????? transit, ? ?????? ??? ?????????? ??? ??? ?????? ??? ?????? ???
??? ?????? ??????????.

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

8 ? Cimber Air A/S ?????? ?????????? ???????, ??? ?????? ? ?????? ??????????????
????????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ?????? ???
????????? ?? ??? ??? ?????????? ???, ?? SAS ??? ?? Lufthansa. ? Cimber Air A/S
????????? ?????? ?????????? ??? ?????, ?????? ??? ?????????? ?????? ?????? ???
????????? ??????, ?????? ?????????? ??? ?????? ?? ?????? ?????? ?????????? ???
????????? ?????????? ??? ??????????.

9 ??? ?????? ??? ?????? ???, ?? Skatteministeriet ?????????? ??? ??? ???

?????? ? ??????? ??? ?? ??????? ?????????? ?? ?????????? ??? Cimber Air A/S ???
?????? ?????? ??????? ??????????, ??? ?????? ?????????? ??? ?????????? ??? ??????
??????, ??????? ??? ? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??????????????
?????? ??????. ? Cimber Air A/S ?????????? ??? ??? ?????????? ?????? ?? ??????????
???? ?? ?????????? ?? ?????????? ??? ?????? ?????????? ???????, ??????? ? ??????
?????? ?????? ?????? ???????.

10 ?? ?? ??????, ? Cimber Air A/S ?????? ??? ?????? ??? Vestre Landsret, ??????? ??
????????? ?? Skatteministeriet ?? ?????????? ??? ?? ?????? ??? ?? ?????????? ???
????????? ?' ??? ?? 30 ?????? 2001 ?????????? ??? ?? ???, ??????????
??? ? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ??????????.

11 ???????, ? Cimber Air A/S ?????? ?? ?????????? ?? Skatteministeriet ?? ??
????????? ???, ??? ?? ???, ???, ?????????? ?????????? ????. ?? ??? ?? ??? ??
?? ?? ? Cimber Air A/S ?????? ?? ??? ?????????? ??? ?? ?????????? ??????????
??? ?????????????? ??? ?????? ?????????? ?????????? ? ?? ??? ?? ?? ??? ??????
?????.

12 ?? ??????? ??????? ?? ??? ?? ?? ?????????? ???????, ??????, ???
?????? 15, ?????? 7 ??? 9, ??? ?????? ??????? ???, ???????, ??? ?????????? 6 ??? ??
?????? ?????????? ??? ??????? ??? ??? ?????????? ?? ?????????? ??? Cimber Air A/S
???? ?? ?????? ?????? ???????, ??? ? ?????????? ??? ?????????? ??? ?????????? ??????????
?????? ??? ?????? ???????.

13 ??? ?? ???????, ?? Vestre Landsret ??????? ?? ?????????? ??? ????????:

«1) ??? ?? ??????? ?? 15, ?????? 7 ??? 9, ??? ?????? ??? ?? ??????? 6, ???
????? ?????? (?????? 77/388/???) ??? ?????? ??? ?? ??????? ??? ??????
????????? ?? ??? ?????????? ??? ??? ??? ?????????? ?? ?????????? ??? ??????
????????? ??????, ?????????? ??? ?????????? ??? ?????????? ??? ? ?????????? ???
????????????? ?? ?????????? ??? ?????????? ?????? ?????????? ?????????? ?, ??? ??????????
?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ??? ???;

2) ??? ??????? ??? ???????, ??? ?????? ?????????? ??? ?????? .?. ? ??????
??????, ?? ?????? ??? ???????, ?? ?????? ??? ?????????? ?? ?????? ??? ?????? ??????? ?
??????, ?? ?????? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ???????, ???
?? ?????? ??? ?????? 15, ?????? 6, ??? ??????;»

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14 ?? ?? ?????? ??? ???????, ?? ?????? ?????????? ???' ?????? ?? ?? ?????? 6, 7
?? 9 ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ??
????????????? ??? ??? ?????????? ?????? ?????????? ??? ?????? ?????????? ?? ??????????
?? ??????? ?????? ???????, ??? ?????????????? ??? ?????? ?????????? ??? ??????????
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15 ?? ?????? ??????? ?????????? ???, ?? ?????? ??? ?? ?????? 15 ??? ?????? ??????
????? ??? ??????? ??? ?????? ??? ?? ?????? ??? ?????????? ?? ?????? 7 ??? 9 ???
????? ??? ?????? ???' ?????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ??????
??????, ?????????? ?? ??? ?????? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????????? ???

