

?????? C-106/05

L.u.P. GmbH

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Finanzamt Bochum-Mitte

(?????? ??? Bundesfinanzhof

??? ??? ?????? ?????????????? ??????????)

«????? ?????? ?? — ?????????? — ??? 13, ?, ?????????? 1, ?????????? ?? ?? ?, ??? 2,
????????? ?? — ?????? ?????????? ?????????????? ??? ?????????????? ??? ?? ??????????
????????? ?????? — ?????????? ?????????? ??? ?????? ?????????? ?????????? ??????????????
— ?????????? ?????????? ?????????????????? ?? ?????????? ?????????? ?????????? ??????????
????????? ?????????? ?????????? ??????????, ??????? ?????? ?????? ?????? — ??????????????
????????? ??? ?????????? — ?????? ?????????? ??? ?????? ?????? — ???»

????????? ??? ?????? ?????????? M. Poares Maduro ??? 7?? ?????? 2006 ?I – 0000

????????? ??? ?????????? (????? ????) ??? 8?? ?????? 2006 ?I – 0000

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

????????????? ?????????? — ?????????? ??? ?????????? — ?????? ?????? ?????????? — ??????
????????? ??? ?????????????? ??? — ?????????? ?????????????? ??? ??? ??? ??? ??????

(?????? 77/388 ??? ??????????, ??? 13, A §§ 1, ??????? ?, ?? 2, ??????? ??)

??. ?????? 13, ?, ?????????? 1, ?????????? ?? ?? ?, ?? 2, ?????????? ?, ??? ?????? ??????
77/388, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????, ??? ?????????? ?? ?? ??? ??????
?????? ????????, ??? ??? ?????? ??? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????????????? ??? ??????? ??? ???????, ?? ?????? ?????????????????? ???
????? ??? ?????? ????, ??? ?????????? ??????? ?????????? ?????????? ?????????? ??????????????
?????????, ??????? ?????? ??????? ????, ?????????? ?? ?????? ??? ?????????? ???
????????? ?? ?? ??? ?????? ??????? ??? ??????? ?????????? ?????????? ?????????? ??? ??
?????? ?????????? ??????? ??????? ?????????? ?????????? ??? ??? ??? ?????? ??? ?? ???
?????????.

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

??. ?????? 13, A, ?????????? 1, ??????? ?, ?? 2, ??????? ?, ?? ?????? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????? ??????????
????????? ??? ?????????? ??? ??????, ????, ??? ?????? ??? ?????? ?????? ?????????? ??????????

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

? ? ?????? 13, A, ?????????? 1, ????????, ??, ??? ?????? ??????? ?????????? ????????
?????????? ? ?????? ? ?????? ?????? ?? ??????? ??????? ?????????? ??????????
????????????????? ??? ?????????? ??????? ?????????? ?????????? ??? ?????????? ??
????????????????? ??? ??????? ??????. ???????, ? ?????????????? ??? ?????? ?? ???
????????? ?????? «????????? ??????????» ?????????? ?? ?????? ??? ?????????? ?? ??????
????????? ??? ?????? ??? ??????? ? ??? ?????? ?????????? ?????????? ?????????? ??? ??????
??? ?????? ??? ??????? ??????, ??? ?????? ??? ?????? ?????????? ?????????? ?? ??????
????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ??????.

?????????, ? ??????? ??? ?????? ??? ?????????? ? ??? ?????? ?????? ?????????? ?? ?????? ???
????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ?? ???????, ??? ?????? 40 %
??????????, ?????????????? ?????????? ?????????? ?????????? ??? ????????. ??? ?? ?????????? ??
????????? ??????? ??????? ?? ?????? ?????????? ?????????? ?? ?????????? ?? ?????????? ??
? ???????? ??? ?????? 13, A, ?????????? 1, ????????, ??, ??? ?????? ???????, ?? ??????
????? ?????? ?? ??????????, ??? ?? ?????????? ??????, ??? ?????? ?????? ??? ??????
??????????, ?? ?????????? ?????, ?????? ?????, ?????? ??? ?????? ?????????? ??????
?????????? ??? ?????????????? ??? ?????? ?????? ?????????? ?????? ???, ?? ?????? ???
????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ?????? ?????????? ???
????????? ???????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????????
????????? ??????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????????
????????? ???????????.

(?? . ??????? 29-30, 48, 51, 53, 55 ??? ??????)

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

?? 8?? ?????? 2006 (*)

«????? ?????? ??? – ?????????? – ?????? 13, ?, ?????????? 1, ?????????? ?? ??? ??, ??? 2,
????????? ?? – ?????? ?????????? ?????????? ??? ?????????? ?????? ??? ??????????
????????? ?????? – ?????????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??????????
– ?????????? ?????????? ?????????????????? ?? ?????????? ?????????? ?????????? ?????????? ??????????
????????????? ??????????, ?????? ?????? ?????? ?????? ?????? – ?????????? ?????? ??????????
?? ?????????? – ?????? ?????????? ??? ?????? ?????? – ???»

????? ?????? C-106/05,

? ? ?????????? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? 234 ??,
?? ?????? ?? Bundesfinanzhof (???????) ?? ?????? ??? 25?? ?????????? 2004, ? ????

????????? ??? ?????????? ??? 3 ??????? 2005, ??? ?????? ??? ??????????

