

???????? C-72/09

Établissements Rimbaud SA

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Directeur général des impôts

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Directeur des services fiscaux d'Aix-en-Provence

[?????? ??] Cour de cassation (???????)

???? ???? ??????? ?????????????????? ??????????]

«?????? ?????????? – ??????? ?????????? ?????????? ?????????? – ??????? ?????????? ?????????? ?????????? –
?? ?????? ??? ?????? ?????? ?????? ??? ?????????? ?????????? ?????? – ?????????? ?????? ??????????
????????????? ?? ?????? ?????? – ?????? ??? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ?????? –
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1. ?????????? ?????????? - ?????????? ??? ??? ?????????? ?????????? ??? - ??????????
????????? ??? ?????????? - ??? ?????? ?????????? ?? ??? ?????????? ??? ??????????

(?????? 63 ????. ????????, ???, ?????? 40 ??? ??????? XII)

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

(????????? ???, ??? 40)

1. ????? ???? ?????? ?????????? ?????????? ??? ?????????? ??? ??? ?????????? ?????????? ?????? ?????? ?????????? ?????
(???) ?????? ? ??? ?? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ???
?????????????, ??? ????????, ??? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???, ???
????? ? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????
??? ????. ?? ??? ?????????? ???, ?????? ?????????? ??? ??? ????? ?????????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ???.. ???
????????? ???, ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
??? ???, ?? ?????? ?????????? ???' ??? ?? ??? ?????????? ??? ?????? ??? ?????? ???, ??
????????? ?????? ?????????? ??? ?????? ??? ?????? ?????.

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

?????????, ?????????? ?? ?????????????? ??? ?????????? ?????????????? ??? ?????????? ???
????????? ??? ?????????????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????????? ?? ?????????????? ??
????????? ?? ?????? 40 ??? ?? ?????????? XII ??? ?? ??? ??????????, ?? ?????????? ???
????? ?? ??? ?????? ?????????? ?? ?????????? ??? ?????? 63 ???.

(???. ??????? 20-22)

2. ?? ?????? 40 ??? ?????????? ??? ??? ?????????? ?????????????? ??? (???) ???
????????? ??? ?????? ?????? ???? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
??? ?????? ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? ??????, ???, ????? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ??? ?????? ???, ???' ?????????? ?????????? ??? ?????? ??? ??????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ???.

?????????, ??? ??? ? ?? ??? ?????? ???????, ??? ?? ?????? ???????, ??????????
??? ?????????? ?????????? ??? ???????, ? ??? ?????? ???????????, ???' ??????, ??? ??
????? 40 ??? ?????????? ??? ???, ??? ?????? ?????? ?????????? ??? ??? ?? ??? 63 ???,
????? ??? ? ?????????????? ??? ?????? ??? ?????????? ??? ??? ?????? ??? ?????????? ???
??? ?????????? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ???, ?? ??? ?????? ??? ?????? ??? ?????? 77/799, ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ???.

(???. ??????? 29, 41, 44, 52 ??? ??????.)

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

?? 28?? ??????? 2010 (*)

«????? ????????? – ?????? ?????????? ??? ????????? – ?????? ?????? ???????????????
?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ??? – ?????? ?????? ??????????
????????????? ?? ?????? ??? – ?????? ??? ??? ?????? ?????? ??? ?? ??? ?????? ?????? –
????????? ?????????? ?????????? – ?????? ??? ?????????????? – ?????? ??? ?????? ??? ??????????
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???? ?????? C?72/09,

? ? ?????????? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? 234 ?,,
?? ??????? ?? Cour de cassation (?????) ?? ?????? ??? 10?? ?????????? 2009, ? ??????
????????? ??? ?????????? ??? 18 ?????????? 2009, ??? ?????? ??? ??????

Établissements Rimbaud SA

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Directeur général des impôts,

Directeur des services fiscaux d'Aix-en-Provence,

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

????????? ??? ??? K. Lenaerts, ?????? ??????, E. Juhász, ?. ?????? (????????), T. von
Danwitz ??? D. Šváby, ????????,

?????? ??????????: N. Jääskinen

?????????: N. Nanchev, ?????? ??????????,

?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????????? ??? 3??
????????? 2010,

