

?????? C-533/03

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«????????? (?) 1798/2003 — ?????? 2003/93/?? — ?????? ??? ?????? ??????»

????????? ??? ?????? ?????????? J. Kokott ??? 2?? ?????? 2005

????????? ??? ?????????? (?????? ????) ??? 26?? ?????????? 2006

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

????????? ??? ?????????? — ????? 95 ?? — ????? ??????????

(????? 93 ??, 94 ?? ??? 95 ??- ?????????? 1798/2003 ??? ?????????? · ?????? 2003/93 ???  
?????????)

? ??? «????????? ?????? ?????????», ??? ?????? ?????????????????? ??? ?????? 95, ?????????? 2,  
??, ?????????? ??? ??? ?????? ?????? ?????? ?????? ??? ??????????, ?????? ?????????? ??? ??????  
????? ?????? ? ?????? ?????? ??????????????, ??? ??? ?????? ??? ?????? ?????? ??? ??????  
????? ??? ?????? ??? ?????? ?????????????? ??? ?????????????? ?????? ??? ?????? ??????.

??? ??? ?????? ??? ???????, ??? ? ?????????? 1798/2003, ??? ?? ?????????? ?????????? ???  
????? ??? ?????? ?????????????? ??? ???? ??? ?????????? ??? ?????????? 218/92, ? ??????  
????????? ??? ?????? 93 ??, ??? ??? ? ?????? 2003/93, ??? ??? ?????????? ??? ??????  
77/799, ?????? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
????? ??? ?????? ??? ?????? ??????????, ? ??? ?????? ?????????? ??? ?????? 93 ?? ??? 94 ??,  
????????? ??? ?????????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????????.

??????, ??? ?? ??? 95, ?????????? 1, ?? ??? ?????? ??? ??? ?????? ??? ??? ??? ??  
?????? ??? ?????????? 1798/2003 ??? ??? ?????? 2003/93.

(??, ?????? 47, 59-60, 62-64)

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

?? 26?? ?????????? 2006 (\*)

«????????? (?) 1798/2003 – ?????? 2003/93/?? – ?????? ??? ?????? ??????»

???? ?????? C-533/03,

?? ??????????? ?? ??????? ?? ??????? ?? ?????? 230 ??, ? ?????? ??????? ?? 19  
?????????? 2003,

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

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?????????? ?? ?????????? ?? ??????, ?????????????? ?? A. M. Colaert ?? E.  
Karlsson,

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?? ????????, ?????????????? ?? D. O'Hagan, ?????????????? ?? A. Collins, SC,  
?? ??? ????????, ?? ????????????,

?? ?????????? ?? ??????????, ?????????????? ?? L. Fernandes,

?? ??????? ??????? ?? ??????? ?????????? ?? ??????? ??????? ???????????,  
????????????? ?? R. Caudwell, ?????????????? ?? D. Wyatt, QC, ?? ??  
????????? ?? ????????????,

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

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

?????????? ?? C. W. A. Timmermans, ??????? ????????, R. Schintgen (?????????), ??  
R. Silva de Lapuerta ?? P. K?ris ?? ?. ??????, ????????,

?????? ????????????: J. Kokott

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

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

???? ?? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
?? 2?? ?????? 2005,

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

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1 ?? ?? ??????? ?? ?? ? ??????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?? ??  
??????????, ??????, ?? ??????? ?? ?????????? (??) 1798/2003 ?? ???????????, ?? 7??  
????????? 2003, ?? ?? ??????? ?? ?????????? ?? ?????? ?? ?????? ?? ??????????????  
????? ?? ?? ??????? ?? ?????????? (??) 218/92 (EE L 264, ?. 1), ?????? ?? ??  
?????? 2003/93/?? ?? ??????? ?? ?????? 2003, ?? ?? ?? ?????????? ?? ?? ??????? ??  
?????? 77/799/??, ??????? ?? ?? ??????? ?? ??????? ?? ??????? ?? ?? ??????? ??  
?????? ?? ?? ??????? ?? ??????? ?? ??????? (?? L 264, ?. 23, ?? ??, ??, ??,  
?????????????? ?? ??????), ??, ???????, ?? ??????? ?? ??????????? ?? ?? ?? ??

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

2 ?? ?????????? ??? ?????????? ??? ??????????????, ??? 8?? ???????? 2004, ?????????? ???  
?????????, ??? ?????????? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??????????  
??? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??????, ?? ?????? ??? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???.

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

3 ? ?????? 77/799/??? ??? ??????????, ??? 19?? ?????????? 1977, ??????? ?? ??  
????????? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????? (EE L 336, ?. 15), ??????????, ??? ?????? 1, ?????????? 1, ??? ??  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ?????????? ?????? ??? ??????????  
?????? ??? ??? ?????????????? ??? ?????? ?????????????? ??? ?????????? ??? ?????? 2  
??? 4 ??? ?? ??? ?????? ??????, ?? ?????????? ?????? ?????? ??????????????, ??? ???????????,  
????????? ???????, ?????????? ?, ????, ??????????. ??????????, ??? ?? ?????? 8 ??? ??  
???? ???????, ??? ?????????? ?????????? ?????????? ?????????? ? ?????? ??? ?????????? ???????????,  
???? ? ?????????? ? ? ?????????? ?????????? ??? ?????? ??????, ?? ?????? ?? ?????? ??  
????????? ??? ???????????, ??? ?????????? ?????? ?????? ?????? ??? ?????? ?? ?????????? ??  
????????? ? ? ?????????? ??? ?? ?????????? ?????? ?????????? ?????? ??? ?????? ??  
????? ?? ??????.