L.u.P. GmbH

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Finanzamt Bochum-Mitte,

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

????????? ??? ??? A. Rosas, ?????? ???????, J. Malenovský, J.-P. Puissochet, U. Löhmus
??? A. Ó Caoimh (??????), ????????,

?????? ??????????: M. Poiares Maduro

?????????: M. Ferreira, ????? ?????????? ??????????,

?????? ??? ?? ?????? ?????????? ??? ??????? ??? ??' ?????????? ?????????? ??? ??
19?? ??????? 2006,

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

– ? L.u.P. GmbH, ?????? ?????????????? ??? ??? R. Todtenhöfer ??? N. Bohn,
???????????, ??? ???????, ??? ??? W. Krieger, Rechtsanwalt,

– ? ??????? ??? ?????????? ??????????, ?????????????? ??? ??? ?. ??????????????,

???? ?????? ??? ?????? ?????????? ??? ??????? ??? ??????? ??? ?????? ??? ??? ?? ??????????
?? 7?? ?????? 2006,

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

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1 ? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? ??? ?????? 13, ?,
????????? 1, ??????? ?? ???, ??? 2, ??????? ??, ??? ?????? ?????? 77/388/??? ???
?????????, ??? 17?? ????? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???,
??? ??????? ?? ??? ?????? ?????? ?????? – ??? ?????? ?????? ??? ??????????????
?????: ?????????? ?????????? ??? (?? L 145, ?. 1, ??? ????: ??? ??????).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ??? L.u.P. GmbH (??? ???:
L.u.P.) ??? ??? Finanzamt Bochum-Mitte (??? ????: Finanzamt), ?????????? ?? ??? ?????? ???
????????? ?? ?????????? ??? ??? ?????????????? ??? (??? ????: ???) ??? ??????????
????????? ?? ?????????????? ? L.u.P. ??? ?????? ?????????????? ?????????????? ???
????? ??????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ???
????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????????? ?????????????? ???.

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

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

3 ?? ??? 13, A, ?????????? 1, ??????? ?? ??? ??, ??? ??? ?????? ?????? ????:

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

????????????? ??????? ?????????? ??? ?? ?????????? ????? ???? ?????????? ??????????????,
????????? ??? ??????:

[...]

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

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

4 ?? ????? 13, A, ?????????? 2, ??????? ??, ????? ???????, ??? ?? ???? ?????
????????? ???:

«2. ?) ?? ?????? ??? ?????? ?? ??????, ??????? ?? ???? ??????????, ??? ???? ?????????? ??
???????????, ??? ?? ?????????? ?????? ???????, ??? ?? ???? ?? ???? ??????? ??
????????????? ??? ?????? 1, ??????? ??, [...] ?????????? ??? ?? ???? ?????? ???
????????????? ??? ?? ?????? ??????????.

[...]

- ?? ?????? ??? ?????? ?????????? [?? ?? ??? ??????] ?????? ?? ?????? ??????????
??? ?? ??????? ??? ?? ??? ?????????? ?????? ?????????? ?????????? ?????? ?,
????????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ?????????? ?????? ??????, ?? ??????
????? ?? ?????? ?????????? ??? ?????????????? ??? ?????????? ?????? ??? ??????????
????????????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ??????????.

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

5 ?? ????? 4, ????? 14, ????? ???????, ??? ?????? ??? ?????? ?????? ?????? ??????????
(Umsatzsteuergesetz 1980/1993, ??? ????: UStG) ?????????? ??? ?????? «??? ??????
????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??????, ???
????????????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 18, ?????????? 1, ?????? 1, ??? ??????
???? ?????????? ?????????? (Einkommensteuergesetz), ? ??? ?????? ??? ?????????? ???
????????????? ??? ?????????? ???».

6 ??? ?? ?????? ??????????, ?????????? ?????????? ?????????? ??? ?? ???? ?????? ???
????????? ?????????????? ??? (Gesellschaft mit beschränkter Haftung) ?????? ?? ??????
??? ?????????????? ??? ?????????? ? ?????? ????. ????????, ??? ??
Bundesverfassungsgericht, ? ??? ?? ??? ?????????????? ?????????? ??? ??????????
????????????? ?? ??? ?? ?????????? ??? ?? ?????? ?????? ?????????? ?????????? ??? ??????????
????????? ??? ?????? ??? ??????????.

7 ?? ????? 4, ????? 16, ??????? c, ??? UStG ?????? ???:

«??? ??? ?????? ??? ?????????? ??? ?????? 1, ?????????? 1, ?????? 1 ??? 3, ??????????????:

[...]

16. ?? ??????? ?? ?????????? ?? ????? ?? ?? ?????????? ?? ???????????, ??????????? ?? ??????? ?? ?????? ?? ???????, ????, [...]
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[...]

?) ?? ??????? ?? ?????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ???????
?????????? ?? ?????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? 40 % ?? ??????? ?? ??????? ??
???? ?? ?????????? ?? ?????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? 15, ??
b, ??????.»

8 ?? ??? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
??????????, ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
????????? (? ?? ?????? ?? ??????).