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

- ? Établissements Rimbaud SA, ?????????????? ??? ??? J.?P. Chevallier, avocat,
- ? ?????? ????????, ?????????????? ??? ??? G. de Bergues ??? J.?S. Pilczer,
- ? ?????????? ????????, ?????????????? ??? ??? M. Lumma ??? C. Blaschke,
- ? ?????????? ????????, ?????????????? ??? ??? L. Uibo,
- ? ?????????? ????????, ?????????????? ??? ??? ?. ?????????? ??? ??? ??.
????????? ??? ?. ????????????,
- ? ?????????? ????????, ?????????????? ??? ??? M. Muñoz Pérez,
- ? ?????????? ????????, ?????????????? ??? ??? I. Bruni, ?????????????? ??? ??? P.
Gentili, avvocato dello Stato,
- ? ?????????? ????????, ?????????????? ??? ??? C. M. Wissels ??? M. de Mol,

- ?????????? ????????, ?????????????? ??? ??? A. Falk ??? ??? A. Engman,
- ?????????? ??? ?????? ??????, ?????????????? ??? ??? I. Rao ??? ??? I.
Hutton,
- ?????????? ????????, ?????????????? ??? ??? R. Lyal ??? J.?P. Keppenne,
- ?????????? ??? ???, ?????????????? ??? ??? L. Armati ??? I. Hauger, ???
??? ??? ??? B. Alterskj  n ??? X. Lewis,
- ?? ?????????? ??? ????????, ?????????????? ??? ??? S. Monauni?T  m  r  dy,
???? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ????
??? 29?? ?????? 2010,
?????? ??? ??????

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1 ? ?????? ?????? ?????????? ?????????????? ?????? ??? ?????? ??? ?????? 40 ???
????????? ??? ??? ?????????? ?????? ???, ??? 2?? ??? 1992 (?? 1994, L 1, ?. 3, ???
????: ??????? ??? ??? EOX).

2 ? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???, ???
????????? ???? Établissements Rimbaud SA (??? ????: Rimbaud) ???, ????????, ??? directeur
g  nal des imp  ts ??? ??? directeur des services fiscaux d'Aix?en?Provence (??? ????:
?????? ?????????? ???), ?? ?????????? ?? ?????? ?? ? ?? ??? ?????? ?????????? ???
???? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???????, ??? ?????? ???
????????? ??? ?????? ?????? (??? ????: ??????? ????).

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

3 ?? ?????? 40 ??? ?????????? ??? ??? ??? ?????? ?? ???:

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

4 ?? ?????????? ??? ??? ?????????? ??? ???, ?? ?????? ?????? ??? ??? «??????
????????? ??? ??????????», ?????????? ??? 88/361/??? ??? ?????????? ??? 24??
?????? 1988, ??? ?? ??? ?? ?????? ??? ?????? 67 ??? ?????? [??? ?????????? ?? ??
?????? ??? ??????????] (?? L 178, ?. 5). ?????? ??? ?????? 1, ?????????? 1, ??? ??????
?????, ?? ?????? ?????? ?????? ?????????? ?????? ?? ??? ?????????? ??? ?????? ???
????????? ??? ?.

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

5 ?? ?????? 990 D ?. ??? ?????? ?????? ?????? ?????????? ?????? (??? ????: CGI)
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??? ?????????? ???

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

6 ?? ???? 990 D ??? CGI ?????????? ?? ????:

«?? ?????? ??????? ?? ????, ???? ?????????????? ???? ??? ?????????????? ????????,
????? ??? ?????????? ???? ? ?????????? ?????? ??? ?????? ? ?????? ??????????
?????????? ??? ?????????? ?????? ??? ?????? ??? 3 % ??? ?????? ?????? ???
?? ??? ?????? ? ??????????

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

7 ?? ???? 990 ? ??? CGI ???? ?? ????:

«? ???? ??? ?????? ?????? 990 D ??? ??????????:

1? ??? ?????? ?????? ??? ?????? ? ?????????? ??? ?????? ?????? ?????????? ??????????, ???
??? ?????? ??? ?????? 990 D, ?????????????? ?????? ?????? ?????? 50 % ??? ??????????
????????????? ??? ??????. ??? ??? ?????? ??? ?????????? ??? ?????????? ??????, ??? ??????
????????? ??? ?????????????? ??? ?????????? ??? ?????? ?? ?????? ?????? ?????? ??? ??????
??? ?????? 990 D ? ?? ?????????????? ?????? ?????????????? ??? ?????? ??? ??????
???? ?????????????? ??????????????, ?????? ??? ?????? ?? ?????????? ?????? ??? ??????
????????? ?? ??????.

