

?????? C-395/02

**Transport Service NV**

????

**Belgische Staat**

(?????? ??? Rechtbank van eerste aanleg te Antwerpen ??? ??? ?????? ??????????????)  
?????????)

«????? 104, ?????????? 3, ??? ?????????? ?????????? – ????? ??? ??? ?????? ??? – ???  
??? ?????????? ?????????? – ??????? ??? ??? ?? ??? ?????? ?????????? ?????????? ??? ???  
?????? ??? – ?? ??? ?????? ??????»

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????????? ?????? – ?????????? ??? ?????????? – ????? ?????? ?????? – ?????  
????????? ??? ?????????????? ??? – ?????????? ?????? ? ?????? ?????? ?????? ??????????????????  
?? ?????????????? ??? ??? ??? – ?????????? ??? ?? ??? ?????? ?????? ?? ?????? ??? ?????????? ???  
???? ? ?????? ?????? ??? ?????? ?????? ?????? – ??? ?????????? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????? – ?????????? ??? ? ?????? ??? ??? ?????????? ?????? ??? ?????? ??? – ???  
????? ??? ?????? ?????? ?????????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? – ???  
??????

(?????? ??? ?????????? 67/227 ??? 77/388)

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

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

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

?? 3?? ?????? 2004 (\*)

«????? 104, ?????????? 3, ??? ?????????? ?????????? – ????? ??? ??? ?????? ??? – ???  
??? ?????????? ?????????? – ??????? ??? ??? ?? ??? ?????? ?????????? ?????????? ???  
?????? ??? ?????????? ??? ?????? ?????? – ?? ??? ?????? ?????? ??????»

???? ?????? C-395/02,

?? ??? ?? ?????????? ??? Rechtbank van eerste aanleg te Antwerpen (??????)

????? ?? ????????????, ???' ?????????? ??? ?????? 234 ??, ?? ??? ?????? ????????, ???  
?????? ?? ??????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ????????

**Transport Service NV**

???

**Belgische Staat,**

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

**Bea Cars BVBA,**

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

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

????????? ??? ??? C. Gulmann, ?????? ???????, S. von Bahr (?????????), ??? R. Silva de  
Lapuerta, ???????,

????????? ??????????: L. A. Geelhoed

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

???? ?????????? ?? ?????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????????  
????????? ??????? ?? ?? ??? 104, ?????????? 3, ??? ?????????? ?????????? ??? ??  
???????????,

???? ?????? ??? ?????????????? ????? ?? ?????? 20 ??? ?????????? ?? ??? ??????????  
?? ?????????? ??? ?????? ?????????????? ??? ?? ??? ?????????? ????,

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

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1 ?? ??????? ?? 4?? ?????????? 2002, ? ?????? ??????? ?? ?????????? ?? ?????????? ?? 11  
????????? 2002, ?? Rechtbank van eerste aanleg te Antwerpen ??????, ?????? ?? ??????  
234 ??, ??? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ??  
????? ?????????? ?? ?????? ?????????? ?? (?? ????: ???).

2 ?? ??????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? Transport  
Service NV (???: Transport Service) ??? ?? Belgische Staat (????????? ????????)  
????????? ?? ?? ?? ?? ?????? ?? ?????? ?? ?? ?? ?????? ?? ?? ?????? ?? ???????????, ?? ?? ??  
????????? ?? ?? ?? ?? ?????? ?? ?????? ?? ?????? ?? Transport Service ?? ?????????? ??????? ??  
????????? ?? ?? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?? ?? ?? ?? Belgische  
Staat.

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

3 ?? ?????? 2 ?? ?????? ?????? 67/227/?? ?? ??????????, ?? 11?? ??????? 1967,  
???? ?? ?????????????? ?? ?????????? ?? ??????? ?? ?????, ?? ?????? ?? ?? ?? ?? ??  
????? ?????? (?? ????. ??? 09/001, ?. 3), ??? ?????????????? ?? ?????? ?????????? ?? ?? ??

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

«? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????????????? ??? ?????? ?????????? ???  
?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??????????????, ????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???,  
??????????, ?? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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

4      ?????? ?? ?? 2, ?????? 1, ??? ?????? ?????? 77/388, ??? ?????? ??????????  
????????? ?????????????? ??? ?? ??? ?????? 92/111/??? ??? ??????????, ??? 14??  
????????? 1992 (?? L 384, ?. 47, ??? ?: ????, ????: ????, ???), ?????????? ??? ?? ??  
????????? ??? ?????? ??? ?? ?????? ?????????? ??? ?????????????? ??? ?????????? ???  
??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
?????.