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

9 ? L.u.P. ?? ????? ?? ?????? ?? ?????????? ?? ??????? ?? ??????? ?? ???????, ?? ??????? ?? ??????? ??
?????? ?? ?????? ?? ?????? ?? ??????? ?? ?????????? ?? ??????? Scharmann. ?? ?????????? ?? ??????? ??
??????????, ?? ?????? ?? ?????, ?? ??????? ?? ?????????? ?? ?????????? ?? ???????????, ?? ??????? ??
?????? ?? ?????? ?? ??????? ?? ?????? ?? ??????? ?? ??????? ?? ?????????? ?? ??????? ??
?????????? ?? ?????? ?? ??????? ?? ?????????? ??' ?? ????? ?? ??????? ?? ???????????.

10 ?? Finanzamt ?? ????? ?? ?? ??????? ?? ????? ?? ?????????? ?? ???.

11 ??? ?????? ?? Finanzamt ?? ?????????? ?? Finanzgericht ?? ?? ??????? ?? ???, ?? ?????,
?????? ? L.u.P. ?? ?????? «????? ?????? ?? ??????? ?? ???????», ?? ??? ?? ?????? ?? ??? ?????? 4,
?????? 16, ?? UStG, ?? ?????????? ?? ??????? ?? ??????? «??? ?????? ?? ???????», ??
??? ?????? ?? ??????? ?? ???????, ??, ?? ???????, ? L.u.P. ?? ??????? ?? ???, ?? ??? ??
??? ?? ?????????? ?? ??????????? ??, ?? ?????????? ?? 40 % ?? ??????? ??
?????????? ?? ?? ?????????? ?? 4, ?? ??????? ?? 15, ?? ??????? b, ?? UStG
??????.

12 H L.u.P. ?? ????? ?? ??????? ?? ??? ?? ??????? ?? ?????? ?? ?????? ?? Bundesfinanzhof.

13 ?? ??? ?????? ?? ??? ?? ???????, ?? Bundesfinanzhof ?? ?????????? ?? ??? ?? ??? ??
Finanzgericht ?? ?????? ?? ?? ??????? ?? ????? ?? ?????????? ?? ??????? ?? ??? ??
?????? 4, ??????? 16, ??????? c, ?? UStG, ?????? ?? ??????? ?? ??? ?? ?????????? ?? ??? ??
?????????? ?? ??????? ?? ??? ?? ??????? ?? 15 ?? ?? ??? ?? ??????? ?? ???????.

14 ???????, ?? ?????????? ?? ??? ?? ???????, ?? ???????, ?? ??????? ?? ?? ?? ?? ?? ?? ??
?????? ?? ??????? ?? ??????? ?? «?????? ?? ?????? ?? ??????? ?? ?? ?? ?? ??????? ?? ?? ??
?????? ?? ???????» ?? ??????? «????????? ?? ???????», ?? ??? ?? ??????? ?? ??? ??
A, ??????? 1, ??????? ??, ?? ?????? ??, ?? «?????? ?? ??????? ?? ???????, ??
?????? ?? ??????????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
??????????», ?? ??? ?? ?????? ?? ??????? ?? 1, ??????? ??, ?? ??? ?? ???????.

15 ??????, ?? Bundesfinanzhof ??????? ??, ??????? ?? ??????? ?? ??????? ?? ??????? ??
?? ??????? ?? ??????? ?? ?? ???????, ?? ???????, ?? ??????? ?? ??????? ?? ?? ??
?????? ?? ???????, ?? ??????? ?? ??????? ?? ??????? ?? 1, ??????? ??, ?? ??? ??
A, ?? ?????? ?? ???????, ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ?? ?? ??
?????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ?? ?? ??

(?????? ?? 10?? ??????????? 2002, C-141/00, Kügler, ??????? 2002, ?. I-6833, ????? 35).
??????, ?? ?? ??? ?????????? ??????????? ???, ??????? ??? ?? ??????? ??? 11??
?????????? 2001, C-76/99, ??????? ??? ??????? (?????? 2001, ?. I-249, ????? 20)
?????????? ??? ?? ??????? ?????????? ???????, ??? ?? ??????????, ??????? ??????
?????????? ?? ?? ?????????? ??????? ??????? ??????? ????? ?? ??????? ??? ??????? 13,
A, ?????????? 1, ??????? ??, ??? ?? ??? ?????, ?? ??????? ??? ??????? ??? ??????? ??? ??????
??? ?????????????? ????? ?? ?????????? ???????????????, ??? ??? ?? ??????? ???, ??????? ???
?????? 13, A, ?????????? 1, ??????? ??, ??? ??????? ??????. ? ??????? ??? ?? ???
?????? ??? ??????? ??? ?????????? ????? ?? ?? ?????????? ????? ??????? ???????.

