

?????? C-357/07

The Queen, ??????? ???????? ????:

TNT Post UK Ltd

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The Commissioners for Her Majesty's Revenue and Customs

[?????? ??? High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) ??? ??? ?????? ?????????????? ??????????]

«???? ??????? ??? – ?????????? – ????? 13, A, ?????????? 1, ?????????? ?? – ??????????
????????????? ??? ??? ?????????? ?????????????? ??????????»

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

1. ?????????? ?????????? – ?????????? ??? ?????????? – ?????? ?????? ?????????? –
????? ?????????? ?????? ?????????????????? ?????? – ?????????? ?????????????????? ??? ??? ???
????? – ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ?????????????? ??????????

(?????? 77/388 ??? ??????????, ????? 13, A § 1, a? ??? ?????? 97/67 ??? ??????????
????????????? ??? ??? ??????????, ????? 3)

2. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????????? –
????? ?????????? ?????? ?????????????? ?????? – ?????????? ?????????????? ??? ??? ???
????? – ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ?????????????? ??????????

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

1. ? ?????? «?????? ?????????? ?????????? ??????» ??? ?????????? ??? ?????? 13, A,
????????? 1, ??????? ?, ??? ?????? ?????? 77/388, ??? ?????????????? ??? ??????????
??? ?????? ????, ??? ??????? ?? ?????? ?????? ?????? ???????, ?????? ?? ??????????
?? ?????? ?????? ? ?????? ?? ?????????? ?????? ??? ?????????????? ?? ?????????? ?????? ??????
????? ?? ?????? ? ?????? ??? ?????????? ?????????????? ???????, ??? ?????? ?????? ?????? ???
????? 3 ??? ?????? 97/67, ??????? ?? ??? ?????? ?????? ??????? ?? ??? ??? ?????????? ???
????????? ?????? ?????????? ?????????????? ?????????? ??? ?? ?????????? ??? ??????????
??? ?????????? ???????, ??? ?????????????? ?? ??? ??? ?????? 2002/39.

?????????????, ??????, ??? ?? ?????????? ??? ?? ?????? ??? ?????? 13, A, ?????????? 1,
????????? ?, ??? ?????? ??????, ?? ??? ?????? ?????? ?????? ?????? ?? ?????????? ???
????? ?? ?? ?????? ?? ?????? 132, ?????????? 1, ?????????? ??, ??? ?????? 2006/112,
?????? ?? ?? ?????? ?????? ?????? ?????????????? ?????, ??? ?????? ?????? ??????????????
????????? ?? ??? ?? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ?????? ??????
????????? ??? ? ?????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????????? ??
????????? ????. ??? ?? ?????????? ??? ?????????? ?????? ?????????? ?????? ???????, ? ?????????? ???
????????? ??? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ?????? ?????? ??? ?????? ??
????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ???????, ? ?????????? ???,
????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??

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

?????????, ?? ?????????? ??? ?????????? ?? ???? 13, A, ??? ?????? ??????? ?????????? ?????????? ??
????????? ?????????? ?????????????????? ?????? ?????????? ??????????. ? ?????????? ?????? ?????? ??????
?????????????, ??? ?????????????? ?????, ?? ??? ?????????? ?????? ??? ??????????, ??
????????? ??????, ?????????????? ?????????? ??? ?? ?????????????? ?????? ??? ?????????? ??????
??? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???????, ??? ?????????? ??????
?????????, ???' ??????, ?? ?????? ??? ?????????? ? ?????? 97/67, ? ?????? ?????????? ??????
????????? ?????????? ?????????????? ??????????. ?????? ??? ?????? 3, ?????????? 1, ???
????????? ????, ??? ?????? ?????????? ?????????????? ??? ?????????? ?????????????? ??????????
????????????? ?????????? ?????????? ?? ??? ?? ?????? ??? ??????????????, ?? ?????? ??????????
??? ?????? ??? ??????. ???????, ??? ?? ??????? ??? ??? ?????? ?? ?????????? ??? ?????????? ???
??? ??? ?????????? ??? ?????? 13, A, ?????????? 1, ????????, ??, ??? ?????? ???????, ???
?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 97/67, ? ?????????? ??? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? «????????? ?????????? ???
?????????» ??? ?? ??????? ???.

(???. ??????? 27-30, 32-36, 40, ????????. 1)

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

(?. ???? 49, ??????. 2)

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

??? 23?? ??????? 2009 (*)

«???? ??????? ??? – ?????????? – ????? 13, A, ?????????? 1, ???????? ?? – ??????????
?????????? ??? ??? ?????? ?????????????? ??????????»