2? ??? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ???
???? ?????? ?? ?? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????? ???
????????????? ??? ??? ?????? ?????????? ??? ?????? ???' ???, ?? ?????? ?? ?? 15 ????,
???? ??? ??? ?????????? ?? ??? ?????????? ??? ?????? 990 F ?????????? ??????, ?? ???,
??? ?????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? 1?
?????????, ??? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????????,
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

3? ??? ?????? ?????? ?? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????? ??? ??? ?????? ?????? ??? ??????, ?????? ??????????, ??? ?????? ???
????????????? ??? ?????????? ??????????, ?????? ?????????????? ???' ??? ? ?????????????? ???
????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ???, ??? ??? ?? ??????, ?? ???
??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? 1? ??????????, ???
????????? ??? ?????????? ??? ?????? ?????????, ?????? ??? ?????? ?????? ???, ??? ?????? ???
????????, ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????, ??? ?????? ???
????????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????, ??? ?????? ?????????? ?? ??? 990 D ???,
????? ???? ??? ?????? ??????, ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ???
????????? ??? ??? ?? ?????? ?????? ??? 1? ?????????? 1993, ?? ?????????? ??? ???
15 ????? 1993 [...]»

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

8 ? Rimbaud, ? ?????? ??????? ??? ????????????, ???? ??? ?????????? ?????????? ???
????????? ??? ??????. ??? ??? ??? ?????, ?????????? ???' ???? ??? ?????? ????.

9 ? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??
Rimbaud, ??????? ??? ?? ??? 1988 ??? 1997, ??? ??????? ?? ??? ?? ??? 1998 ??? 2000.

10 ?????? ??? ?????????? ??? ?????????? ??? ?????????? ?, ? Rimbaud ??????
????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ?????????? ????. ??? ??
??????, ??? 20 ?????????? 2005, ?????????? ??' ??? ????? ?????????? ??? ?? Cour d'appel
d'Aix-en-Provence, ? Rimbaud ?????? ???????? ??? Cour de cassation.

11 ??? ??? ??????? ????, ?? Cour de cassation ?????????? ?? ?????????? ??? ??????
?? ?????????? ??? ?? ??????? ?? ?????????? ?? ?????????? ?????????? ??????:

«?? ??? 40 ??? ??????? ??? [?] ?????????? ?????????? ??? ?????? ??? ?????? 990
D ???. ??? [CGI], ??? ?????? ??? ?????? ??? ???????, ??? ?????????? ??? ??? ?? 3
% ??? ??? ?????? ??? ?????? ??? ??????? ??? ?????? ??? ??????? ??? ??????? ??? ???????
??? ?????? ??? ?????? ??? ??????? ???, ?????????? ??? ?????? ??? ??????? ??? ??????? ??
????? ??? [??], ?? ?????? ??? ?????????? ???, ??? ??? ?????? ?????????? ?????????? ???
????????? ?????????? ??? [??????] ??? ?????????? ??? ?????? ?????????? ??? ?? ?????? ???,
????? ??? [?????] ??? ?????????? ??? ?????? ?????????? ??? ?? ?????? ???, ???'
????????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ???, ?? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ?? ?????????? ??? ??????????
??? ?????? ??? ?????? ?????? ??? ??????;»

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

12 ?? ?????? ?????????? ????, ?? ?? ?????? ???, ?? ?????????????? ?? ?? 40
?? ?????????? ?? ?? ??? ?????? ?? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ???
????????? ??? ? ?????? ??? ?????? ??? ?????? ???, ? ?????? ?????????? ??? ??
????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ??????, ?? ?????? ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ???
????? ?? ?? ?????? ??? ?????? ???, ???, ?????? ?????? ??? ???, ??? ?????? ??? ??????
????????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???
????????? ??? ??? ??? ?????????? ???, ???' ?????????? ??? ?????? ??? ?????????? ???
????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
?? ?????????? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???.

13 ???????????, ??????????? ??? ?? ??? 40 ??? ?????????? ??? ?? ??? ??????
?? ??????? ??? ?????????? ??? 1?? ??? 1995, ??????? ??? ?????????? 1/95 ??
????????? ??? ??, ??? 10?? ??? 1995, ??????? ?? ??? ?????? ??? ?????????? ???
??? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? (?? L 86,
?. 58). ???????, ? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?? ??? ?????????? ?????????? ??? ???????, ??? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ???.

14 ???????, ???, ??? ?? ?????????? ??? ?? ???????, ?? ?? ?????? ??? 11??
????????? 2007, C?451/05, ELISA (?????? 2007, ?. 18251), ??? ??????? ??? ?????? ???