16 ??? ?? ?????? ???????????, ?? ?? ?? ??? ?????? ?????????? ???????????????, ??????? ??
?????? 13, A, ?????????? 1, ??????? ??, ??? ?????? ???????, ??? ?? ?????? 4, ?????? 16,
?????? c, ??? UStG ??? ??? ?????? ??????? ??????????? ??? ?????????? ??????????? ???
????????? ??? ??????? ??????. ??????, ?? ?? ?? ??? ?????? ??????? ?????????? ??? ??????????? 1,
???????? ??, ??? ?????? 13, A, ??? ??????? ?????, ?? ?????? ?????????? ??????? ??
????????? ?? ?? ??????? ??????? ??????? ?????? ??????? ?????????? ??? ??????? ??? ???????
????????? ?????? ??? ?????????? ??????? ??? ?????? ??? ?????? ?????????? ??????? ??
????????? 2 ??? ?????? ?????, ??????? ?? ??????? ??????? ?????????? ??????????
????????????? ?????????? ??? ??????? ?????? ??????? ?????????? ???????, ?? ??????
??? ?????? 13, ?, ?????????? 1, ??????? ??, ??????? ??? ??????? ??, ?????????? ???, ?
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??????????
????????? ??? ?????????? ??? ??????? ?????? ?????????? ??? ?????? ?????? ?????????? ???
????????? ??? ?????????? ??? ??????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??
????? ???????, ???????, ? ??????? ?????? ??? ?????? ?????? ?????????? ?????????? ??
????????? ?????????? ?? ??????? ?????? ?????????? ?????????? ??? ?????? ?????????? ???
????, ???????, ??????? ??? ?????? ??? ?????? ?????????? ?????????? ??????? ?? ??????????
????????? ??? ?? ?????? ??????? ?????????? ??? ?????? ?????? ?????????? ?????????? ???
?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???.

17 ??? ?? ??????????? ?????, ?? Bundesfinanzhof ??????? ?? ?????????? ??
????????? ??? ?? ??????? ??? ?????????? ?? ??????? ?????????? ??????:

«?????? ?? 13, ?, ?????????? 1, ??????? ??, ??? ?????????? 2, ??? [?????
?????] ?? ?????????? ? ??????? ??? ??? ??? ?????? ?????????? ?????????????? ??????????
?? ?????????? ?? ??????? ?????? ??? ??? ?????? ?????????????? ??? ?????????? ???
????? ??? ??? ?????????? ??? ?? ??????? ?????? ?????????? ?????????? ??? ?????????? ???
????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????????? ???.

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

18 ?? ?? ??????? ???, ?? ?????? ?????????? ?????? ?????? ?????????? ?? ??????????????? ??
????????? ??? ?? ??????? ?????? ?? ???????, ??? ?? ?????? 13, A, ??? ???
??????, ? ??????? ??????? ??? ??? ??? ?????? ?????? ?????????? ??????????
????????????????? ??? ?????????? ?????? ?????????? ?????????? ?????????? ??? ??????????
????????? ??? ?????? ??????? ??????? ???.

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

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

20 ??? ?????????? ?? ?????? ??????????, ?? ?????? ?????? ?????? ?????? ??
????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? 13, A, ?????????? 1,
????????? ?? ??? ?, ??? ????? ??????.

21 ??? ?? ????? 13, A, ?????????? 1, ??????? ??, ??? ??????, ?? ?????? ???
??????????, ????, ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??????????
?? ?????? ??????, ?? ?????? ?????????? ??? ?????? ?????????? ?????? ?????? ??????
?????????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??????, ???
?????????? ?????????? ?????????? ?????? ?????? ?????????? ??? ?????? ?????????? ??????, ???
????????? ??? ?????? ??????, ?????? ?????????? ?????????? ??? ?????? ?????????? 1, ??????? ??, ??? ??
???? ?????? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ???
????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ???
?? ?????????? ?????? ??????.

22 ??? ?? ?????????? ??? ??????????, ?? ?????? ??? ?????? ?? ?????????? ??
??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ?????????? ???
????? ??? ? ??? ?????? ??? ? ?????? ?????? ????. ????????, ?? ?????? 13, A,
????????? 1, ??????? ??, ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ???
????? ?????? ?????? ?????????? ?????????? ?????????? ?????? ?????? ?????????? ?????????? ???
????????? ??????, ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??????, ??? ? ???
?????????, ??? ?? ????????, ??, ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ???
??? ?????????? ??????, ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? (??., ??? ?????? ??? ??????,
????????? ??? 23?? ?????????? 1988, 353/85, ??????? ??? ?????? ?????? ??????????,
????????? 1988, ?. 817, ?????? 32 ?? 33- KÜGLER, ??????????????, ?????? 35 ?? 36, ??
?? 6?? ?????? 2003, C-45/01, Dornier, ?????? 2003, ?. I-12911, ?????? 47).

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

23 ?? ??????????, ?????? ?? ?????? ??????????, ?? ??? ?????? ???, ?????? ??? ? L.u.P.
??? ? ?????????? ??? ?????????? ???????????, ?? ??? ?????? ??? ??????????????, ??????????
??? ?????????? ??? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ?????? ?? ?????????????? ?? «?????? [...] ??? ?????? ??????????» ??? ??
????????????? ??? ?????? ?????????, ??? ?????? ?????? ??? ?????? 13, A, ?????????? 1,
????????? ??, ??? ?????? ??????, ?????????? ?????????? ?? ?????????? ?? ?????????? ???
????? ?????????? «????????????? ??? ?????? ??????????» ??? ?? ?????? ??? ?????? ??? ??????????
????? ? «?????? ?????? ?????? ??????????» ??? ?? ?????? ??? ?????? 1, ?????????? ??,
??? ?????? ??????. ???????, ?? ??? ?????? ?????????, ?? ?????????? ??? ?????? ???
??????????, ??????? ?? ?????? ??????, ?????????? ??? ?????? ??? ?????? ?????? ???,
????????? ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????????
????? ??? ?????? ?????? ?????????? (??., ???????, ?????????????? ?????? Dornier,
????? 47).