???? ??????? C-357/07,

?? ??????????? ?? High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court) (?????? ??), ?? ??????? ?? 12?? ??????? 2007, ? ????? ??????? ??
?????????? ?? 31 ??????? 2007, ??? ??????? ?? ?????

The Queen, ??????? ?????????? ???:

TNT Post UK Ltd

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The Commissioners for Her Majesty's Revenue and Customs,

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

Royal Mail Group Ltd,

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

?????????? ??? ??? C. W. A. Timmermans (????????), ?????? ????????, J.?C. Bonichot, K. Schiemann, J. Makarczyk, ??? C. Toader, ???????,

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

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

????????? ?????? ??? ??????? ?????????? ??? ???????? ??? ??' ?????????? ?????????? ???
18?? ??????? 2008,

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

– ? TNT Post UK Ltd, ??????????????? ??? ?? D. Milne, QC, ??? ?? P. Hamilton, barrister,
?????????? ???' ??????? ??? C. Russell, solicitor,

– ? Royal Mail Group Ltd, ?????????????? ??? ??? P. Lasok, QC, ??? J. Herberg, barrister, ???' ??????? ??? D. Finkler, solicitor,

– ? ?????????? ?? ??????? ?????????, ?????????????? ??? ?? C. Gibbs ??? I. Rao
??? ?? M. Hall, ?????????????? ??? ?? C. Vajda, QC, ??? ?? N. Shaw, barrister,

- ? ?????????? ??????????, ?????????????? ??? ??? M. Lumma,

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

= ??????????, ?????????????????? ??? ??? D. O'Hagan, ??????????

Barnville, SC, 111 N. Travels, BL,

Purokoski,

R. Lyal,

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1 ? ??????? ? ?? ??? ?????? ?????????????? ?????????? ?????? ?? ?????????? ?? ???? ????
13, A, ?????????? 1, ??????? ??, ??? ????? ?????? 77/388/?? ?? ??????????, ??? 17??
????? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ???
????? ?????? ?????? – ??? ?????? ?????? ????? ?????????????? ?????: ??????????
????????? ??? (?? ????. ??? 09/001, ?. 49, ??? ????: ??? ?????).

2 ? ??????? ??? ?????????? ??? ?????? ?????????? ?????? ??? TNT Post UK
Ltd (???: TNT Post), ?????????????? ??? ?????? ???, ??? ??? Commissioners for Her
Majesty's Revenue and Customs, ??? ?????? ???, ?????????????? ??? Royal Mail Group
Ltd (???: Royal Mail), ?????????????? ??? ?????? ???, ?? ?????????? ?? ??????????
?? ?????????? ??? ??? ????? ?????????????? ?????? (???: ???) ??? ??????????
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3 ?? ????? 13 ??? ????? ??????, ?? ????? «????????? ??? ?????????? ??? ?????»,
?????? ?? ???:

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

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

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

[...]».

4 ?? ????? 132, ?????????? 1, ??????? ??, ??? ?????? 2006/112/?? ??? ??????????,
?? 28?? ?????????? 2006, ??????? ?? ?? ????? ?????? ????? ?????????????? ??? (?? L
347, ?. 1), ??? ?????????? ??? ?????? ?? ?? ????? 13, A, ?????????? 1, ??????? ??, ??
????? ??????.

5 ? ?????? 97/67/?? ??? ?????????? ?????????????? ??? ??? ??????????, ??? 15??
????????? 1997, ??????? ?? ??? ????? ?????? ?????? ??? ??? ?????????? ??? ??????????
????????? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ??
????????? ?????? (?? 1998, L 15, ?. 14), ??? ?????????????? ?? ??? ?????? ???
2002/39/?? ??? ?????????? ?????????? ??? ??? ??????????, ??? 10?? ?????? 2002 (?? L
176, ?. 21, ??? ?: ?????? 97/67), ???????, ??????? ?? ?? ?????? ??? 1, ??????? ??????
????????? ??? ?????? ?????????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???' ??????????????
????? ?????? ?????? ?????????? ??????????.

6 ? ?????? ?????? ??????????? ?????? ??? ?????? 97/67 ?????? ?? ????:
«[...] ?? ?????????? ??? ?????????? ?????????? ?????????? ?? ??? ?????? ?????????? ?????????? ???
?????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ?? ?????????? ??? ?????????? ??????????
????????? ??? ?????????? ?? ??? ??????».