?????? ?????? ??????? ????????, ??? ?? ?????? ??? ?????? ??? ??????? 77/799/E?? ??? ?? ????????????,
??? 19?? ??????????? 1977, ??????? ?? ??? ??????? ??????? ??? ??????? ??? ??????? ??? ??
?????? ?????? ??? ?????? ??? ?????? ??? ?? ??????? ??????????? (?? ??. ???. 09/001, ?. 86),
???? ??????????????? ?? ??? ?????? 92/12/???, ??? ???????????, ??? 25?? ???????????
1992 (?? L 76, ?. 1, ??? ?: ?????? 77/799), ??? ??? ?? ?????? 63 ???.

15 ??? ?????? ??? ?????? ??? ?????? ???, ? Rimbaud ?? ?????? ??? ?????????? ?????????? ???
?????? ???????, ???' ????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? 990 D ???
CGI.

16 ??? ?????? ??? ??????? ?? ?????????? ?????????? ?????????? ???????????, ??? ??
????????? ??? ?? ?????? 40 ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ??
????????? ??? ?? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ??? ?? ?????????? ??? ??
?? ??? ??????????. ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?? ??? ?? ??? ??
88/361 ??? ??? ?? ?????????? ? ??? ?????? ????.

17 ??? ?????? ????????, ?? ??????? ?????????? ?????????? ??????????????? ??? ???????????????
????????? ?? ??????? ?????????? ??? ?????? ??????? ??????? ??? ?????? ??? ??
????????? ??? ?????? ???, ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ??
????????? ? ?????? ?????????? ??? ?????????? ??? ?? ?????????? 88/361, ??????? ?
????????? ??? ?????????? ??? ?? ?????????? ???, ??? ?????? ??? ?????? ??? ??
????????? ??? ?????????? (??., ???????, ??????? ??? 16?? ??????? 1999, C-
222/97, Trummer ??? Mayer, ??????? 1999, ?. I-1661, ??? 21- ??? 11?? ?????????? 2001, C-
464/98, Stefan, ??????? 2001, ?. I-173, ??? 5- ??? 5?? ?????? 2002, C?515/99, C?519/99
?? C?524/99 ?? C?526/99 ?? C?540/99, Reisch ??., ??????? 2002, ?. I?2157, ?????? 30,
?? ?? 14?? ?????????? 2006, C?386/04, Centro di Musicologia Walter Stauffer, ??????
2004, ?. I?8203, ????? 22).

18 ??? ?????????????? ??? ? Rimbaud ?????????????? ?????????? ?? ??????? ??? ??????.
????? ? ?????????????? ?????????? ?????????? ?????? ?????????? ??? ?? ?????? ??? ??
????????????? (??., ???????, ?????????????? ??? ELISA, ????? 60).

19 ??? ????????, ?? ??????? ??? ?????? 40 ??? ?? ?????????? ??? ??
??? ?????? ??????? ??? ??????? ??? ?????? ??? ?? ?????? ???, ? ?????? ?????? ??????????
?????? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????????? ??? ?? ?????? ??? ??
????????? ?????? ?? ??? ?????????? ?????? ?????? ??? ?? ?????? ???, ??? ?????? ??? ??
????????? ???, ?????????? ?????? ?????? ??? ?? ?????? ???, ??? ?????? ??? ??
????????? ? ??? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?? (??.
????????? ??? 15?? ?????? 1999, C-321/97, Andersson ??? Wåkerås-Andersson, ??????
1999, ?. ?-3551, ?????? 26 ??? 31- ??? 15?? ????? 2003, C-300/01, Salzmann, ?????? 2003,
?. I?4899, ????? 65, ????? ?? 23?? ?????????? 2003, C?452/01, Ospelt ??? Schlössle
Weissenberg, ?????? 2003, ?. I?9743, ????? 27).

20 ????? ???? ????? ??????? ?????????? ??? ?????????? ??? ????? ???? ???? ???? ?????
?????????? ?????????? ??? ?????????? ?????????? ?????????? ??? ??????????????, ??? ??????????, ???
????????? ??? ???? ?????????? ?? ?????????? ??? ???, ????? ???? ???? ?????????????? ??? ??????
??? ?????????? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ??????
????? ?????????? ??? ???? ?????????? ?????? ?? ?????? ?? ?????????? ??? ?????? ??
????? ?????????? ?????? ??? ???? ?????????? ?????? ?? ?????? (?. ?????????? 1/92, ??? 10??
????????? 1992, ?????? 1992, ?. ?-2821). ??? ?????? ???, ?????????? ??? ?????????? ??
????? ??? ???? ???? ?????? ??? ?????????? ??? ???, ?? ?????? ?????????? ???' ????? ??
????? ?????????? ??? ?????????? ???, ?? ?????????? ??? ?????? ?????? ??? ?????? ???
????? ?????? (?. ?????????????? ?????? Ospelt ??? Schlössle Weissenberg, ??? 29).