24 ??? ? ? ?????????? ??? ??????????, ?? ?????????? ??? ?????? 13 ??? ?????
??????? ?????? ?????? ?? ?????????? ?????????, ?????? ?????? ?????????? ??????????
??? ? ? ?????? ??? ?????? ?? ??? ?????? ? ??? ?????????? ?? ??? ?????? ?????? ???
????????????? ?? ??? ?????? ?????? ?? ??? ?????? ?????? ??? . ???????, ? ??????
??? ??? ? ? ?????????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?? ???
????????? ?? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?? ???
??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
??? (????????? Dornier, ?????????????, ??? 42, ??? ?? 26?? ??? 2005, C-498/03,
Kingscrest Associates ??? Montecello, ?????? 2005, ?. I-4427, ??? 29).

25 ??? ? ? ?????????? ?? ??????????, ?? ?????????? ??? ?????????? ?? ??? 13, A,
????????? 1, ??????? ?, ??? ?????? ??????, ?????? ??? ?? ??????? ?, ??? ??????
?????????, ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? (?????????
Dornier, ?????????????, ??? 43, ??? ?? 20?? ?????????? 2003, C-307/01, D'Ambrumenil
??? Dispute Resolution Services, ?????? 2003, ?. I-13989, ??? 58).

26 ??? ? ? ?????? ??? ?????????? ?????? ??? ??????, ??? ? ? ?????????? ?????????? ??? ? ???
«?????? ??????», ? ?????? ?????????? ??? 13, A, ?????????? 1, ????????
??, ??? ?????? ??????, ??? ?? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ??????????
????????? ??? ?????? ?????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? (????????? Dornier,
????????????, ??? 50), ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ?????? ?????? ???
????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (?????????
Kügler, ?????????????, ??? 36).

27 ???????, ? ?????? ??? «????????? ?????????» ??? ?????????? ??? ?????? 13, A,
????????? 1, ??????? ?, ??? ?????? ?????? ??? ? ?????? «????????? ????????

?????????» ??? ?????????? ??? ?????? ?????? ???, ??????? ?, ??? ?????? ??????????
?????? ??? ?????????? ??? ????????, ??? ?????? ???, ???, ??? ?????? ??? ???????, ???
?????? ??? ?????????? ? ?????????? ??? ?????? (??., ??? ?????? ??? ??????, ??? ??????
Dornier, ?????????????, ??? 48).

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

29 ?????????? ?????? ?? ?????????? ???, ?????? ? «????????????? ??? ??????
?????????» ??? ?? «????????? ?????????? ??????????» ?????? ?? ??? ?????? ?????????? ???,
??? ?? ?????? ???' ?????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ??? ?????? . ??? ?????? ??? ?????? ??? ?? ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? 13, ?, ?????????? 1, ?????? ??, ??? ??????
?????? . ???????, ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ?? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «???????

? ?????????? ???????????» ? ?????? ?? ??? ?????? ??? ?????????? ??? ???????? ??? ?????? 13,
?, ??????????? 1, ??????? ??, ??? ????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ???
?????????? ??? ?????? ?????? ????????, ????????. ??? ???????, ?? ??????? ?????????? ???
????????? ?? ??? ?????? ?????? ?????? ??? ??????, ?????????????? ??? ?????????? ??? ? ???
????????????? ???, ?????????? ??? ?????? ?????? ??? ?????????? ?? 13, A, ??????????
1, ??????? ?? ??, ??? ?? ??? ?????? (??., ??? ??? ?? ??? ?????, ?????????? ??? 20??
????????? 2003, C-212/01, Unterpertringer, ?????? 2003, ?. I-13859, ?????? 40 ?? 41, ?????
??? d'Ambrumenil ??? Dispute Resolution Services, ??????????????, ?????? 58 ?? 59).

30 ?? ??????? ?????????? ?? ???????, ???? ?? ???????????, ?????????????????? ???????
?????? ??????? ???????, ??? ??????? ??????????? ???????, ?????????? ??? ??????????
?? ???????, ???????, ??? ?? ??? ?????? ?????? ?????????? ?????????? ????????????,
?????????? ??? ?????? ??????????? ??? ?? ?????? ?????? ?????????, ??? ?????????? ?????????? ?
????????, ? ??????? ?? ? ??????? ?????????? ?????????.

31 ??? ?? ?????????? ?????, ???? ?????????? ? L.u.P. ??? ?? ??????????
??????????, ???? ?? ?????? ?? ?????? ?????????? ??? ?? ? ?????????? ??????? ??? ???????
?? ???????, ??????? ?? ?????? ?????? ???, ?????? ??? ?????? ??? ?????????? ??? ??????????
?? ??????? ????????????, ??? ?????? ?????????? ?? ?? ??? ?????????, ??????????
??????????, ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???, ??? ?????????? ???
?????????? ??????????? ??? ?????? ??? ?????? ?????????, ??????? ?? ?????????? «?????????????
?? ??????? ??????????» ??? ?? ?????? ??? ?????? 13, A, ?????????? 1, ??????? ??, ???
????? ?????? ? «???????? ?????? ??????????» ??? ?? ?????? ??? ?????? ??? ?????? ??????????
????????? ?? (??., ??? ??? ?? ??? ?????, ??????? ?????? ??? ?????, ??????????????,
????? 30).