7 ???? ?? ????? 3 ??? ?????? 97/67:

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

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

3. ?? ?????? ??? ?????????? ???? ? ?????????? ?? ?????? ?????????? ?????????? ??????????
?? ?????????? ??' ??? ?? ?????????? ????, ?????????? ?????? ?????? ?????? ??? ?????????,
????? ?????????? ?????????? ??? ?????????? ?????????? ?? ?????? ?????? ?????????? ???
????????? ??? ?? ?????? ?????????? ??????, ??????????:

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

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

- ?? ??????, ?? ??????, ?? ?????? ???? ?? ?????? ??? ?????? ??? ?????????? ??? ??????????????
????? ??? 2 kg,
- ?? ??????, ?? ??????, ?? ?????? ???? ?? ?????? ??? ?????? ??? ?????????? ??? ??????
????? ??? 10 kg,
- ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

5. ?? ?????? ?????????? ???? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?? 20 kg, ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???' ????
????? ??? ?????? ???.

????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?? ??? ?????? ??? ?????? ??? ?????? ???, ?? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? 20 kg.

6. ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ????

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

7. ? ???????? ??????? ??? ??????? ??? ?????? ?????, ?????????????? ??? ?????????? ???
??? ?????????????? ??????????»

8 ?? ?????? 7, ?????????? 1, ??? ?????? 97/67 ?????? ?? ???:

«???? ?????? ??? ????? ??????? ??? ?? ??????????? ??? ?????????? ??? ?????????? ??? ??????????,
?? ?????? ??? ?????? ?? ?????????????? ?? ?????????? ???' ?????????????? ?????? ??????????
????? ?????? ? ??? ?????? ?????? ?????????? ?????????? ?? ?????????? ??????
????????????? ??? ??????, ?? ??????, ?? ?????????? ??? ?? ?????? ??? ?????????? ??? ??????????
????????????? ??? ?????????? ??? ?????????????? ?????????????? ?????????????? ?????? ???
????????? ?????? ???, ?????? ??? ??? ????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?? 100 ?????????? ??? ?? 1? ?????????? 2003 ??? ?? 50 ?????????? ???
??? 1? ?????????? 2006. ?? ?? ??? ????? ?????? ??? ?????? ??? ?? 1? ?????????? 2003
??? ? ??? ?????? ??? ? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ?????????? ???,
??? ??? 1? ?????????? 2006, ??? ? ??? ?????? ??? ? ?????????? ??? ?????? ?????? ???
????? ???.

[...]»

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

9 ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? 13, A, ?????????? 1,
????????? ??, ??? ?????? ?????? ?????????????? ??? 1994 ??? ?? ??? ??????
????????????? ??? (Value Added Tax Act 1994), ??? ?????????????? ?? ??? ?????? ???
2000 ??? ?? ?????????? ?????? (Postal Services Act 2000, ??? ????: ?????? ??? ??
????????? ???), ??? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????? 97/67 ?????????????? ??? ?????????? ???.

10 ? London Gazette ??? 28?? ?????? 2001 ?????????? ??? ?????? ?? ??? ?????? ?
????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? Consignia plc (????? ??? ?
????? ?????? ??? Royal Mail) ??? ??????, ?????? ?? ??? ?????? ??? ?????? ??? ??????????
????????? ?? ?????? ?????? ?????? ?????????? ?? ?????? ?? ?????? ??? ?????? ??? ??????
????? ??? ?????? ???????. ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ??????.

11 ??? 18 ?????????? 2005, ? ?????? ??? ?????????? ?????? (Postal Services
Commission ? Postcomm) ?????? ??????, ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ??? ?????? ??? ?????????? ??????????, ?????? ?? ???
?????, ??? ??? 1? ?????????? 2006, ?? ?????? ??? ?????? ??? ?????? ???, ? ?????? ?? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Royal Mail ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

12 ? Royal Mail ?????? ?????? ?????? ?????? ?????????? ??? ??? ?????? ???
????????? ??? ?????? ??? 23 ?????? 2001, ???' ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????????? ??? ??????, ? ?????? ?? ??? ?????? ?????????? ??? ??????
????? ??? 25 ??? 2006. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

????????????? ?????????? ?????????? ?? ?????? ??? ?????????? ?????????????? ?? ?????????? ??????.
?????? ??? ?????? ????, ? Royal Mail ??????, ??? ???? ???, ??? ???????????, ??????,
????????? ?????? ?????? ?????? ??? ?????????? ?????????? ?????????? ?????????? ??????????,
????????????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ?????? ???
??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?????? ??? ??????
????? ??????, ?? ?????? ?????? ?????? ??????????? ?? ?????????? ?? ?????? ?????? ??????????, ???,
?????????, ?????????????? ?????? ?????? ?????? ??? ?????????? ?????? ?????????? ?????????? ?????? ??
???? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ?????????, ??? ??????
?????????, ?????? ??????????.