? ??????????. ??? ?? ??????? ???? ?????? ??? ?????? 15 ?????????? ??? ?? ?????? 6 ??? ??? ??????
??????, ??????? ??? ?????? ? ??????? ??? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ???
?????? ?????????? ?????????? ??? ??? ?????? ?????????????? ??? ?????????????? ??? ?????????????? ???,
????????? ?????????? ??? ??? ?????? ?????? ?????? ?????? ??????.

16 ??? ?????? ??? ?????????? ??? ??????, ? ?????? ?????????? ?????????????? ??? ??
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ??????????????
??? ?????? 13 ??? ?????? ??????. ?? ?????? ??? ?????? ?????? ?????????? ??? ??? ??
????????? ??? ??? ?????????? ??????, ??????? ??? ?????????? ??? ?????? ??? ??
????????? ??? ?????? 15, ?????? 7 ??? 9, ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??????????
????????? ?????????? ?? ?????????? ??? ?????????????? ??? ?????????? ?????????? ?????????? ???,
??? ?? ? ?????? ??? ?????? ?????? ?????? ?????? ??????.

17 ??? ??? ?????? ??? ?????????????? ? ???????, ? ??? ?????? ?????? ?????????? ??? ??
????????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ?????? ?? ??????????????
????????? ???, ?????????? ?? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ???.
???? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????.

18 ? ?????????? ?????????? ??? ??? ?? ?????? 15, ?????? 6, ??? ?????? ??????
????????? ??? ??? ?? ?????? ??? ?????? ??? ?????????? ?????????????? ???, ??? ??
??? ?? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?? ?????? 7 ??? 9 ??
????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ? ?????????? ??? ??
????? ??? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ?????????? ???
????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ???
????? ??? ??????.

19 ? Cimber Air A/S, ?????????????? ??? ?? ??' ?????????? ?????????? ??? ??
????????? ???, ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? 15, ???
7 ??? 9, ??? ?????? ??????. ? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? ??
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ???
????????? ???, ??? ? ?????????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??????.

20 ? Cimber Air A/S ??? ? ?????????? ?????????? ?????????????? ???, ??? ??????????
????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ???, ?
????????? ??? ?????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ?' ???.

21 ??? ??? ?????? ???, ?? ?????????? ?????? ??? ?????? ??? ?????? ?? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ???, ?????????? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???
????? 15, ?????? 7 ??? 9, ??? ?????? ??????, ?????? ?? ?????? ?? ?????????? ??? ??
????????? ? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????.
?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????? 15, ?????? 6, 7 ??? 9, ??? ?????? ??????.

22 ??? ?????? ?? ?????? ??? ?????? ???, ? Cimber Air A/S ?????? ??? ?? ??? ??????
??? ?? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??
??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??
????????? ???, ??? ?????? ?????? ??? ?????? ??? ??????.

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

23 ?? ?????????? ?????????? ?????????? ?????????? ?? ?????????? ?????????? ??????????, ?? ??????
????????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????????? ???
??? ?????????? ?? ??? ??? ?????? (??., ????, ?????????? ??? 26?? ?????? 1987, 235/85,
????????? ??? ?????? ?????? 1987, ?. 1471, ??? 18- ??? 5?? ?????? 1997, C-2/95,
SDC, ?????? 1997, ?. ?-3017, ??? 21, ??? ??? 10?? ?????????? 2002, C-141/00, Kögler,
????????? 2002, ?. ?-6833, ??? 25).

24 ?? ??????? ??? ?????????? ?????? ?? ??? ??????. ??????, ? ??? ?????????????? ??? ???
????????? ?????????? ??? ??? ????? ?????????? ?????? ??? ?????????????? ?? ??????????
?????? ??? ?????????? ??? ??????. ???????, ? ??? ??? ?????????? ??????????????
????????? ?? ?????????? ?????????? ??????????, ??? ??? ??? ?????????? ??? ??? ???, ???
????????????? ??? ?????????? ??? ?????????.

25 ??? ??? ?????? ??????, ??????? ??? ?????????? ??? ?????????? ??? ? ??? ?????? ?????? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ???,
????????? ?? ?????????? ?????? ?????? ??? ?? ?????????? ?????? ?????? ?????? ?? ??????????
????????? (??., ??? ??? ?????? ???, ?????????? SDC, ??? 20- ??????
?? 7?? ?????????? 1999, C-216/97, Gregg, ?????? 1999, ?. I-4947, ??? 12, ???
????????? ?????? Kögler, ??? 28).

26 ?? ??????????, ??????? ?? ?? ??? 15, ?????? 7 ?? 9, ??? ?????? ???????,
????????????? ??? ??? ?? ?????????? ?????? ?????????? ?????? ??? ?????????? ???
????????? ?? ?????????? ??? ?????? 6 ?? ??? ?????? ?????? ??? ?? ?????? ????????,
????? ??? ?????????? ??? ?????? 6, ?? ?????? ?????????? ?????? ??? ?? ??????
????????? ??? ?? ??? ?????????? ??? ??? ?????? ???.