5      ?? ????? 21, ?????? 1, ??????? ??, ??? ?????? ?????? ?????? ?? ????:

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

1. ??? ?????????? ???????:

?)    ??? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ?????????? ??? ??????  
????? ??? ?????? ??????????, ??? ?????? ??? ?????? ?????????? ??? ?????????????? ??? ??????  
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[...]

?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????».

6      ?? ????? 28?, ?, ??????? ??, ?????? ??????, ??? ?????? ?????? ?????? ?? ???????:

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

?)    ??? ?????????? ????, ??? ?????? ?????? ??? ?????? 5 ??? ?????? ??? ?????? ???  
????? 28?, ?????????? 5, ??????? ??, ?? ?????? ?????????????? ? ??????????????, ??? ??  
????? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ??????  
??? ?????????? ??? ?????? 3 ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????????????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???' ???  
??? ?????? ???, ?? ?????? ??? ?????? ?????? ?????????? ??? ?? ?????? ??? ?????? ??????

?????????? ? ?? ?????????? ??? ??????.»

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

7 ?? ?????? ?????????????? ?????????? ???, ??????? ?? ?????????? ??? 18?? ??????????  
1994, ? Transport Service ?????? ??? ?????? ?????? Mercedes ??? ??????  
????????????? H. Schellinck ??? ????? 2 061 646 ???????? ?????? (BEF).

8 ??? ?? ?????? ??? ?????????? ?????????????? ?????????? ???, ??????? ??????  
????????????? ??? 30 ?????????? 1998, ??? ?????? ??? ?????? ?????????????? ?  
????????? ??? ?? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ??????  
??????, ?? ?????????? ?????????? ?????????? ?????????? ?????????? ?????? 22 ??????????  
1999, ??? ?????????? ??? ? Transport Service ?????? ??? Belgische Staat ??? 422 637 BEF  
?? ??? ??? ??? 845 274 BEF ?? ?? ??? ?????? ?????????? ???????, ????? ??? ??? ??????  
??????????. ?????? ??? ?????? ?????? ?????????? ?????? ?? ??? ?????? ?????? ??? 26 ????  
1999.

9 ??? 24 ?????? 1999 ? Transport Service ?????????? ??? ?? ??? ?????. ??? ??????  
?? ?????????? ??? ??? ??? Belgische Staat ?????? ??? Rechtbank van eerste aanleg te  
Antwerpen, ?????????? ??? ?????? ?????? Bea Cars BVBA (??? ????: Bea  
Cars), ?????????? ?? ?????? ??? ?????????? ??? ?? ?????????? ?? ??? ?????????? ?? ??????????.

10 ?? ?????? ?????????? ?????????????? ???, ??? ?? Belgische Staat, ? ?????????? ???  
????????????? ??? Transport Service ??? ??? H. Schellinck, ??? ?????? ???  
????????? ??? Bea Cars. ???????, ??? ??? ?????? ?????? ? ?????????? ??????  
????????? ??? ?????????? ??? ??? ??? ??? ?????????? ??? ?????????? ???????, ??? ?  
Transport Service ?????? ??? ??? ??? ?????????? ??? ??? ?????? ??????.

11 ? Transport Service, ?????????? ??? ?????? ?? ??? ?????? ??? H. Schellinck  
????????? ??? Bea Cars. ??? ?????? ???, ?????????? ?????? ??? ?? ???  
????????? ??? ?????? ??? . ??? ???????, ?? ?? ?????? ?????????? ?????????? ??? ?  
???? ?????????? ?? ?????? ??? ???, ? Bea Cars, ? ?????? ??? ??????????, ?? ?????? ??  
????????? ?? ?????????? ??? ??? ?????????? ??? ??? ?????????? ??? ???.

12 ? Bea Cars ?????????? ??? ?????? ??? ?????? ? ?????????? ??? Transport Service ?,  
??????????, ??? ??? ?????? ?????????? ??? ??? ?? ???, ?????????? ? ??????. ???????,  
????????? ??? ?????? ?????? ??? ?????? ??? ??? ?????? ?????????? ???????, ???  
????????? ?????????? ??? ??? ??? ?????? ?????????? ??? ??? ?????? ??????????.

13 ???????, ??? ? Transport Service ??? ??? Bea Cars ?????????? ??? ??????? ???  
????? ??? ?????????? ??? ?????? ?????????? ??? ?? ?????? ??? Belgische Staat,  
?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ?????????? ???????, ???  
????????? ?????????? ??? ??? ??? ?????? ?????????? ??? ??? ?????? ??????????.