4 ? ?????????? (???) 218/92 ??? ??????????, ??? 27?? ?????????? 1992, ??????? ?? ??  
????????? ?????????? ??? ?? ?????? ??? ?????? ??? (???) (?? L 24, ?. 1), ??????????  
????????? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???, ???  
????? ??? ?????????? ??????, ??? ?? ?????????? ? ?????? ?????????? ? ?????????? ? ??????????  
????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?? ??????????.

5 ??? 18 ?????? 2001, ? ?????? ?????? ?????? ??? ?????????? ?????? ?????????? ?????????? ???  
????????? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ?? ?? ?????????? ?????????? ???  
????? ??? ?????? ?????????? ?????? (EE C 270 E, ?. 87), ?????? ??? ?????? ?????? ???  
????????? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?? ?????????? ??? ?????? 77/799  
(EE C 270 E, ?. 96). ?? ?????????? ????, ??? ?????????? ??? ?????????????? ??? ??????????  
?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
(?? ????: ???) ??? ?????????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? 218/92,  
???? ?????????? ??? ?? ??? ?? ?????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??????  
??? ?????? ??? ?? ??????????, ??? ?? ?????? ?????? ??? ?????? 95 ??.

6 ??? 6 ?????????? 2002, ?? ?????? ?????? ?????????? ???????, ?? ??? ?????? ???????,  
?????? ??? ?? ??? ?? ?????? ?????? ???????, ??? ?? ?????? ??????? ?? ??? ?????? ???  
????????? (EE C 284, ?. 178).

7 ?? ?????????? ?????? ?????????? ?????????? ?????? ?????????? ?????? ??? ?????????? ??  
????????? ?? ?????? ??? ?? ?????? ?????? ??? ?? ?????????? ??? ?? ?????? ?????????? ??????????  
????????? ?????? ???, ??? ???????, ??? ?????? ??? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
?? ??? 94 ?? . ?????? ??????, ?????????? ?? ?????? ? ?????? ??? ?????????? . ?? ?????? ??  
?? ?????????? 2003, ?? ?????????? ?????????? ???, ??? ?? ?????? ??? ?????? ??  
????? ??? ?? ??? ?? ?????? ?????????? ?? ?????????? ?? ?? ??? ?? ??? ?????? ??  
????? 95 ??.

8     ????? 7 ?????????? 2003, ?? ??????? ?????? ??? ???????? 1798/2003, ?????? ???  
????? 93 ?? ??? ??? ?????? 2003/93, ?????? ??? ?????? 93 ?? ??? 94 ??.

9     ?????? ???? ??????? ?????? ??? ??????????, ? ??????? ?????????? ??? ?????????? ???  
????? ??? ?? ??? ?????????? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ????? «?  
????????? ?????????? ??? ?? ?????? ??? ?????????? ?????? ?????????? ?????????? ?????  
????????? ?????? ?????????? ??? ?? ?????? ??? ?????????? ?????? ?????? 93 ?? ??????  
??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? 93 ??? 94 ??? ??????-? ?????????? ?????? ??? ?????? ???,  
????? ?? ??? ?????? ??? ??????, ??? ?? ?????? 95 ??? ?????????? ?????? ?? ??????????  
?? ?????? ?????? ??? ?????????????? ??? ?????? ?????? ??? ?????????? ??? ??? ??????  
??? ?????? ?????????? ?????????? ??????????, ??? ? ?????????? ?????????? ??????????  
??? ?????? ????

10    ?? ?????? ?????? ?????????????? ??? ?????? 1798/2003 ?????? ?? ???:

«(1)    ? ??????? ?????????????? ??? ?????????????? ??? ?????? ??? ?????? ???  
????? ?? ?????? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ?????????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ??????????????. ??? ??????????, ? ?????????? ??? ??????????  
?? ?????????? ??? ?????????? ?????.

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

(3)    ?? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
??????, ???????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????, ?????? ?? ?? ?????? ?? ?????????? ??? ?????? ???  
????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ???  
????????, ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????????, ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???.

(4)    ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???.

(5)    ?? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

11    ?? ????? 1 ??? ?????? 1798/2003 ?????? ???:

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

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

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

??? ?? ?????? ??????? ?? ?????? ?? ?????? 4 ??? ?????? 2002/38/EK [...],  
????????????? ?????? ??????? ?? ?????????? ?????? ?????? ?? ?????????? ?????????????? ??  
????????????? ??? ?? ??????? ?????????? ?????? ?????? ?????? ?? ?????????? ??? ?? ?????????? ??  
????????????? ?????? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?? ?????? 26? ?? ???? ??  
77/388/EOK, ?????? ?????? ??? ?? ?????? ?????????? ?????? ?????? ?????????? ???, ??? ?????? ???  
????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ???, ??? ??  
????????? ??????? ?? ?????? ??? ?????????? ??? ?? ?????? ?????? ?????? ??????.

2. ? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????????  
????????? ??? ?????????? ????.»

12 ?? ?????? 5 ?? ?????? ??????????:

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

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

3. ?? ?????? ??? ?????? ?????? ? ?????????? 1 ?????? ?? ?????????? ?????????????? ??  
????? ?????????? ?????????? ?????? ?????? ?????? . ??? ?? ?????? ?????? ?????? ???  
????? ??? ??? ?????????? ?????? ?????? ?????? ??????, ?????????? ?????? ???  
????? ??? ??? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???.