13 ??? 20 ?????????? 2006, ? ?????????? ??? ?????????????? ?????????? ?????????? ???
TNT Post, ???' ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????????? ???????????,
????? ??????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ??? ?????????? ?????????? ???????????
????????? ?????? ??? ?????????? ?????????? . ? ?????? ??? ?????????????? ?????????? ?????????? ???
??? ??? ?????????? ??? 23 ?????????? 2002.

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

14 ??? ???? ?????? ??????????, ? Royal Mail, ?? ?????????? ?????? ?????? ?????????? ??????????
????????? ??? ?????? ?????????, ?????? ?????? ?????? ?????? ?????????????? ?????????? ?? ???
????????? ??? ?? ??? ?????? ?????? ??? ?????????? ?? ?????????????? ??? ?????? ?????????? ???.
????????? ?????? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????????? ???
???? ?????????? 27 ?????????? ?????????? 6 ?????? ??? ?????????? ??? ?????? ?????? ???
???? ?????????? ?????????? ?????????? ?????????? ?? ?????? ?????? ?????? ?????????? ??? Royal
Mail ??? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????? ?????? ?????????? ?????? ???
?? ?????????? ??? ???? ?????? ?????????? ?????????? ??? ??? ?????? ?????? ?????? ???
????, ??? ??? ??? ?????? 113 000 ??????? ?????????????? , 14 200 ?????????? ??? 90 000
????????????? ????. ? Royal Mail ?????????? ?????? 185 000 ?????? ??? ??????
????????.

15 ?? ?????????? ?????? ??? ? Royal Mail ?????????? ?? ?????? ??? ??????,
?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????, ?????????????? ??
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????????????? ??? ?????????? ? ??????
???? ??? ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ???
????????????? ??? . ?????????? ?????? ??? ?????? ??? ?????????????? ??? Royal Mail ??? ???
?? ?????????? ??? ?????? ??? ?????? ?????? , ?? 90 % ?????? ??? ?????????????? ???,
????????? ?? ??? ??? ?????? ?????? , ?????????? ?? ?????????????? ??? ?????? ???
????????? ??? ??? ?????? ?????????? ??? ??? Royal Mail ??? ?? ?????? ??? ??????????
????? ??? ?????? ??????.

16 ? TNT Post, ??? ?????? ??? ?????? TNT ? ?????? ?????????????? ?? ??????????
??? 200 ?????? ??? ?????????? ??? 128 000 ????, ?????? ?????????? ?????????? ???
????????? ??? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ?????? ???, ??? ?????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?????? (??? ??? ?????????? ??? ??? ?????? ?????? ?????? ???), ?????? ???
??? ?????????? ??? ?????? , ?????? ?????? ?????? , ?? ?????????? ?????? ???
Royal Mail ??? ?????????? ????. ?? ?????? ?????? ?????? ?????? ?????? ?? «?????????
????? ???».

17 ??? 6 ?????? 2004, ? TNT Post ?????? ?? ? Royal Mail ?????? ?? ??? ??????
Royal Mail ?????? ?? ?????? «????????? ?????? ?????? ??????», ?????? ?? ?????? ???
????????? ??? ??? ?????? ?????? ?????????? ?????????? ???, ?????? ??? ??????

?????????? ?? ??????????? ??????? ??? Royal Mail ??? ??? TNT Post. ? ??????? ???
?????????? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? Royal Mail,
?????? ?? ??? ?????? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Post ???
????? ?????? ??? ?????? ??? ?????? ???.

18 ?? ?????? ?????????? ?????????? ???, ??? ?????? ??? ?????? ???
??????????, ??? ?????????? ?? 85 % ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? TNT Post ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
?? ?????? ??? ?????? ??? TNT Post ?? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ???.