21 ??? ???? ?????????? ??? ?????? 40 ??? ?????????? ??? ???? ???? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ??? ???? ???? ?????????? ??? ??
????? ??? ???? ???? ??? ?????? ??? ?????????? ??? ??? ???, ??? ?????????? ??? ?????? ??? ??????
????? ??? ???? ??? ???, ?? ??? ?????? ??? ?????? ?????? ?????????? ?? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? (?. ?????????? Ospelt ??? Schlössle
Weissenberg, ??? 28).

22 ???????, ??????? ???? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ??????????
????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?? ?????? ?? ?????? 40 ??? ???? ?????? XII ??? ???? ?????? ??????????, ??
????????? ??? ?????? ?? ?????? ?????? ?????? ?????????? ?? ?????? ??? ?????? 63 ??? (?.
????? ??? 11?? ?????? 2009, C?521/07, ?????? ??? ?????? ???, ?????? 2009, ?.
I?4873, ??? 33).

23 ?????????? ???, ??? ?????? ?????????, ?????? ???? ?????? ?????????? ?????????? ???
????????? ??? ?????? ???, ?? ?????? ??? ?????? ?????, ??? ???? ???? ?????? ???, ?? ?????? ??
????? ??? ?????? (?., ?????? ???, ?????? ??? 7?? ?????????? 2004, C-319/02,
Manninen, ?????? 2004, ?. I-7477, ??? 19- ??? 6?? ?????? 2007, C?292/04, Meilicke ?.?.,
????? 2007, ?. ?-1835, ??? 19- ??? 24?? ?????? 2007, C?157/05, Holböck, ?????? 2007, ?.
?-4051, ??? 21, ??? ?????????? ?????? ELISA, ??? 68). ??????, ? ??????????
????? ??? ??? ?????? ?????? ??? ?????? ?? ?????????? ?????? ?????? ?????? ??? ??
????????? ?? ??? ?????????? ?????????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ??
????????? ?? ??? ?????????? ??? ??.

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

24 ??? ???? ???? ???? ?????? ??? ?????? ?????? ??? ???? ???? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ??? ?????????, ?? ?????????? ??? ???? ???? ?????, ??? ?????? ??? ??
??? ?????? ?????? ???? ?????????? ?????? ELISA, ??? ???? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ?, ???? ?????? ?????? ??????
???' ????, ??? ???? 63 ???.

25 ?????????? ???, ?????????? ???, ??? ???? ?????? ?? ?????? ??? ?????????? ??? ??
????? ???, ?? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ???? ???? ?????? ??? ??
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ?? ?????? ??? ??????
????????? ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????? ??? ???? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ??
????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ??
990 D ??? 990 E, ?????? 2 ??? 3, ??? CGI. ?????? ?????? ?????? ??? ?????? ??? ??

? ?????????????? ?????? ?? ??????????? ?? ?? ?????????? ???????????, ? ?????????? ??
????????? ??? ?????????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??
????????????? de facto, ??' ???? ??? ?????????? ?????????? ??????????, ?????? ??????????
????????? ??? ?????????? ?????????? ??? ?????? ?????? ???, ?????????? ?????? ??? ??????????
????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ???
????? ??? ??? ??? ?? ??? ?????? ?????? (?. ?????????? ?????? ?????? ELISA, ??????
75 ??? 77).

26 ??? ?????? ??? ?????? ?????, ? ?????????? ??? ?????? ?????? ??? ?????? 990 E
??? CGI ??????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ?????? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
??? ?????????? ??? ?????? ??? ?????? ???.

27 ??????, ??? ?????? ??? ?????????? ??? ?? ??? 990 E, ?????? 2, ??? CGI
?????????, ??? ??? ?????? ?????? ??? ?? ??? ??? ?????? ?????? ??? ?????? ??????????
????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????????? ??? ?????? ???
????? ??? ?????????? ??? ?? ??? 990 E, ?????? 3, ??? CGI ??????, ??????????
??? ? ?????? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ??????, ????,
????????? ?????? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ??? ??????????
????????? ?? ?????? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ???.