4. ?? ?????? ?????????? ??? ?????????????? ?????????????? ? ?? ?????????? ??? ??????????  
????????? ???, ? ??? ?????? ?????? ?????? ?????????? ? ?????? ?? ?????????? ??? ??????  
??? ?????? ? ?????????? ?????? ?? ???, ?????? ??? ?? ?????????? ??? ?????? ???  
????????? ? ???' ?????? ?????? ??? ?????? ??? ?????? ??? ??????.

13 ?? ?????? 11, ?????????? 1 ??? 2, ??? ?? ?????? ?????????? ?????? ???:

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

2. ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ?????? ??? ??????

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

14 ?? ????? 17 ??? ?????????? 1798/2003 ?????????? ???:

«?? ??? ?????????? ??? ?????????? ??? ?????????? V ??? VI, ? ?????? ??? ?????? ???  
????? ?????????? ?? ?????????? ? ?????????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ????? 1 ?? ??? ?????? ??? ?????? ??? ?????? ?????????????? ?????? ???,  
????? ?????????? ??????????:

1) ??? ?????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????????????? ??? ?????????? ??? ?????????? ?????? ?????? ???' ?????? ??? ?? ??????????  
?? ?????????? ??? ?? ?????? ??? ?????? ??????????,

2) ??? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ? ?????????? ??  
????????? ??? ?????????? ??? ?????????? ??? ?? ??? ??? ??? ?????? ?????? ???,,

3) ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?? ?????? ????.»

15 ?? ????? 22, ?????????? 1, ??? ?? ??? ?????????? ?????????? ???:

«????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ?????????? ???  
????????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ??? ?????? 22, ?????????? 6,  
????????? ?), ??? ?? ?????? ??? ?????????? ??? ?????? 28? ??? ?????? 77/388/???.

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

16 ?? ????? 23 ??? ?????? ?????????? ?????? ?? ?????? ??? ??????:

«?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?? ?????? 22, ? ?????? ???  
????? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?? ??? ?????????? ??? ??????, ??? ??  
????????? ?????????? , ?????????? , ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ???  
????????? :

1) ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??????????,

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

?? ?????? ??? ?????????? ??? ?????? 2 ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????.»

17 ??? ?? ????? 24 ??? ?????????? 1798/2003:

«?? ??? ?? ???? ?????????? ?? ???? ?????????? ??????? ?? ?? ???? 22 ?? ???? ?? ???? ?? ????  
?????????? ?? ???? ?????? ?? ???? ?????????? ?????? ???????, ?????????? ?? ????  
???? ?? ???? ?????? ?? ???? ?????? ?????? ?? ???? ?? ???? ?? ???? ?????? ?????? ??????  
????? ?????? ?????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ?????? ?? ???? ?????? ?????? ?????? ?? ???? ?????? ?????? ?????? ??????:

- 1) ??? ?????? ?????? ?????????? ?????? ?? ???? ?????? ?? ???? ?????????? ?? ????  
????????? ?? ???? ?????? ?? ???? 23, ?????? 2, ???
- 2) ?? ?????? ?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ?????? ?????? ?? ???? ?????? ?? ????  
????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?????? ?????? ?????? ?? ???? ?? ????  
????????? ?? ???? 23, ?????? 1.

?? ??? ?? ???? ?????? ?? ???? 2 ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????? ?? ???? ?????? ?? ???? ?????? ?????? ?????? ?????? »

18 ?? ?????? 27, ?????????? 1 ??? 3, ??? ?? ??? ?????? ?????? ?????? ????:

«1. ??? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ????  
????????? ?? ???? ?????? ?? ????.

2. ? ?????? ?? ???? ?????? ?? ???? ??????, ???????????, ?? ?????? ?????? ?????????? ?? ????  
????? ?? ???? ???????????, ???????????, ?? ???? ?????? ?? ???? ???????????, ?? ???? ?????? ?? ????  
?? ???? 22, ?? ??????????? ?? ???? ?????? ???????????, ?? ???? ?????? ?? ???? ?????? ?? ????  
????? ?????? ?????? ???????????, ?? ???? ?????? ???????????, ?? ???? ?????? ?? ???? ?????? ?? ????  
????? ?????? ?? ????.

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

3. ?????? ??????, ?? ???? ?????? ?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ?????.»

19 ??? ?? ???? 41, ?????????? 5, ??? ?? ??? ?????? ???????:

«5. ??? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????? 10, ?? ???? 11, ?????? 1, ?? ???? 12 ?? 21 ?? ???? 95/46/??, ?? ????  
????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????????? ?? ???? ?????? ?? ???? 13, ?????? ?? ???? ?????? ?? ???? ?????? ?? ????.

20 ??? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ???? 1, ?????? 1, ??? ?????? 2003/93  
????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 77/799 ?? ????  
????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 15??  
????? 1976, ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ????  
????????? ?? ???? ?????? ?? ???? ?????? (EE L 73, ?. 18).

21 ???????????, ?? ??? ?????? 2003/93 ??????????? ?? ???? ?????? ?????? ?? ???? ??????

7, ?????????? 1, ??? ?????? 77/799 ?? ?? ??????? ??????:

«???? ?????????? ??? ?????????? ?? ??? ?????? ??? ?????? ?????? ???' ?????????? ???  
????????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ?? ?????????? ??? ?????????? ???' ?????????? ??? ?????????? ???  
?????????. ?? ??? ??????????, ?? ?????????? ????:

– ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ? ??????????????  
??? ?????? ? ? ?????????? ??? ?????? ??? ?????????????? ??? ??????,

– ??? ?????????????? ???' ?????? ??? ?????? ?????????? ? ?????????? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????????? ?????? ?????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????????? ?????- ????, ?????????? , ?????? ?? ?????????????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ? ?? ?????????? ??? ?????????? ??  
??? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
???????????,

– ?? ?????? ?????????? ??? ?????????????? ???' ?????? ????, ??? ?????? ??? ??????  
????????? ??? ?????? ?????????? ? ?????????? ?????????? ?????????? ??? ?????????? ???  
????????? ????????, ??? ?? ?????????? ??? ?????? ?????????? ?? ??? ?????? ?????????? ??? ??  
????? ??? ?????? ?????? ??? ?????????? ??? ?? ?????? 2 ??? ?????? 76/308/???.»