19 ?????? ??? ?? ??? ?????? ??? 1994, ??? ?????? ?????????? ????, ???
??????????, ??? ?????? ??? ?????? ??? ?????? ???, ? ?? ?????? ??? Royal Mail
?????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ???
????????? ???, ??? ?? ?????? ??? TNT Post ???????, ?? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? Royal Mail, ?????? ??? ?? ??? ??
????? ??? ?????? ??? 17,5 %.

20 ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ?????? ??? ?????? ???, ?? High Court of Justice (England & Wales), Queen's
Bench Division (Administrative Court), ?????? ?? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ???:

«1) ?) ??? ?????? ?? ?????? ? ?????? “????? ?????? ?????? ????” ???
????????? ??? 13, ?, ?????? 1, ??? [????? ??????] (?? ??????
132, ?????? 1, ??? 2006/112);

?) ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
????????? ??? ?????? ??? ?????? [97/67] ??? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?????? ??? (????? ? Royal Mail ??? ?????? ???);

?) ??? ??? ?????? ??? ??? ?????? ?????? [?? ?????? ?????? ???]
??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ???
?????:

i) ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? (????? ? Royal
Mail ??? ?????? ???) ?

ii) ??? ??? ?????? ?????? ??? (????? ? TNT Post);

2) ??? ??? ?????? ??? ??? ?????? ?????? ???, ??? ?? 13, ?, ?????? 1,
????? ??, ??? ?????? ?????? ??? (????? 132, ?????? 1, ??? ??,
????? 2006/112) ?? ?????? ??? ??? ?????? ??? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? “??
????? ??? ?????? ???”;

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

????, ??? ??? ?????????? ??? ?????????? ??? “??? ??????? ?????????????? ??????????”, ??
?????? ??? ?????????? ?????? ?? ?????????????? ?? ?????????? ?????;»

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

21 ?? ?????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? 2 ?????? 2009, ?
TNT Post ?????? ??? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
???????????, ???' ?????????? ?? ?????? 61 ??? ?????????? ??????????. ??? ??
?????? ???, ?? ?????????? ?? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ??????????
?????? ?? ?? ?????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

22 ??? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????
?? ?????????? (??., ?????? ?????, ?????? ??? 16?? ?????????? 2008, C?210/06, Cartesio,
?? ?? ?????? ?????????? ??? ?????? ??? ???????, ??? 46).

23 ?? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
?? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ??????????.

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

25 ??? ????????, ??? ??? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ??.

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

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

26 ?? ?? ??? ?? ?????? ?? ???????, ??? ?????? ?? ?????????? ?????????, ?? ?????? ??????????
????? ?? ?????????? ?? ?????? ?????? ?????? ?? ?????????? ?? ?????? «?????????
????????? ??????» ??? ?????? 13, A, ?????????? 1, ?????????? ??, ??? ??
??????, ?? ?????????? ?????? ?? ?????????? ?????????? ?????????? ?????? ??????????
????????? ?????? ?????????? ?????? ??????.

27 ????, ??? ?? ??????????, ??????, ??? ??? ?? ?????????? ?????????? ??
????????? ?? ?? ??? ?????? ?????????? ?????? ??? ?? ?????? «????????? ?????????? ??
?????????» ??? ?? ?????? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??????, ????
????????? ?? ?????? ?????? ?? ?????????????? ??? ?????? ?????? ?????? ?????? ??
????????? «????????? ?????????? ??????» ??? ?????????? ?????? (??. ??????? ??
11?? ?????? 1985, 107/84, ??????? ??? ??????????, ?????? 2655, ?????? 11).

28 ?? ?????????? ??? ?????????? ??? ?????? ?? ?????? 13, A, ?????????? 1, ??????????
??, ??? ?????? ??????. ???????, ??? ?????? ?????????? ?? ?????? ?? ?????? ??

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

29 ??????????, ?? ?????? ??? ? ?????????? ??? ? ?????? 132, ?????????? 1, ?????????? ?,
?? ?????? 2006/112 ?????????? ?? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ?,
?? ?????? ?????? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ???
????? ?????????? ?????????? ???, ??? ? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ???.

30 ???????, ??????? ??? ? ?????????? ? TNT Post, ?????? ??? ? ?????????? ???
? ??????? ???????, ? ??????? ??? ? ?????????? ?? ?????? 13, A, ?????????? 1, ??????????
??, ??? ? ??? ?????? ??????? ??? ?????? ?? ?????????? ??? ? ?????? ??? ? ??????, ???' ??????, ???
????? ?????????? ???????, ??? ? ??? ? ?????????? ?????? ?????????? ?????????? ??????????
????? ??? ?????? ??? ?????? 7 ??? ?????? 97/67, ?????????? ??? ? ??? ? ?????????? ???
????????? ??? ? ?????????? ???.