14 ??? ??? ??????? ???, ?? Rechtbank van eerste aanleg te Antwerpen ?????????? ??  
????????? ?? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ?????????? ??  
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«?????????? ? ??? ?????????????? ??? ????? ?????????????? ?????? ?? ??????? ?????? ?????  
????? ??? ??????? ??? ??? ?????????????? ??? ?????? ???, ? ??????, ?????? ? ?????, ??????  
????????? ??? ?? ?????? ?????????? ??? ??? ????? ?????????????? ?????????? (?????  
39bis ??? ??????? ??? ???), ??? ?????????? ??? ? ??? ?????????? ??? ???  
????? ?????????? ??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ??????????;»

### ??? ??? ?????????????? ??????????

15 ?? ??????????, ??????????, ?????? ??? ?????????? ???, ??? ? ?????????? ??? ?? ???  
?????? ??? ?????????? ??? ?????? ?????? ??????, ?????????? ?? ?????? ??????????,  
?????? ?? ?? ??? 104, ?????????? 3, ??? ?????????? ?????????? ???, ??? ??????????  
?? ?????????? ?? ?????????????? ?????? ??? ?????? ??? ?????????????? ??? ??? ??  
????? ?????? ??? ??? 23 ??? ?????????? ??? ?????????? ?? ?????????? ???  
????????? ?????????? ???.

16 ??' ????, ?? Belgische Staat ??? ? ??????? ??? ?????????? ?????????? ??????? ??  
?? ?????? ??????. ?? ?????? ?????? ??? ?????? ?????????? ?????????????? ???  
????????? ??????.

17 ?????? ?? ?????????? ?? ?????????? ??? ?? ?????? 2, ?????? 1, ??? ?????? ??????  
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????????????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?????????? ???  
????? ? ?????? ?????? ??? ??? ?????? ??? ???.

18 ????????, ?????? ??? ?????? 28?, A, ????????, ??, ?????? ??????, ??? ??  
??????, ?? ?????? ??? ?????????? ??? ??? ?????? ??? ?????? ?????????? ??? ??  
????????????? ?? ?????????? ???, ??? ??? ?????? ??? ?????? ?????????? ??? ??  
??? ?????????? ???, ?????? ??? ?????? ?????? ??????, ??? ?????? ??? ?????????? ???  
????????????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ?????????? ???  
????? ??????, ??? ?????? ??' ??? ??? ?????? ??? ?????? ???, ?? ?????? ?????? ?????????? ???  
????? ??? ?????? ??? ?????????? ??? ??? ?????? ???.

19 ?????????? ??? ?????? ?????????? ?? ?????????????? ?? ? ?????? ?????? ??????? ??  
????? ?????? ?????? ??? ?????????????? ????. ?????? ?????????? ??? ?????? ???,  
????????? ??? ??? ?????? ??? ??????.

20 ??? ??? ?????????? ??? ?????? ?? ??? ?????? ?????????? ??? ?????? ??? ??????????????  
????????????? ??? ??? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ??  
????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ?????????? ? ???  
????, ?????? ?? ?????????? ???, ??? ?????? ?????? (??., ?????? ???, ??? ??????????  
?? 19?? ?????????? 1998, C?318/96, SPAR, ?????? 1998, ?. I?785, ??? 23, ??? ?? 8??  
?????? 1999, C?338/97, C?344/97 ??? C?390/97, Pelzl ?.., ?????? 1999, ?. I?3319, ???  
16), ? ??? ??? ?????? ?????? ?????????? ??? ???????, ?????? ??? ?????? 2 ??? ??????  
??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????, ??? ?? ?????? ??? ??????  
??????, ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ???.

21 ?????? ?? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
?? ?????? 2 ??? ?????? ??? ??? ?????? ??? ?????? ???, ??? ?????????? ?? ??? ??  
????? ??? ?????????? ?? ??? ??????, ?????????? ??? ??? ??? ??? ?????? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? (??., ?????? ???, ??? ??????).

??? 8?? ??????? 2000, C?98/98, Midland Bank, ??????? 2000, ?. I?4177, ????? 29, ??? ???.  
27?? ??????? 2003, C?497/01, Zita Modes, ??????? 2003, ?. ?-14393, ????? 37).

22    ??????????, ????, ??? ??????? ??????? ?????? ????? ? ??????? ?????? ?????? ??? ?????? ???  
????????????? ??? ?????? 28?, A, ??????? ??, ????? ??????, ??? ?????? ???????, ???  
????? ?????? ?????????? ??? ??? ????? ?????????????? ??? ??? ?????? ?????? ??? ? ??? ??????  
???? ?????????? ??? ????? ?????????? ??? ?????? ?????? ?????, ? ?? ??? ????? ?????? ??????????  
???? ???, ?????? ??? ?????? 2, ?????? 1, ??? ?????? ??????.

23    ??????? ??? ?????? 21, ?????? 1, ??????? ??, ??? ?????? ???????, ? ??? ???????????,  
??? ??????? ???????, ??? ??? ?????????? ??? ?????? ??? ? ?????? ??????????????  
????????? ?????? ??????.