????????, ?? ?????? ??? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????????????? ??? ?????? ??????  
????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??????????,  
????? ??? ?????? ??? ?????????? ??? ?? ?????? 2 ??? ?????? 76/308/???.»

22 ??? ?????????? ??? ?? ?????????????? ?????? ??? ?????? ?? ?????????? ?? ??? ?????? ?? ?????? 95  
??, ? ?????????? ?????? ??? ?????? ?????? ??????.

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

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

23 ? ?????????? ??? ?????? ?? ?????? 93 ?? ??? 94 ?? ??? ?????????? ??? ?????? ?????? ???  
??? ??? ?????? ??? ?????????????? ??????. ??? ?????? ??? ?????? ??? ?????? ?? ?????? 95,  
????????? 1, ??, ?????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ???  
???? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ?????? ??????  
«????????? ??????» ??? ?????? ??? ?????? ?? ?????? 95, ?????????? 2, ??.

24 ? ?????????? ??????????, ???????, ??? ?? ?????? 100 A ??? ?????????? ?? (???, ??????  
?????????????, ??? 95 ??), ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ??????????  
??? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? 1992.  
????????? ???, ?????????? ??? ?????????? ??? ?????? ?????????? ?? ??? ?????? ?????????? ???  
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??  
????? 95 ?? ??????????. ?????? ?????? ?????? ?????????? ?????? ?????????? ?? ??????????, ?? ??? ??  
????? ?????? ??? ? ?????????? ?????? ?? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ???  
?????????. ? ?????????? ???, ???, ?????? ?? ?????????? ?????? ?????????? ??? ?????? ??????  
????????? ?????? ??? ?? ?????????? ?????? ?? ?????? ?????? ?? ?????? ??? ?????? ?? «?????????»  
??? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ???.

25 ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ???, ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

26 ? ?????????? 1798/2003, ????, ??? ?????????? ???? ?? ?????????? ???? ?? ??????????  
?????? ?????????? ????, ??????? ?????????? ????, ?????? ?????????? ????, ?????? ??? ?????????? ???  
????????? ?????????? ??? ?????????? ?????? ?????????? ???????, ???? ?? ?????????? ????, ???  
????????? ??? ?????????? ??? ?????? ??? ?????????? ???????, ???? ?????? ??? ?????? ??? ?????? ???  
??? ??????????. ? ?? ??? ????? ?????????? ??? ?????? ?????? ?????????? ?????????? ?? ?????????? ???  
«????????? ??????», ??? ?????? ??? ?????? ??? ?????? 95, ?????????? 2, ??, ? ?? ??????  
????????? «???? ?????????? ??? ?????? ??? ?????? ?????? ?????? 95, ?????????? 2, ??.  
????? 93 ??.

27 ? ?????? 2003/93, ???????, ?????????? ???? ?? ?????????? ???? ?? ??????? 77/799, ???  
??? ?????? ??? ?????????? ??? ?? ??? ?? ?????? ?????????? ????, ???  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?? ?????????? ????, ??? ?????? ?????????? ???  
??? ?? ?????? ????, ? ?????? ?????? ?????????? ?????????? ????, ??? ?? ?????????? ???  
????????? «????????? ????, ??? ?????? ??? ?????? 95, ?????????? 2, ??.

28 ???????, ? ??? ?????? ???? ?? ??????? ??? ?????????? ??? ?????????????? ??????? ???  
????? 95 ?. ??? ???????, ?? ??????? ?????? ??? ?????? ?????????? ??? ?????????????? ???  
????? ??? ???????, ??? ?????????????? ??? ?????????????? ??? ?? ?????????? ??????????  
??????????, ?? ??????????.

29 ???????, ?????????? ???? ?? ??????? ?????????? ??? ?????????? ??? ?????? ???  
????????? ???? ?? ??????? ?????? ??? ?????????? ???, ? ?????????? ?????? ???, ??  
????????? ???????, ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ???????,  
????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???????  
?????.

30 ?? ?????????? ??????????, ???????, ???, ??? ?? ?????????? ??? ?????? 100 A ???  
?????? ?? ??? ?????? ?????????? ??????, ?????????? ?????? ??? ?????? ??? ??????  
????????? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ??????.

31 ???????, ??? ???????, ??? ??? ?????? ?????? ?????????? ? ??????? ??? ?????? ???  
???? ?????? ??? ??????? ? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????  
??????. ?????? ??? ?????????? ??? ?????? ??????????????, ????, ? ?????? ??? ??  
????????? ??? ?????? (?????? ??? 17?? ?????? 1993, C-155/91, ??????? ???  
?????????, ?????? 1993, ?. I-939, ??? 7).

32 ??? ????, ?????, ??? ?????? ??? ?????????????? ???????, ?? ??????????  
????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? 1 ??? ??????????  
1798/2003 ??????? ??? ?????? ??? ?????? ? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? .?  
????? 2003/93, ??????, ??????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???

? ?????????? ??????. ??????????? ?? ?????????? ?? ?????????? 77/799, ? ?????? ??????????  
??? ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ??????. ??? ??????????, ???, ?????????? ???  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ???, ?????? ?????? ?????? ??????  
?????.