32 ? ??????? ????? ??, ??????, ???????, ??????? ?????? ??? ?????? ??? ??????????
??????????, ? ?????? ?? ?????????? ??????????? ???????????, ?? ??????? ???, ??????
?????? ???????, ?? ?????? ??? ?????? ?????????? ??????????? ?? ??? ??? ?? (?????????
?? 23?? ??????? 2003, C-109/02, ??????? ??? ?????????, ?????? 2003, ?. I-12691,
????? 20, ???? ??? Kingscrest Associates ??? Montecello, ???????????, ??? 54).
????????, ??? ?? ??????? ?? ?????? ??? ?????? ?? ?? ??????? ?????????? ?????????? ???
?????????? ?? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?????????? ?????????? ???
????? ??????? ???, ?????? ? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ???
?????????? ??? ?????? ??? ?????? ?????? (??., ??? ??? ?? ??? ?????, ?????????? Dornier,
????????????, ??? 49, ??? ?? 27?? ??????? 2006, C-443/04 ??? C-444/04, Solleveld
??? van den Hout-van Eijnsbergen, ?? ??????????? ??? ?????? ??? ???????, ?????? 40 ???
41).

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

33 ?? ????????, ??? ?? ?????? ??? ?????????? ?????? ?????????? ??? ?? ????????
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????????? ??? ???????,
?????????? ?? ?????????? ?? ?? ?????????? ?????? ?????? ?????????? ??? ?????? 13, A, ??????????
1, ??????? ??, ??? ?????? ??????.

34 ??? ?? ????????, ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??
????? ??? ?????? ?????? ?????????? ??? «????? ?????? ?????? ?????????? ??? ??
?????????», ??? ?? ?????? ??? ?????? 13, A, ?????????? 1, ??????? ??, ??? ??????
??????. ??? ?????, ??????, ?????? «??? ?????? ??????», ??????? ??? ?? ??? ??????

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

35 ? ?????? ??? ?????? ?? ?????? ?? ?????? ?????? ???????, ?????? ?? ?????????? ??????????
?????????, ???? ??? ?????????? ?????? ??? ?????????? ?????? ?????? ??? «?????????
?????????» ??? ?????? ?????????? ?? ?????? 13, A, ?????????? 1, ?????????? ?, ???
????? ??????, ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
?? ?????? ?? ?????? «??? ?????? ??????» ?? ? «????????????? ??????????» ??? ? «?????
????????? ?????????? ??? ??????????», ??? ???? ?????? ?????? ??? ??????????.

36 ??????, ??? ?????????? ??? ??? ?????? 31 ??? 32 ??? ?????????? ??????????, ??? ?
????? ??? ?????? ??? ?????? ?????????, ??? ?????? ?????????? ?? ?????? 13, A,
????????? 1, ?????????? ?? ??? ?, ??? ?????? ??????, ??? ??? ? ??? ? ??? ??????????
????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ?????????????????, ??? ? ?????????? ???
????? ??????????, ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ???
?????????.

37 ??? ?????? ??? ?????? ??? ?????? ??????????, ??? ???? ?????? ??? ???? ?????? ?? ???
????????? ?????????? ?????????? ??? ?????? ?????? ??? ?????????? ?????????? ???
????????? ??? ?????????? (????????? ??? 11? ?????? 1985, 107/84, ?????????? ???
?????????, ?????? 1985, ?.2655, ??? 20- ??? 8? ?????? 2001, C-240/99, Skandia,
????? 2001, ?. I-1951, ?????? 40 ??? 41- ??? 13? ?????????? 2001, C-235/00, CSC
Financial Services, ?????? 2001, ?. I-10237, ?????? 39 ??? 40, ??? ??? 3? ?????? 2005, C-
472/03, Arthur Andersen, ?????? 2005, ?. I-1719, ??? 39), ?????? ?????? ?? ??????
????????? ??? ?????????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??????
????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ?????? (??., ??? ??? ??? ??? ??????, ?????? ??? 11?
????? 1985, ?????? ??? ?????? ??????, ?????????????, ??? 13).

38 ??????, ?? ?????????? ??? ?????? ?????????, ??? ?????? ??? ?????????? ?????????? ??
????????? ??? ?????????????? ??? ?????? ?????????, ??? ??? ?????? ??????, ??? ??????
?? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ?????? ??????, ?? ??
????????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???
????????? ?? ?????? ??? ?????? ?????????, ?????????????, ???, ?? ?????? ??????
????? ??? ??????, ??, ??? ?????? ??? ?????? ??? ?????? ?????????????? ??????????,
????????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ?????????? (????????? ??????????
????? ??????, ?????????????, ??? 28). ??????, ??? ?? ?????? 67 ??? ??????????????
????????? D'Ambrumenil ??? Dispute Resolution Services ?????????? ??? ?? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??
????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ? ?????????? ?????????? ??
????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????? 13, A, ?????????? 1,
????????? ?, ??? ?????? ??????, ??? ??? ?? ?????????????? ?????? ?????? ??????
?????.

39 ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??????, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???

?????????? ?? ??? 13, A, ?????????? 1, ??????? ??, ??? ????? ???????.

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

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

41 ??? ?? ??? 13, A, ?????????? 1, ??????? ??, ??? ????? ??????? ?????????? ??? ??
????????? ??????? ??????? ?? ?????, ??? ????? ?? ?????? ??? ?????? ?????????? ??? ??
????, ?????????? ??? ?????? «????? ?????????? ??? ?????? ??????» ??? ?? ??????
????, ??????, ?????????? ?? ?????? ??? ?????????????? ??? ?? ?????? ??? ?????? ??????????,
?? ????? «????? ??????????????».