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

29 ??? ??????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ?? ??? ?????? ???
??????, ??? ?? ?????? ??????, ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???,
????? ?????????? ???, ??' ????, ??? ?? ?????? 40 ??? ?????? ??? ??? ???, ???
????? ?????????? ??? ?? ??? ?? ?????? 63 ???.

30 ??? ?? ?????? ?????????, ? ?????? ??? ?????? ??? ?? ?????? ?? ?????? ??
????????????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??????, ?? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ?????????? ???
?????, ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?? ?????? ?????? ?????? ??? ?????? ??
????????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
??????????. ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? 990 ? ??? CGI, ?????? ??? ??? ?????? ???
????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ??? ?????? ??? ?????? ???.

31 ? ?????? ?????????? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

32 ???????, ????????, ?? ????????, ?? ? ?? ??? ?????????? ?????????????? ?????????????? ???

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

33 ????? ?????? ??? ?????????????????? ??? ????? ??? ?????????? ?? ??? ????? ?????? ??? ??????????????
??? ??? ?????????? ?????????????? ??? ?????????????????? ??? ?????????????? ??? ?????????????? ????????,
????????????? ??? ?????????????? ??? ?????????? ?????????????? ??? ?????????? ?????? ?????? ??
????? ???????, ?? ??? ????? ??????, ?????? ??? ??? ?????????? ??? ?????? ?????? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????????? ??? ?????????????? ?????? ??? ??? ?????????? ?? ??????????
??? ??? ?????????? ??? ?????? ?????? (????????? ??? 13?? ?????????? 2005, C?446/03,
Marks & Spencer, ?????? 2005, ?. I?10837, ????? 35- ??? 12?? ?????????? 2006, C?196/04,
Cadbury Schweppes ??? Cadbury Schweppes Overseas, ?????? 2006, ?. I?7995, ????? 47-
??? 13?? ?????? 2007, C?524/04, Test Claimants in the Thin Cap Group Litigation, ??????
2007, ?. I?2107, ????? 64, ??? ??? 18?? ?????????? 2007, C?101/05, ?, ?????? 2007, ?.
I?11531, ????? 55).

34 ???????, ?????????????? ?????? ?????? ?????? ?? ??? ?????? ??? ?????????????? ??????
?? ?????? ?????? ?????? ?? ?????? ??? ?????????? ?? ?????? ?????? ?????????? ??????????, ??????
??? ?????? ?????? ?? ?????????????? ??? ?????????????? ??????????, ????? ?????????? ???
????????????? ?????? ?????? ?????? ??????????. ???????, ?????? ??????
????????????? ? ?????????????? ??? ?????? ??? ?? ?????????????? ?????????? ???
????? ??? ?????? ??? ?????? (?., ??? ??? ?????? ???, ?????? ??? 26?)
????????? 2000, C?478/98, ?????? ??? ?????????, ?????? 2000, ?. I-7587, ??? 45,
????? ??? ?????????????? ?????? Cadbury Schweppes ??? Cadbury Schweppes Overseas,
????? 50 ??? ??? ?????????????? ??????????).

35 ??????????????, ?? ????? ??? ?????????? ?? ?????????? ?????? ??? ?????????? ??????
?? ??????????, ?? ??????? ??? ???????, ?? ?????? ?? ????? ?????? ?? ?????????? ?? ??????????
?? ?????????????? (??. ??????? ??? 10?? ??????? 2005, C?39/04, Laboratoires Fournier,
?????? 2005, ?. I-2057, ????? 24).

36 ????? ?????? ??? ??????? ??????? ???????, ?? ?????????????? ????? ??? ???????????, ?? ???
????????????????? ??????? ELISA, ??? ????? ?????????? ?????????? ????? ?????????? ??? ?????
??? ??????????? ??? ??????? ??? ??????????????, ??? ?? ?????? ??? ??????? ??? ??????? ?????? ???
????????????? ?????????? ?? ??????? ?????? ??? ?????? ?? ?????? ?????? ??? ??????? ?? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ??????, ? ?????????? ?????? ??????? ???
????????? ??? ?????? ?????????? ???????????.