33 ??? ?????, ???????, ?? ?????????? ??? ?????????????? ??? ???????, ?? ??????????  
????????? ??? ??? ??? ??????? ?????? ??? ?????????? 1798/2003 ?????????? ??? ??'  
????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?  
????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???.  
????????? ??? ?????? ?????????? ??? ?????, ???, ?????, ??? ?? ?????????? ??? ?????? ???  
????? ???.

34 ??? ?????? ??? ?????? 2003/93, ?????? ??? ?? ?????? 1, ?????? 2 ??? 3, ?????,  
?????????, ??????, ??? ???????? ?? ?????????? ??? ?????? ?????????? ??? ??????  
77/799, ?????????? ?' ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ???,  
????????? ??, ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????? 2 ??? ?????? 76/308. ??????? ?????? ???  
????? 2003/93 ??? ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????, ??? ?????? ??? ?????????? ??? ?????????? ???  
????? 93 ?? ??? 94 ??.

35 ??? ?? ??????????, ??? ?????, ???????, ?????? ?????????? ??? ?? ??????????????  
?????? ?????????? ?????????? ?????????? ??? «????????? ??? ?????????? ??? ?????? ??? ???  
????? ??????», ? ?????? ??? «????????? ??? ?? ?????????? ??? ?????????? ??? ?  
????????? ??? ?????????? ???», ??? ?????? ??? ?????? ??? ?????? 93 ?? . ?????? ??? ??? ???  
????? ?? ?????? ???, ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? «?????????»  
????????? ??????????, ? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????? ??????????  
?? ?????? ??? ?? ?????? 93 ?? ??? 94 ?? ?????????? ?????????? ??? ?????? ??? ??  
????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ??  
????? 95 ?? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????.

36 ??????????, ?? ?????????? ?????????? ??? ? ?????????????? ??? ??? ?????? ??????????  
????????? ??? ?????? 95, ?????????? 2, ?? ?????? ?????????? ??????????. ????????, ???  
????? ?? ?????? ?????????? ?????????? ??? ?????????? ??? ? ?? ?????????? ??? ???  
????????? ???, ?????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ???.

37 ??????????, ? ?????????? ?????? ??? ?????? ??? ?????????? ? ?????????? ?????????? ???  
????? ?? ?????? ??? ?????? 95, ?????????? 2, ?? ???, ???????, ??? ?????? ?? ?????? ????. ?  
????????? «????????? ???», ??? ?????? ?????? ??? ?? ??? ?????????? 2, ???  
????? ?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ???.

38 ??? ???????????????, ??? ??? ?????????? ??? ?? ?????????? ??? ?????????? ???

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

39    ??? ? ?? ?????????? ??? ?????????? ?????? ???????, ??? ? ?? ?????? ??? ?? ?????????????? ???  
????????????? ??? ??????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? . ??????????, ? ?????????? 1798/2003, ?????? ??? ?????  
????? ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? . ???????, ? ?????????? ??? ?????, ?????? ?? ?? ???  
????? , ?????????? ?????????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ???, ??? ? ?????????? ?? ?? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ?????? ???.

40    ??? ? ?? ?????? ??? ?????? 2003/93, ? ?????????? ??? ?????????? ?????????? ??????????????  
??? ? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ??????  
????, ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??? ? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? . ???????, ??? ? ??  
????????? 1798/2003, ? ?????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

41    ??? ? ?? ?????????, ??? ? ?? ?????????? ??? ?????????? ??? ?????????? ??? ? ??  
?????? ??? 29?? ??????? 2004, C-338/01, ??????? ??? ?????? ??? ?????????? (?????? 2004, ?. I-  
4829), ?????????? ??? ? ?? 93 ??? 94 ??????? ??? ?????? ??? ?????? ??? ? ??  
??? ?????????? ??? ?????? ?? ??????, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????? ??? ? ?? ?????????? ???, ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?? ???  
????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ??????????  
????????? ?????? ?? ??? ?????????????? ??? ?????? ??? ?????????? ???, ?????????? ?? ?????? ???  
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????? ?????????? ?????????? ??? ?????? ??? ?????????? ???, ?????????? ??? ?????? ??? ?????????? ???  
??.

42    ? ?????????? ?????????? ?????????? ??? ? ?? ?????? ??? ?????????? ??? ? ??  
?????? ?????????? ??? ?????????? ??? ? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????? ?? ?????? 41, ?????????? 5, ??? ?????????? 1798/2003, ?????????? ?????????? ???  
????????? ??? ?????????? ??? ?????? ?? ?????? 7, ?????????? 1, ??? ??????  
77/799, ??? ?????????? ?? ??? ?????? 2003/93, ?????????? ?????????? ??? ?????? ???  
????????? ??? ??????. ?? ?????????? ???, ???????, ?? ?????? ?????????? ?????????? ??  
????????? ??? ?????????? ???, ?????????? ??, ?????????? «????????? ?????? ??????»  
????? ??? ?????? ??? ?????? 95, ?????????? 2, ??.