31 ???????, ?? ??? ? ?????????????? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ???
????? ??? ???? 13, A, ?????????? 1, ?????????? ?, ??? ? ??? ? ??????, ??? ???? ??
????????? ???, ?????????? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ?
????? ??? ? ??? ?????????? ??? ? ??? ? ?????? ?????????? ??? ? ?????????? ?????????? ??? ?
????? ??? ? ?????? ??? ? ?????????? ??? ? ??? . ??????, ? ?????????? ??? ? ??? ? ?????? ???
?? ?????? ?????? ?? ??? ? ?????? ??? ? ?????????? ??? ? ??? ? ??? ? ?????????? ??? ?
????? ??? ? ?????? ??? ? ??? ? ?????? ??? ? ?????????? ??? ? ??? ? ?????? ??? ? ?????? ??? ?
????? ??? ? ?????? ??? ? ??? . ???, ??? ? ?????? ??? ? ?????? ??? ? ?????? ??? ?
????? ?????????? ??? ? ??? ? ?????? ??? ? ?????? ??? ? ??? ? ?????? ??? ? ??? ? ?????? 13 ???? ?
????????? ??? ? ??? ? ?????? ??? ? ??? ? ?????? ??? ? ??? ? ?????? ??? ? ??? ? ?????? ??? ?
(??., ??? ???? ?????? ???, ?????? ??? 14? ?????? 2007, C-445/05, Haderer, ?????? 2007,
. I?4841, ??? ? 18 ??? ? ?????????? ??? ? ??????????).

32 ??? ? ?????????? ??? ? ??? ? ?????? ??? ? ?????? 13, A, ??? ???? ? ??????, ??
????????? ??? ? ??? ? ?????? ??? ? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ?
????????? ??? ? ??????????.

33 ? ? ?????? ?????? ?????? ??????????????, ??? ? ?????????? ??? ???? , ?? ? ? ? ??????????
????? ??? ? ??????????, ?? ? ?????? ?????, ?????????? ??? ? ?????????? ??? ? ? ? ?
????????? ??? ? ?????? ?????? ??? ? ??????.

34 ??? ???? ?????? ?????? ??? ? ?????????? ??? ? ?????????? ??? ???? , ??? ???? ???? ????
????????? , ???' ?????? , ?? ?????? ??? ? ?????????? ???? 97/67, ? ?????? ?????????? ???
????????? ?????? ?????? ?????????? ??? ? ?????? . ?????? ??? ???? 3, ?????????? 1, ???
????? ??? ???? , ??? ???? ?????? ?????????? ??? ? ?????? ?????? ?????????? ?????????? ??? ?
????????? ?????? ?????? ??? ? ??? ? ?????? ??? ? ?????? ?????? ??? ? ?????????? , ?? ???? ???? ?
??? ???? ??? ???? ????.

35 ???????, ??? ? ?????? ??? ? ?????? ?? ? ?????????? ??? ???? ??? ? ???? ???? ???? ?
????? 13, A, ?????????? 1, ?????????? ?, ??? ? ??? ? ??????, ??? ? ??? ? ???? ???? ?
????????? ??? ???? ???? ???? ???? 97/67, ? ?????????? ??? ? ?????? ?????? ?????????? ??? ?
????? ??? ???? ???? ???? ???? «????????? ?????????? ??????» ??? ? ?
????? ???.

36 ???????, ?? ?????? ?????????? ?????????? ??? ? ?????? ??? ???? ???? ???? ?
????????? 1, ?????????? ?, ??? ? ??? ? ?????? ?????? ??? ? ?????????? ??? ? ??????????
????? , ?????????? ??? ???? ???? ???? ???? ???? (??., ??? ? ???? ???? ???? ,

???????????????? ???? ?????? ?????????? ??? ???????????, ??? 16), ??? ?????????????? ??
????????? ?????????? ?????? ??? ?? ?????????????? ??? ?????? ?????? ?????? ???
????????? ??? ??????, ??? ?????, ?? ?????????? ?? ?????? ? ?????? ??? ??????
????????? ?????? ?????? ?????? ?????, ??? ?????? ?????? ??? ?????? ?????? ??? ??????
3 ??? ?????? 97/67.