24    ??? ???????, ?????????? ??? ?????? ??? ? ?????? ?????????????? ??????? ??????  
????? ??? ?????? ?????, ??????? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???  
????? 28?, A, ??????? ??, ????? ?????, ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????  
?? ???? ??? ?????????????? ??? ??? ?? ??? ?????? ?????? ? ?????? ?????? ?????? ?????????????? ???  
??? ??? ?????? ?????????????, ?????? ??? ??? ?????? ???.

25    ??? ??????? ?? ?????????? ??? ???? ? ??? ?????? ??? ?????? ?? ?????? ??????? ???  
????????? ??? ?????????????? ?? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ??????????????  
????????? ??? ?????????? ??? ?????? ???, ?????????? ?????? ?????? Zita Modes, ??? 38), ???,  
?????? ?? ?? ??? 17 ??? ?????? ??????, ? ?????????? ??? ?????? ??? ?????? ?????????? ??  
?????? ?? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?? ?????? ??? ?????? ?????????? ???  
????????? ??? ??? ??? ?????? ?????????? ?????? ??? ?????? ? ?????????? ?????? ?????????? ???  
????, ?????? ??? ?????? ?? ?? ?????? ??? ?????? ???' ?????? ??? ??? ??? ?????? ?????????? ???  
??? ??? ?????? ??????.

26    ?? ?????? ?? ? ??? ??? ?????????????? ?????????? ??? ??????? ?????? ?????? ???  
?????? ?????????? ?????????? ? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??' ????.  
????????, ???? ??? ?????????? ?? ??? ?????? 20 ??? 21 ??? ?????? ??????? ??????????, ? ???  
????????? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ? ??? ???????,  
????????? ??? ??? ??? ?????????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???  
????????? ??? ???, ?????? ??? ?????? ??? ?????????? ??????.

27    ??? ?????? ??? ? ??? ?????? ?????? ??? ???, ?????????? ? ?????????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ????. ? ?????? ??? ?????????? ???  
????, ??? ?????? 20, ??? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?? ??? ?????? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????????? ??????.

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

29    ???????, ?????? ?? ?????????? ??? ???? ???? ?????? ??? ?????? ??? ?????????? ??  
????????? ?? ????, ?????? ??? ?????? 22, ?????????? 8, ??? ?????? ??????,  
????????? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??  
?????????, ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? (??., ?????? ???, ??? ?????? ??? 19?? ?????????? 2000, C?454/98,  
Schmeink & Cofreth ??? Strobel, ?????? 2000, ?. I?6973, ??? 59, ?????? ???, ??? ?????? ??  
????? ??? ?????????? ?? ?????? ??? ?????????? ?? ?????????? ?? ?????????? ???

????????? ???????, ??? ??????? ??? 18?? ?????????? 1997, C?286/94, C?340/95, C?401/95  
??? C?47/96, Molenheide ??., ?????? 1997, ?. I?7281, ?????? 46 ??? 48).

30    ???????, ??? ?????????????? ? ???????, ??? ?? ?????????? ??? ??????????????  
????????? ??? ?? ?????????? ?????? ??? ?????????? ?? ?????? ??? ?? ?????????? ??? ??????  
????????? ?????????? ?? ?????? ?????????? ??? ?? ??????????, ?? ??????  
?????????, ?? ?????? ?? ?????????? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????? (???. ??? ?????????????? ?????? Schmeink & Cofreth ??? Strobel, ???? 62).

31    ???????, ??? ?????????????? ??????? ?? ?????? ?? ??????? ??? ?? ??????? ???  
????????????? ??? ?????? ?????????? ??? ?? ?????????? ?? ?????? ??? ?? ??????????  
???? ?? ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ?? ?????? ?????? ???  
????? ?????????? ?????????? ?????? ?????????? ?????? ??? ?????? ??? ?? ?????? ???.  
??????, ??? ??? ?????? ?? ?????????? ? ??? ??? ?????? ?????? ??? ?? ??? ?? ???  
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32    ?? ??? ?????? ??? ?????? ?????????? ? ???????, ? ?????? ?????? ?????????????? ???  
?????????, ??? ???????????. ?????????? ??? ? ?????? ?????????? ??? ?? ??? ?? ???  
????????? ??? ?????? ?????? ??? ?????????? ?????????????? ??? ?????? ??? ?????? ???  
????????? ??????????, ?? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ????.

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

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

????????? ??? ??? ?????????? ??? ??? ?????? ?? ?????? ??? 4?? ?????????? 2002 ??  
Rechtbank van eerste aanleg te Antwerpen, ??????????:

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R. Grass

C. Gulmann

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