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

43    ?????????? ?? ?????????? ???, ??? ? ?? ?????? ?????????? ? ?????? ??? ??????  
?????? ??? ?????????? ?????? ??? ?????? ?? ?????????? ?? ?????????? ?????? ??? ??????????  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???, ???, ? ?????? ???  
?? ?????????? ??? ?????? (??., ?????? ???, ?????? ??? 11?? ?????? 1991, C-  
300/89, ?????? ??? ?????? ???, ?????? ?? «????????? ??? ??????», ?????? 1991, ?. I-  
2867, ??? 10- ??? 4?? ?????? 2000, C-269/97, ?????? ??? ?????????? ???, ?????? 2000,  
. ?-2257, ??? 43- ??? 11?? ?????????? 2003, C-211/91, ?????? ??? ??????????  
????? 2003, ?. I-8913, ??? 38, ??? ? ?? 29?? ?????? 2004, ?????????? ???, ??????  
????? ?????? ???, ??? 54).

44 ????? ?????? ?? ????? ??????????? ??? ?????? 95 ??, ?? ??????, ??? ?????? ?????? ???  
??????????, ?????? ?? ??????????? ?? ?????? ??? ?????? ??? ?????? ??? ???????????????  
?????????, ?????? ?? ????????, ??????, ??? ??? ?? ?????? ?? ?????? ??? ?????????? ???  
????? ?????? ?????????? ??? ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ?????? ????.

45 ??????, ??? ??????????? ?? ??????????? ??? ?????? 60 ?? ???????????????  
?????????? ??? ?? 29?? ??????? 2004, ??????? ??? ???????????, ?????? ??????????? ???  
????????? ?????? ?????? ??????? ??????? ?? ??????????? ?? ??????? ?????? ?????? ???????????  
?????????, ? ?????? ??? ??????? ?? ??????????? ??? ??? ?? ??? ?????? ??????. ?????? ??????  
?????????? ?? ?? ?????? 93 ??, ??????????? ??? ?????? ??? ??????????? ??? ??????????? ???  
????????? ?? ??? ?????? ?????? ???????, ??? ?????????? ?????? ?????? ??????????? ??? ??????????? ???  
????????? ?????? ??????? ??????.

46 ???????????, ???????, ?? ??????? ?? ??????????? 2 ??? ?????? 95 ?? ???????????  
????? ??????????? ?????? ?? ?????? ??????????? ??? ?????? ??? ??????. ?????? ???????????,  
?????, ??? ?????? ?? «?????????? ???????», ??? ?????? ? ??????????? ??? ?????? ??  
????? ?????? ?? ?? ?????? ?????? (?????????????? ??????? ?? 29?? ??????? 2004,  
????????? ??? ???????????, ??? 61).

47 ??? ?????, ???????????, ??? ??????? ?? ?????? «?????????? ??????????», ??? ???????  
?????????????? ??? ?????? 95, ??????????? 2, ??, ??????????? ?? ??????????? ??? ???????  
????? 63 ??? ??????????? ??? ??????? ?? 29?? ??????? 2004, ?????????? ???  
??????????, ?? ??????????? ???, ??? ?????? ??????? ??????????? ???, ? ??? ???????  
?????????? ??? ?????? ?????? ?????? ??? ?????? ???????????, ??? ?????? ??????? ??????? ???  
????????? ?????? ?????? ?????? ?????? ?????? ???????????, ??? ?????? ??? ?????? ??????? ???  
?????, ??????? ?? ?????????? ??? ??????????? ??? ??????????????? ? ??????????????? ???????.

48 ?????, ?? ???????????, ??? ?????????????? ??? ?? ?????????????? ?????????? ???  
?????????? ??? ?? ??????????? ??? ??????????? ??? ?????, ??? ?? ??????????? ??  
????????????? ?? ?????? ?????? ??? ?????? ?????? ??????????? ???????????, ??????????????? ???  
????????????? ??????????? ??? ?????? ?????? ??????????? ???.

???? ?????? ??? ???????? 1798/2003

49 ??? ?????, ??????, ??? ?????? ??? ??????????? 1798/2003, ??? ??? ??? ??????  
????????????? ??? ?????? ??????????? ??? ?????? ??????????? ??? ?????? ??????????? ???  
????????????? ??? ??? ??????????? ??? ?????? ?????? ??????????? ??? ?????? ??????????? ???  
??? ??? ???????????, ??? ?????? ??? ?????? ??????????? ??? ?????? ??????????? ???  
????????? ??????????? ??? ??????????? ???.

50 ??? ??? ????? ??????????? ??? ?????, ??? ??????????? ??? ???????????????????  
??? ?????? ??????????? ??????????? ??? ??????????? ??? ??????????? ??? ??????????? ???  
??????, ?? ?????? ??? ?????? ??? ?????? «?? ?????? ??? ?????? ??? ?????? ??? ???????????  
?????????? ??????????? ??? ?????? ??? ?????? ??? ?????, ??? ?????? ?? ?? ?????? ?? ?????? ??? ???????????  
????? ??? ?????? ?????? ?????? ?? ?????? ?????? ??????????? ??? ?????? ??? ??????????? ???  
?? ??? ?????? [...]».

51 ??????????? ??? ?????? ??? ?????????????? ??????? ??? ??????????? 1798/2003,  
????? ?????????? ??? ? ?????? ??? ?????????? ??? ???????????, ??? ?????? ??? ??????  
?????????? ??????????? ??? ?????????? ??? ??????????? ??? ??????????? ??? ??????????? ???  
?????????? ??????????? ??? ??????????? ??? ??????????? ??? ??????????? ??? ??????????? ???

???.

52 ?? ?????????? ??? ?????????????? ??????????????, ??????, ??? ????? ?????????? ???  
?????? ??? ????? ?????????????? ??? ??? ?????????? ?? ?????????? ?? ?????????????? ??  
????????? ?? ?????? ?????????????? ??? ?????? ?????? ?????.