27 ????????, ?? ??? 15, ?????? 6, ??? ??? ?????? ?????? ??? ?? «?????????»,
????????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ??????».

28 ????????, ??????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ?? ??????
??????????, ? ??????? ??? ?????? 15 ??? ?????? ?????? ??? ?????? ?????, ??????? ???
?????? 7 ?? 9, ??? ??? ??? ?????? 6 ??? ?????? ??????, ??? ?????? ?????????? ???
????????? ??? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ???.

29 ?? ???????, ?? ??? ?????? ?????????? ??? ???????, ??? ?? ?????????? ??? ?????????? ???
?????? ??? ?????? ?????????? ??? ?????? 13 ??? ?????? ?????? ??? ?? ?????? ??? ??????????
????????? ??? ?????? 15 ??? ?????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? 15 ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ??? ???.
????????? ???.

30 ???????, ??? ??? ?????? ?????????? ??? ?????? ?????? ?? ??? ?????? ? ?????????? ??? ??
????????? ??? ?????? 15, ?????? 6, 7 ?? 9, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??
????????????? ??? ??? ?????? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ?????????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???.

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31 ?? ?? ??????? ??????? ???, ?? ?????? ??????????? ?????? ???' ?????? ???? ?????? ??
????????? ??? ???? ?????????? ??? ?? ??? ?????????? ?????? ?????? ?????? ?????? ??????
?????????.

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

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

33 ???? ??? Cimber Air A/S, ? ??? «?????» ??? ?????????????? ??? ?????? 15, ?????? 6,
??? ?????? ?????? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????????? ?????? ??????, ?????, ?????, ??? ?????????? ?? ??????
????? ???, ???????, ??? ?????????? ??? ?????????? ??? ??? ?????????? ??? ??????????.

34 ? Cimber Air A/S ?????????? ??? ??? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????? ???, ?? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ??????????
????? ??? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ??? ?????????? ?????? ?????????? ?????????? ?????????? ??? ?????????? ???
??? ? ?????????? ??? ?????????? ??? ??? ?????? ???.

35 ???? ??? ?? ??????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??????????
????????????? ??? ?????????? ???, ? Cimber Air A/S ?????????? ?? ??????
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????? ?? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
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36 ? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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37 ??? ??? ?????? ??? ?????????? ?? ?? ?????? 23 ??? 25 ??? ?????????? ??????????, ?
????? ??? «????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????» ?????? ??????
??? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ?????? ?????? ??? ??????
?? ??? ??? ?????????? ??? ??? ???.

38 ? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????? 15, ?????? 6, ??? ?????? ?????? ??? ??????, ??????, ?????? ??? ??????????
????? ?????????? ??? ? ??? «essentiellement» ? ?????? ???, ??? ??? ???,
?????????, ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ??? ??????????
«hovedsageligt», «hauptsächlich», «chiefly» ??? «hoofdzakelijk». ?????? ?? ?? ??????
????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ???,
????? ??? ??? ?????? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

39 ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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41 ?????????? ??? ? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ?????????????? ??? ?????? ?????? ??? ?????? ?????????? ???????????, ?' ???
????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ?????? ???????????
??? ?????????? ?????????????? ??? ???????????, ??? ??? ?? ??? ??????????, ???
?????????.

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

1) ?? ?????????? ??? ?????? 15, ?????? 6, 7 ?? 9, ??? ?????? 77/388/??? ???
??????????, ??? 17?? ????? 1977, ????? ?????????????? ??? ??????????? ??? ???????????
?????, ??? ??????? ?? ??? ?????? ?????? ?????? ??????? - ??? ?????? ??????? ???
????????????? ????: ?????????? ?????????? ???, ????? ??? ?????? ??? ??
????????????? ??? ??? ?????????? ?????? ?????????? ?????? ?????? ??? ???????
????????? ?? ?????????? ??? ?????????? ?????? ???????????, ??? ?? ???
????????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????????? ?????? ???????
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2) ??? ?????? ?????????? ?????????? ?? ?????????? ?? ?????? ??? ?????? ??? ??????? ???
??? ?????? ?????????????? ??? ?????????? ??????. ??? ??? ?????????? ??? ??????????
?? ?????????? ??? ??? ?????? ??? ?????? ?????????? ?????????? ?? ??? ?? ??? ??
??? ?????? ?????? ??????????, ?????? ?? ??? ?????? ???????.

(?????????)

* ?????? ??????????: ? ??????.