42 ??? ??? ???????, ?? ??? 13, ?, ?????????? 1, ??????? ??, ??? ????? ??????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ????.
????????? ???????, ???' ?????, ??? ?????? ?????? ??? ?????? ?????? ?? ?????? ??? ??
?????? ??????? ?? ?????? ?????? ??? ?????? ?? ?????????? ?????? ?????????? ??? ??????
?? ?????? ?? ??????. ?? ?????? ?????? ?????????? ?????????? ?????????? ?????? (??????
Dornier, ???????????, ?????? 64 ??? 81).

43 ??????, ?? ??? 13, A, ?????????? 2, ??????? ??, ??? ????? ??????? ??????? ???
????? ??? ?? ?????????? ?? ??????? ?? ??????? ?? ?????????? ??? ?????????? ??? 1,
?????? ??, ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??? ?????? ??? ??
????????? ??????? ?? ?????? ?????? (??., ??? ????? ?? ?????, ??????? Dornier,
??????????, ??? 65). ?? ?????????? ?????? ?????????? ?????? ?? ?????? ??? ??
????????? ??? ?????????? ??? ?? ?????? ?????? ??? ?? ?????????? ?????? ?????? ??????????
(??., ??? ????? ?? ?????, ?????? Kingscrest Associates ??? Montecello, ???????????,
????? 38).

44 ??? ?? ?????????? ??? ?????????????? ?????????? ?????????? ??? ?? ??????
????????? ??? ?????????? ?? ?????? ?? ?? ?????? ?????? ?????? ?????????? ?? ??????????
????????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ?????? ??? ??????????
?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????????? ?????? ??? ??????????.

45 ??? ?????? ? ??????? ? ?????????? ??? ?? ??? ?? ?????? ?? ?????? 13, A,
????????? 2, ??? ?????? ?????? ?????????? ??? ?? ?????????????? ??? ?????? ?? ??? ??
???? ??????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? 1,
????????? ??, ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????
?????. ??????, ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ??????????
????????? ??? ?? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????????
????????? ?????? ??? ?????????? ?????? ?????? (?????? Solleveld ??? van den Hout-van Eijnsbergen,
??????????, ??? 23).

46 ??????, ??? ?? ?????????? ?????? ?????????? ???' ?????? ??? ? ?????????? ???
????????? ?????????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???
???? ?????? ?? ?????? ?????? ??? ?????? ?????????????? ???.

47 ??????, ?????????? ??? ?? ?????????? ?? ?????? ??????????, ??? ??? ?? ??????

????????????? ??? ?????????? ?? ???? ?????? ????? ??????????? ?? ??? ?????????????? ??????????? ?????????
????????? ?????????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? 13, A, ?????????? 1, ?????????? ?,
??? ?????? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? 2, ?????????? ?, ??? ??????
?????, ?? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???????????
??? ??????????, ???' ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??????????????, ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
Dornier, ????? 69- Kingscrest Associates ??? Montecello, ????? 52, ??? Solleveld ??? van den
Hout-van Eijnsbergen, ????? 36).

48 ??? ?????? ?????? ??????????, ??????, ??? ?????? ?????????? ?????????? ??? ?????????? ?? ???
????? ????, ?????????????? ?????? ?????? ????????????, ?????????? ?? ??? ?????? ??? ????????????
????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
?????????????, ? ?????? ?????????? ??????????, ????? ?????? ??? ?, ?? ??? ?????? ???
????????????? ?????????????? (??., ??? ?????? ??? ??????, ?????????????? ?????? ?????? ???
Dornier, ????? 69- Kingscrest Associates ??? Montecello, ????? 52, ??? Solleveld ??? van den
Hout-van Eijnsbergen, ????? 36).
49 ?? ??????????, ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ? ?????????? ??????????
????????? ?????????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????????
????? ??? ?????? ??? ??????????, ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??
????????? ????, ????, ?????????????????? ??? ?????? ?????? ?????? ?????? ???, ??????, ????,
????????? ??? ?????? 40 %, ?????????????? ??? ?????? ?????? ?????? ?????? ?????????? ??????????.

50 ?????????? ?? ??? ?????? ?? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ????, ???' ????, ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ?, ??? ??????
????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
????????? ?? ??? ?????? ?????? ?????? ?????? ?????? . ??????, ?? ?????? ???, ?????????? ????
????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
????? ??, ????????, ?????????? ??? ?????? ?????? ??? ?? ?????? ?????? ?????? ?????? ??? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

51 ??????, ?????? ? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????, ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? «????? ?????? ??????»
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????
??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? (????? Dornier,
????????? ???, ??? 70).

52 ??? ???????, ??? ?? ??????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 13, ?,
????????? 1, ????????, ??, ??? ?????? ?????? , ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ??? ?????? ??? (??., ??? ?????? ??? ?????? ?????? Dornier,

???????????????, ??????? 71 ??? 82).