53 ?? ?????????? ??? ?????????????? ?? ?????? ??? ?????? 1, ?????????? 1, ??  
????????? 1798/2003, ??? ?? ?????? ?? ???? ?????????? ?????????? ??? ?????? ??????  
?? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????????? ???  
??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ??? ?? ???  
????????? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ??????  
??? ?? ?????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ??? ?? ?????? ???  
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ???  
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ???  
?????.

54 ??? ?????, ???????, ?? ?????????? ??? ?????????? 1798/2003, ??????????,  
??????, ?? ???????, ???, ??? ?? ?????? 5 ????, ?? ?????? ?????? ?????? ??????????  
?? ??????????, ?????? ?????? ??? ?????? ?????? ?????? ??????, ??? ?????? ????  
????????? ??? ?????????? ??? ??? ?????? ?????? ?????? ??? ??? ?????? ?????? ???  
????????? ?? ?? ??? ?????, ??????????, ??????????, ??? ?????????? ?????? ??????????  
????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???.

55 ?????????? ??? ?????? ?? ??????????, ??? ?????????? ? ?????? ?????????? ???  
?????? 67 ??? ?????????? ???, ??? ?????????? ?? ?????????????? ??? ?????? ????  
????????? ???, ???' ????, ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ??????  
????????? ? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ??????  
??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??? ??????????  
????????? 1798/2003 ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ???  
??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???, ?? ?????? ?????????? ???  
????????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??????????  
????????? ??????, ???????, ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ?????????? ???,  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???, ??  
????????? ??? ?????? ??? ?????? ???.

56 ??????????, ??? ???????, ?? ???????? ??? ?? ?????? 17 ??? ?????????? 1798/2003  
????????? ??? ?? ???????? ??? ?????? ??? ?????? ?????? ??????????, ?? ??????????  
????????????? ??? ??????????, ?? ???????? ??? ?????? ?????? ?????????? ???  
????????????? ??? ?????? ?????? ?????????? ?? ?????? 1 ??? ?? ?????? ?????????? ?? ??? ?? ??????  
????? ?????? ?????? ?????? ??????, ?? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ???.

57 ??????????, ????, ?? ???????? ??? ?? ?????????? ?????? ??? ?????? ?????? 22 ???  
24, ????, ??? ?? 27 ??? ?? ?????? ?????????? ?????????? ??? ?? ?????? ??? ?? ????  
????????? ??? ?????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ?? ?????????? ?????? ??? ?????? ???, ??? ?????? ?????? ?????????? ??? ??????  
??? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????  
????????? ? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????  
??????, ?? ???????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????  
?????? ???.

58 ??????????, ????, ?? ?????????? ??? ?? ?????? ?????? ?????? ??? ? ??????????  
????????? ?' ???? ??? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ???  
?? ?????????? ?? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ???.

? ?????? ?? ??????????? ??? ??????????? ??? ?????? ?? ??????? ?? ??????????? ?? ???? ??  
?????????? ????, ????, ????, ????, ?? ???????, ?? ???????, ?? ??????? ?? ??????? ?? ???????  
?????????? ??? ?????? ??????? ??????? ??????? ??????? ??? ?????? ??? ?????? ???  
?????????? ?? ?????? ?????? ????. ???????, ? ?????? ??? ??????? ??? ?????? ??? ?????? ???  
?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????? ???????, ????, ????  
??????????, ????, ??? ??????? ??? ?? ?????? 55 ??? ??????? ???????, ??? ???????, ???  
?????????? ??? ?????? ?????? ??????????? ???????????. ??????, ??? ?????? ????, ????, ???,  
???? ?? ?????? 41, ?????????? 5, ??? ?????????? 1798/2003, ?? ?????? ??? ?????????? ??  
?????????? ??? ?????? ??? ??????? ??? ?????????? ??? ?????????? ?????????? ??? ??????????  
?????????? ??????? ??? ?????? 95/46, ?????? ?? ??????? ??? ?????????? ??? ??????????????  
?????????? ?????? ??? ?????? ?? ??????? ?? ?????? ??? ?????? ?????????? ??? ???.

59 ????, ?????????? ? ?????????? ??? ?? ??? ?? ??? 11, ?????????? 1 ??? 2, ???  
????????? 1798/2003 ?????????? ??? ?? ?????? ??? ?? ?????? ?????????? ? ??????  
????????? ??????? ?? ?????????? ??? ??????? ?????????? ??? ?????? ??? ?????? ???  
?????????, ????, ??? ?????? ??? ?????? ?????????? ?? ?????????? ?????????? ??? ?????? ???  
??? ?????????? ??? ?? ??? ?????? ???, ??????, ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??????.

60 ??? ?????????? ? ?????? ?????????? ??? ?????? 73 ??? ?????????? ???, ? ??????  
????, ????, ???, ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ?? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ???,  
???? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ???, ?????? ???, ??  
????????? ??? ?????? ??????????, ?? ?????? ?????? ???, ?? ?????????? ??? ?????? ???,  
???? ?? ?????????? ??? ??????, ?????????? ?????????? ?? ?????????? ?????????? ???  
????????? ??????. ???' ??????, ???, ??? ?????? 11, ?????????? 1 ??? 2, ??? ??????????  
1798/2003, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????????.

61 ??????, ?? ??????? ?? ?????????? 1798/2003 ?????? ?????? ?????? ??? ??  
?????? ?? ??????? ?? ?????????? ??? ?????????? ?? ?????? ?????????? ?????????? ??? ??  
?? ??????????.

62 ?????? ?? ??????? ??????, ?????????? ?? ?????????? ??? ??????? ??? ?????? ??? ??????????  
?? ?????????? 1798/2003 ?????? ?? ?????????? ?????????? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???  
?? ?????? ??? ?????? ??? ?????? ???.