37 ?? ??????????? ?????? ?????? ???, ?? ?????????? ??? ? ??????? ?????????? ???
????????? ??? ??????????? ?? ??????, ?????? ?????????? ?????????? ?? ?? ?????? ???
??? ?????? ??? ?????? ?? ?????? ?????? ?????? ??? ??? ?????? ??? ???????????, ??
????????? ??? ??????????? ?? ?????? ??? ?? ?????? ?????? ??????, ?????? ??? ?????????? ???
????????? ??????????? ?? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ??????????
????????? ??? ?????? ?????? ?????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ???,
??????????, ?? ?????????? ??? ?????? ?????????? ??? ?????? ?? ??? ?????????????? ??
????????? ???.

39 ???????, ???????, ?? ??????????? ??? ? ??????? ?????? ?????? ?????? ?????? ?
?????????????? ??????? ELISA ??????? ?????????? ?????????? ?????? ?? ?????? ???
??? ??????, ??? ??? ?? ??????????? ?????? ??????. ??? ???????, ?? ??????????? ???
?????? ?? ??? ?? ??? ?????? ??? ???????????, ??? ?????????? ??????, ???????????
????????? ??????? ??????????????? ??? ??????? ?????? ??? ?????? ?????? ??? ?????.

40 ??????????? ??? ? ?????????? ??????? ?? ??? ????? ?????????????? ??? ?????? ???
????????????? ??? ??????? ??? ?????????? ?????????????? ??? ?????????? ??? ?????? ??? ??????
?? ?????????? ??????? ??? ?????????? ?????????? ?????????? ?????? ?????? ?????? ??? ?????? ???,
????? ?? ??????? ??? ????? ?????????? ?? ?????????????? ?????? ?????? (?)..,
????????????? ??????? ?, ??? 60, ??? ?????? ??? 19?? ?????????? 2009, C-540/07,
?????? ??? ??????, ??? 2009, ?. ??10983, ??? 69).

41 ????????????????, ????????, ??? ?? ??????? ?????????????? ??????? ??? ?????????? ?????
???? ?????? ????, ?? ????? ?????????? ? ?????? 77/799, ??? ?????????? ??? ?????? ???
????????? ?????? ????, ??? ?? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????
????????? ?????? ?????? (?. ?????????????? ?????? ?????? ?????? ?????? ?????? ??????,
????? 70).

43 ????? ??????? ?? ?????? ??????, ????? ?????????? ??????? ??? ?? ???????
?????????? ?? ?????? ?? ?????? ?? ?????? ????? ?????????? ??? ?????????????? ???
?????????? ?? ?????? ?????????? ?? ??? ??? ?????? ?????????????? ?????? ??? ??
????????? ?? ??? ?????? ?????????????? ?? ?????????????? ?????? ??? ?????? ???????.

44 ????????????, ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ????????????

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

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

?? ???? ?????? ?????? ?????? ??????, ???' ?????, ??????? ?? ?? ?????????? ?? ???? ?????????? ??

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

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

45 ????? ??????, ???????????, ?? ?????? ??, ??? ?????????????? ? ??????????, ?? ??????????
?????????? ?????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ?????? ?? ??????????????
????????? ?? ?????????????? ?????? ?????????????? ?? ?????? ?? ?????? ?????? ?? ?????? ??
??, ?????????????? ?? ?????? ?? ?????????????? ?????? ELISA ?????????? ?????????? ??,
????? ?? ?????????? ?? ??????, ? ??? ?????? ?????????? ?? ?????? ?? ?????????? ??????????????
????????????? ?? ??????????????, ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????? ?? ?????????? ?? ?????? ?????????????? ?? ?????? ?? ?????????? ??
????? ?? ?????????? ??, ?? ?????????? ??, ?? ?????????????? ??, ?? ?????????? ??, ??
????????? ?? ?????? ?? ?????????? ??, ?? ?????????? ??, ?? ?????????? ??, ??

46 ??????????, ? ?????????? ??? ???? ????? ?????????? ??? ?????????????? ?????????? ???
????????? ?????????????? ??? ?????????? ??? ??????????. ????????, ?????????? ??? ???
????????? ??? ??? ????? ?????? ?????????? ? ?????????????? ??????? ELISA ?? ??????????????
????? ??????, ???' ????, ?????????? ?????? ?????????????? ?????? ??? ?????? 8,
????????? 1, ??? ?????? 77/799, ?? ?????????? ?????? ?????????? ??????.