37 ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????? ?, ??? ?????? ?????????? ?? ?????????????? ??? ?????? ?????????? ???, ???
????? ??? ?????? ??? ??, ?? ?????????????? ??? ?????????????? ??? ?????? ??? ??????
(?? . ?????? ??? 28?? ?????? 2007, C?363/05, JP Morgan Fleming Claverhouse Investment
Trust ??? The Association of Investment Trust Companies, ?????? 2007, ?. I?5517, ??? 46
??? ??? ?????????? ??????).

38 ??????????, ??? ?????? ??? ? ?????? ?????????? ??? ?????? 63 ??? ??????
???, ??? ?? ?????? ?? ?? ?? ?????? ?????? ?????? ?????????? ? ???, ??? ?????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?? ?????? ??????
??? ?????? ?? ?????? ?????? ?????? ??????????????.

39 ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???,
????? ??? ?????????? ??? ?????? 12 ??? ?????? ?????????? ?????????? ?????????? ???,
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ?? ???
????????? ??? ?? ?????? ?????? ??? ?????????? ?????????? , ??? ?????? ??? ? Royal Mail
????????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??????????
??? ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ? TNT Post.

40 ??? ??????, ??? ?????? ?????? ??? ?????? ?? ?????? ? ?????????? ??? ? ??????
«????????? ?????????? ?????? » ??? ?????? 13, A, ?????????? 1, ?????????? ??, ???
????? ?????? ??? ?????? ?? ?????????? ?? ?????? ?????????? ? ?????????? ?????????? ??
????????? ??? ?????? ?????? ?????? ?????? ?? ?????? ?????? ? ?????? ??? ??????
????????? ??????, ??? ?????? ?????? ??? ?????? 3 ??? ?????? 97/67.

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

41 ?? ?? ?????? ??? ?? ?????? ??????, ??? ?????? ?? ??????????????, ?? ??????
????????? ???' ?????? ?? ? ?????? ??? ?????? 13, A, ?????????? 1, ?????????? ??,
??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????????? ??
????????? ?????????? ?????? ? ??? ?? ?????? ?????? . ?? ?????????? ?????? ??? ?? ??????
????, ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??????.

42 ??????, ?????? ?? ?????? ???, ?????? ??? ?????? 13, A, ?????????? 1, ??????????
??, ??? ?????? ??????, ?????????? ?? ?????? ?????? ??? ?????? ?????????? ??? ?? ?????????? ???
????????? ??? ?????? ?????????? ???, ?? ?????? ?????????????? ??? ?? ?????? ??? ??????
????????? ?????? . ?????? ?? ?????? ?????? ??? ?? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ???.

43 ?????, ?????? ??? ?????? ??? ?????????? ? Royal Mail, ? ?????????? ??? ??????
????????, ? ?????? ?????? ??? ? ??????, ??? ??? ? ?????? ?????? ??? ?????? ??
????????? ??? ??? ?? ?????? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ??????
????????? ??? ??????, ?? ?????? ?????????????? ??? ??? ?????? ?????? ??????????
????????? ??? ??? ?????????? ?????? ??? ?? ?????? ?????????? ??? ?????? ?????? ??????????
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??????????,
????????? ???, ?????????? ??? ?????? ??? ?????? ???.

44 ??????????????, ??? ??? ?????????? ??? ?????????????? ??? ?????? 31 ??? ??????????
????????? ??? ??????? ?? ??? ?????? ? ?????????????? ??? ?????? 13, A, ?????????? 1,
????????? ?, ??? ????? ??????? ?????????? ?????? ?? ?????????????? ?????? ??? ?????? ?????
????????? ??? ?????? ??? ?????? ??? ?????????? ? ?????? ??? ?????????? ??? ?? ??????
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ??
????????????? ?? ?????????????? ?? ?????? ??? ?????? ?????? ?????????? ?????????????? ??????????
????????????? ??' ??? ??? ??? ??? ???????, ??? ??? ??? ?????????? ??? ??????
????????????? ???????.

45 ???? ?????? ?????????? ??????????????, ??????????????, ????

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

Royal Mail, ?? ??????, ????

????? ???? 39 ????

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

????? ????