53 ????? ????? ?? ??????? ???????????, ??? ?? ?????????? ?????????? ?????? ???, ??? ??
?????????? ?? ?????????? ??????? ??????? ?????????? ?? ?????????????? ?????????????? ??
????????? ?????? ? ??????? ?? ??????? 13, A, ?????????? 1, ?????????? ?, ??? ??????
???????, ?? ??????? ?????? ????? ?? ???????????, ??? ?? ?????????? ???????, ??? ??
?????? ?? ??????? ???????????, ?? ?????????? ?????, ?????? ?????, ?????, ????? ?? ??????????
????????? ??????????? ?? ?????????????? ?? ?????????? ?????? ?????? ?????? ???, ?? ???????
??? ?????? ??????????? ?? ?????? ?????? ?????? ?????? ?????????????? ?????????? ???
????????? ???????????, ????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????????
????????? ??????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???????????
????????? ?????????? (?????? Dornier, ???????????, ??????? 72 ??? 73).

54 ??????, ??????????, ?? ?????????? ?? ?????????? ????? ?? ?????????? ?????? ?? ?????????? ???????
?????????? ?? ??????? ?? ?????? ??? ?? ?????? ???????????, ?? ?????????????????? ??
????????? ??? ?????????? ?????????? ?? ???????, ??? ?????? 40 % ???????????,
?????????????? ?? ?????????? ?????????? ???????????, ?? ?????? ?????? ?????? ???
?????? ?? ??????? ?????????? ?? ?????? ?????? ?????? ?????? ???????.

55 ????? ??? ???????, ??? ??????????? ?????? ?????? ?? ?????? ? ??????? ? ??????? ???:

– ?? ????? 13, A, ?????????? 1, ????????, ??, ??? ?????? ??????? ?????? ??? ?????? ??? ??
????????? ?????????? ?? ?????????? ?????? ?????????? ?????????????? ??? ?????????? ???
???????, ?? ?????? ???????????????, ??? ?????? ??? ?????? ??????, ??? ??????????
???????, ?????????? ?????????? ?????????? ???????????, ?????????? ?????????? ???????
???????, ?????????? ?? ?????????? ??? ?????????? ?????????? ?????? ?????? ?????? ??
???????, ?????????? ?????????? ?????????? ??? ?????? ?????? ?????????? ?????????? ???????
??????????????, ??? ?????? ?????? ??? ?????? ???????????.

– ?? ????? 13, A, ?????????? 1, ????????, ??, ??? 2, ????????, ??, ??? ?? ?????? ???????
?? ?????????? ?????? ?????????? ??????? ? ?????? ?????? ??? ?????????? ???????
????????? ?????????? ?? ?????????? ??? ???????, ?????, ??? ?????? ??? ??? ?????? ???????
????????? ?????????? ?? ?????????? ??? ??????? ??????? ?????? ?? ?????? ?????? ??? ???????
????????????????? ???, ???????, ?????????? ??????? ??? ??????? ??? ?????? ??? ?????? ???
????????????? ?? ??? ?????? ?????????? ???????, ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
?????????.

– ?? ????? 13, A, ?????????? 1, ????????, ??, ??? ?????? ??????? ?????? ?????????? ???????
????????????? ??????? ? ?????? ?????? ??? ?????????? ?????????? ?????????? ??????????
????????????????? ??? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ??????????
????????? ??? ??? ?????????? ?? ?????? ??? ?????????? ?????????? ?????? ?? ?????? ??? ?????????? ???
?? ??? ?????????? ??? ??? ?????????? ?? ???????, ??? ?????? 40 % ???????????,
????????????? ?? ?????????? ?????????? ?????????? ??????????.

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

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

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

?? ??? 13, ?, ?????????? 1, ??????? ??, ??? 2, ??????? ??, ??? ???
?????? 77/388/?? ?? ???????, ?? 17?? ?? 1977, ??? ???????????-
?????????? ?? ???????, ?? ??????? ?? ?????? ?????? ?????? ??????? -
????? ??????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ????, ??? ????
????? ??? ?? ??????? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ??? ???????, ?? ?????? ?????????????????, ???
????? ??? ?????? ?????, ?? ??????? ?????? ?????????? ??????? ?? ??????
????????????? ???????, ?????? ?????? ??????? ???????, ??????? ?? ??????
?? ?????????? ??? ??????? ? ?? ??? ?????? ??????? ?? ??????? ??????? ??????????
?????????? ??? ?????? ?????? ?????????? ??????? ??????? ???????????, ???
?? ?????? ??? ?? ?????? ???????.

?? ??? 13, A, ?????????? 1, ??????? ??, ??? 2, ??????? ??, ??? ?? ??? ?????? ??????
?? ?????????? ?????? ?????????? ?????? ? ?????? ?????? ??? ???????
????????? ?????? ?????????? ??? ?????????? ?? ??????, ??????, ??? ???????
?? ??? ?????? ?????? ?????? ?????????? ?????? ?? ?????? ?????? ??????? ??
????? ?????? ??? ?????? ?????????????? ????? ??, ???????, ??????????
????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ??? ?????? ??????? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ??? ?????? ??????? ??.

?? ??? 13, A, ?????????? 1, ??????? ??, ??? ?????? ?????? ?????? ?????????? ??????
????????? ?????? ? ?????? ?????? ?? ?????? ?????? ?????????? ??????????
????????????????? ??? ?????????? ?????? ?????????? ?????????? ??????????
????????????? ?????? ??? ??? ?????????? ?? ?????????????????? ??? ???????
?????. ???????, ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????????
?????? ?? ?????? ??? ??????? ??? ?? ??? ?????????? ??? ??? ?????????? ??
??????, ??? ?????? 40 % ??????????, ?????????? ?????????? ?????????? ??????????
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(?????????)

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