47 ???' ??????, ??????? ?? ?? ??? ?????? ?? ?????? 1, ??????????? 1, ??? ?????? 77/799,
 ?? ??????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????????????? ?? ?????? ?? ?????????????? ?? ??????
 ?????????? ?? ?????????????? ?????? ?? ?????? ?????????????? ?? ?????? ?? ?????? ?????????????? ??
 ??????????, ?? ??? ?? ??? ?????? ?????? ?????? ?? ?????? ?? ?????????? ?? ?????????????? ?? ?????? ??
 ?? ??????????. ?????????? ?? ???? ? ?????????? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ???, ?
 ?? ??? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ?? ??? 3
 ??? ??????, ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? 4 ?? ?????? ?????? ??????, ??
 ?????????? ?????? ?????? ?????? ???????. ??????, ?????? ?? ?????? ?????? ?????? ?????? ?????? ??
 ?????? ?? ?????? ?????? ?? ?????? ?????? (????? 5), ?? ?????? ?????? ?? ?????? ?????? ?????? ??
 (????? 6), ?? ?????? ?????? ?????? (????? 9) ?? ??? ?? ?????? ?????? ??
 ?????????? ?? ??? ?? ?????? ?????? ?????? (????? 10).

48 ????????, ?? ??? 8 ??? ?????? 77/799, ?? ?????? ?????? ??? ????? «[?]??? ???
?????????? ??????????», ????????, ??? ?????????? ??? ?????, ?????????? ??????????
??? ??? ?????? ??? ?????????? ??????????. ?? ?????? ??? ?????, ?? ?????? ???
????? ??????????, ?? ?????? ?????? ?????? ??????????. ???????, ? ??? ??? ??? ??????????
????????? ?????????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ?? ?????? ??????????
????????? ?? ?????? ?????? ? ?????? 77/799.

49 ?????? ??? ??????????? ?????? ????????, ? ??????????? ??? ??????????????? ??
?????????? ??????????? ??????? ?? ?????? ?? ??????? ??????????? ?????? ??????? ??
??????????, ??? ??????????????? ?? ??? ??????????????? ??????? ELISA, ??????? ??
?????????? ?????? ??????? ?? ??????????? ?? ??????? ?? ?????? ?? ?????? ?? ??????????? ??
??? ?? ??? ????? ?? ?????? ??????????? ?? ??????? ?? ??????? ?? ??????? ?? ??? ?? ??? ?????
8.

50 ????????, ?? ? ? ?? ?????????????? ?????????????? ??? ?????? ?????? ?????? ??????????????
????????????? ?????????????? ??? ?????? ?????????????? ?? ??? ?????? 77/799 ???, ??? ??????????,
????????? ??? ??? ?????? ?????????? ?????????????, ??? ?????? ??? ?????? ?????????? ?????????????? ??
????????????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????????? ??????
?????, ?? ?????? ?????????????? ??? ??? ?????? ?????????????? ?????????????? ?????????????? ??????????
?? ?????? ??? ?????????????? ?????? ??? ?????????????? ??? ??????????????.

51 ????? ??? ?????????? ??????, ?????? ??????? ????? ? ?????? ?????? ?????? ?????? ?????? ?????? ??????

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

52 ??? ?? ??????? ?? ??????? ?????????? ?????????? ?? ?? ????? 40 ??? ?????????? ??
??? ?? ??? ?????????? ?????? ??????? ????? ? ?????? ?????? ????? ?????? ??? ?????? ???, ?
????? ?????????? ??? ?? ?????? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ??? ?????? ??????, ??? ?????? ??? ?????????? ???, ?????????? ???, ??????????????
????? ?????? ??? ??? ??? ??? ??? ??? ?? ??? ?????? ?????? ??? ??????, ???, ??? ?????? ??? ???,
????? ??? ??? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????? ??? ?? ???
????????? ?????? ??? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???' ??????????
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ???, ??
?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???

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

53 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ????? ?????????? ??? ?????? ?????
???? ?????????? ?????????????? ??? ??????? ?????????? ??? ?????? ?????????? ??????????????, ?' ????
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ??????????????
???? ?????????? ?????????????? ??? ??????????, ??? ??? ?? ??? ????? ?????????, ???
????????????.

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

????????? 40 ??? ??????????? ??? ??? ?????????? ?????????? ?????, ??? 2?? ????? 1992,
???? ?????????? ??? ?????? ?????? ??? ? ?????? ????? ?????? ??? ?????? ??????, ?
????? ?????????? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????
??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ???
????? ??? ?????? ???, ???, ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?
????? ?????? ?? ?????, ???, ???, ?????? ?????? ??? ?????? ?????? ?????? ?????? ???, ???
??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?
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