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

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

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

46 ???????, ??? ?? ?????????????????? ??? ?????? 44 ??? ?????? ?????????? ?????????? ??????????
???, ??????????, ??? ?? ??? ?????? ??? ?????????????? ??????, ??? ?????????? ??? ??????????
????? ?????????????? ?????? ?????????? ??????, ?????????? ??? ? ?????????? ??? ?????? ??
????????? ?? ?????? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??????
??????????, ?????? ??? ?????? ?????????????????? ?? ?????????? ??? ?????????????????? ??
????? ?????? ?????? ?????????????? (??., ??? ?? ?????? ???, ?????? ??? 19?? ????? 1993,
C?320/91, Corbeau, ?????? 1993, ?. I?2533, ????? 19).

47 ?????? ??????? ? ?????????? ?????????? ??? ? ?????????? ?????????????? ??? ??? ??????
?? ?????????? ??? ?????????????? ?????? ??? ?????? 13, ?, ??????? ??, ??? ??? ??????
????????? ?????????? ?????????????? ??? ??? ?????????? ?????????????? ?????????? ??? ?????? ??
????? ??? ?????? ?????????? ?????????? ??? ?????????? ?????????????? ???????????????. ??? ??? ??? ??? ??? ??
????, ? ?????? ??? ?????? ??? ?????????? ????? ?????????????? ??? ?????? ?????? ?????? ???
????????????? ??????.

48 ? ?????????? ????, ??????????????????, ?? ????, ??????????????, ??? ??, ?????? ??????
 ??????????? ?????? ??? ?????? 97/67, ??? ??? ????? ?????????? ??? ? ??????????????
 ??????????? ?????????????????? ??? ?????????? ?? ??? ????? ?????????? ??? ??????????????, a priori,
 ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??????????

49 ????????, ??? ?????? ?? ???? ?????? ??????? ?? ?????? ? ?????? ? ?????????? ??? ?
????????????? ??? ?????? 13, A, ?????????? 1, ??????? ??, ??? ?????? ??????? ??????????
????????????? ?? ??????? ?????????? ??? ?? ?????????? ?????? ??? ?????? ?????? ??????
????????????? ??????, ?????????????? ??? ?????????? ?????????? ??? ?? ???????????????, ???
?? ??????? ?????????????? ?????????? ?????????????? ??' ??? ?????? ??? ???????, ???
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ?????? ?????? ??? ??????
? ?????? ??? ?????????? ?????????????? ??????????. ? ?? ??? ?????? ?????? ??? ?????????? ??
?????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????
?????? ?? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??????????.

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

50 ?????????? ?? ? ??????? ?????????? ?? ???? ?? ???? ?? ???? ?????????? ?? ???? ?? ???? ?? ????
?? ???? ?????? ?????????????? ?? ???? ?????? ?????? ?? ???? ?????? ??????????????, ?' ?? ????
????????????? ?? ?????????? ?? ??? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????

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

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

1) ?????? «????????????????????????», ??? ????????????? ??? ?????? 13, A,
????????? 1, ??????? ?, ??, ??? ???? ?????? 77/388/???, ??? ??????????, ??? 17?
????? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ????, ??? ?????? ??
????? ?????? ?????? ?????? – ?????? ?????? ?????? ?????? ?????????????? ????:
????????? ?????????? ????, ?????? ?? ?????????? ?? ?????? ?????????? ?????? ?
????????? ?????? ??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ??
????? ? ??? ??? ?????? ?????? ???????????, ??? ??? ?????? ?????? ???
????? 3 ??? ?????? 97/67/?? ??? ?????????? ???????????, ??? ??? ?????? ???,
??? 15?? ?????? 1997, ?????? ?? ??? ?????? ?????? ??? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ???????????, ??? ?????? ?????? ??? ??
????????? ??? ?????????? ????, ??? ?????????? ?? ??? ??? ??????
2002/39/?? ??? ?????????? ??? ?????????? ??? ??? ?????? ???, ??? 10?? ??????
2002.

2) ? ?????????????? ??? ????? 13, A, ?????????? 1, ?????????? ?, ??? ????? ??????????
77/388 ?????????? ?????????????? ?? ??????? ?????????? ??? ?? ?????????? ?????? ???
????????? ?????? ?????????????? ??????, ?????????????? ??? ?????????? ?????????? ??? ???
?????????????????, ??? ?? ?????????? ?????????????? ?????????? ?????????? ?????????????? ??'
????? ???? ??? ????????, ???? ???? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ?????? ????????, ?????? ?? ?????? ???? ?????? ??? ?????????? ??????????????
?????????. ? ?? ??? ????? ????????, ??? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ??? ??
????????????? ??? ?????? ??? ????????, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ?????? ??? ????????, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

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

* ??????? ??????????????: ? ???????