63 ???, ????, ??????? ??? ?????? 47 ??? ?????? ???????, ?? ?????????? ??? ??????????  
?????? ??? ?????? ??? ?????????? ??????, ???' ?????????? ??? ?????? 95, ?????????? 2,  
?? ?? ?????????? ?? «????????? ??????» ??? ?????? ??? ?????? ??? ?? ?????? ???.

64 ??????, ?? ?????? ??????? ?? ?????????? ??? ?????? 95, ?????????? 1, ??  
?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? 1798/2003.

65 ??????, ? ?????? ??? ??????? ?????? ?? ?????????? ?????? ??? ?????? ?????????? ???'  
????? ? ?????? ??? ?? ??? ??????????.

???? ?????? ??? ?????? 2003/93

66 ???, ?????, ?????, ??? ?????? ??? ?????? 2003/93, ?????????? ?? ?????????? ??? ??  
????? ?????????, ?????, ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????, ?  
????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ???, ?????, ??? ?????? ??? ?????????? ???

? ????? ? ??????????? ? ?? ?????, ? ?????????????????? ?????????? ??? ???????????????  
????????? ??? ???? ???? ???? ? ?????????? ??? ?????????? ??? ?????????? ???, ??? ??  
????????? ??? ???? ???? ?????? ??? ?????? 77/799 ??? ???? ?????? ??? ???? ???? ???????,  
????? ?????? ?????? ?????? 76/308.

67 ??? ???? ?, ???????, ?? ?????????? ??? ?????? 2003/93, ??? ???? ? ?????????? ???  
???? ???????????, ??? ???? ?, ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ???? ?  
????????? ??? ???? ?????? ?????????? ??? ?????? 77/799 ??? ???? ?????? ??? ???? ???? ??????? ???  
???? ?????????????? ??? ?????? ?????? ?????? 7, ?????????? 1, ??? ? ???? ?????? ??? ????  
??????.

68 ?????????????? ??? ??? ?????? ??? ?????? 7, ?????????? 1, ?? ???? ? ???? ?  
?????? ??? ???????, ??? ???? ??? ?????? ??? ?????????? ??? ?????? ??? ???? ? ???? ???? ???? ?  
????????????? ??? ?????????? ??? ?????? ??? ?????? ???' ?????????? ??? ? ???? ???? ???? ?  
??? ?????????? ??? ?????? ???????, ?????? ??? ?????? ??? ?????????? ??? ? ???? ???? 2 ???  
?????? 76/308.

69 ??????, ?????? ?????? ?????? ??? ?????? 2003/93 ?????? ? ?????????? ??? ??????  
????????? ??? ?????? 77/799 ??? ? ???? ?????? ??? ?????????? ??? ?????? ??? ??????????,  
????????? ?? ? ?????????? ?? ? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??????????  
?????????, ?????????? ??? ?????????? ??? ??????????.

70 ??? ???? ?????? ??? ??? ?????, ??????? ??? ????? ?????????? ??? ???, ?????? ???  
?????? 77/799 ??? ? ??????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???? ?  
?????? ??? ?????? ???, ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????  
????????? ??? ?? ??? ?????? ???, ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???  
??? ?????????? ??? ?? ??? ?????? ???.

71 ??? ?????? ??? ?????, ?? ?????? 1, ?????????? 1, ??? ?????? 77/799  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ??? ???? ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ? ???? ?  
????. ??? ?????????????? ??? ?????? 3 ??? ?????? ??? ??????, ? ?????? ???  
?????????, ????, ??? ?????? 2 ??? 4 ????, ??? ?????????? ??? ?????????? ??? ?????? ???  
?????????, ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????.

72 ?????? ? ?????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ???? ?  
????????? ??? ?????? ?????????? ??? ?????? ?? ?????? 8, ?????????? 1, ??? ??????  
77/799 ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
????????? ??? ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

73 ??????, ?????????? ? ?????????? ??? ?? ?????? ??? ?? ?????????? ??? ???? ?  
77/799 ???, ??? ?????? ???, ?????? ? ???? ?????? ??? ?????????? ?? ?????? ??? ??????????  
1798/2003 ??? ???, ??? ?????? ??? ?????????? ???, ?? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? 95, ?????????? 2, ??.

74 ???????, ? ?????? 2003/93 ???????, ??????, ??? ????? ?????????? ??? ?????? 95, ?????????? 2, ??, ?????? ?? ?????? ?????????? ?? ?????????????? ??? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? 95, ?????????? 1, ??.

75 ??? ???????, ? ???????? ??? ?????????, ??????, ??????, ?? ?????????? ??? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 2003/93.

76 ??? ???????, ? ???????? ??? ?????????? ?????? ?? ?????????? ??? ?????? ??? ???, ???' ??????????, ???????? ?? ?????????? ?? ?????????? ??? ??? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ??????????.

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

77 ??? ?? ??? 69, ?????????? 2, ??? ?????????? ???????????, ? ??????? ?????????? ?????????? ?????????? ??? ?????????? ?????, ?????? ??????? ??????? ??????. ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????. ??? ??? ?????????? 4, ????? ??????, ??? ?? ??? ??????, ? ?????? ??? ??????, ? ?????????? ??? ?????????? ??? ?? ?????????? ???????, ??? ?????????? ??? ?????????? ??? ?? ?????????? ?????????? ??? ?????????? ??? ??????.

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

1) ?????????? ??? ???????.

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

3) ? ???????, ? ?????????? ?????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????????? ??? ??????.

(?????????)

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