

?????? C-489/09

Vandoorne NV

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**Belgische Staat**

(?????? ??? hof van beroep te Gent  
??? ??? ?????? ?????????????? ????)

«???? ?? - ??? 11, ?, ??????? 1, ??? 27, ??????? 1 ??? 5 - ??? ?????  
?? - ??? ????? - ????????????? - ?????????????????? ??? - ?????????????? ????? -  
?????? ??????? ??? ??? ??? - ?????????? ????????? - ????? ? ??????? ??  
?????? ??? ????? - ?????? ?????????? ??? ???»

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

???????????? - ?????????? ??? ????????? - ?????? ?????? ????????? - ?????  
?????? ??? ?????????? ??? - ??? ?????? ??? ????? - ?????? ?????  
?????????????

(?????? 77/388 ??? ??????????, ??? 11, ? § 1, ??? 27 § 1 ??? 5)

? ? 11, ?, ??????? 1, ??? 27, ??????? 1 ??? 5, ??? ?????? ?????? 77/388, ???  
????????????? ??? ?????????? ??? ???????, ??? ??????? ?? ??? ?????? ??????  
????????? - ??? ?????? ??? ?????? ?????? ?????: ?????????? ?????????? ???, ???  
????????????? ?? ??? ?????? 2004/7, ??? ??? ?????? ??? ?????????? ??? ??????????  
????????? ?????????? ? ???, ???????, ??? ?????????? ??? ?????????? ??? ??????  
????????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
?? ?????????????? ???, ??? ? ?????? ?????????? ??? ??? ?????, ??? ??????????  
??????, ??? ?????? ??? ??? ??? ??? ??? ?????????? ??? ?????????? ??? ??????????  
??????, ??? ?????????? ?? ??? ?????????? ??? ?????????? ???????????, ?? ?????? ?????????? ??  
????????????? ??? ??? ?????????? ??? ?????????? ???????????, ?? ??? ?????????? ??? ??????  
????????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ???  
?????????.

?????????????, ?? ??? 27, ??????? 1, ??? ??? ?????? ?????? ?????????? ???  
????????? ?? ?????????? ??? ??? ??? ?? ??????? ?? ??? ?????? ?????????? ??? ??? ??  
????? ?? ?????? ??????????. ?????, ????? ??, ??? ?????????? ?????????? ??? ??  
? ?????? ?? ???????, ? ?????? ??? ?????? ??? ?????????? ?? ?????? ?????? ?? ??  
????????? ?? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ?????????? ???, ?  
????????????? ?? ??? ?????????? ?? ???????, ??? ?????? ??? ?????????? ?????????? ??? ??????????  
?? ?????????? ???????, ?? ?????????? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ??????????  
????????? ?? ??? ?????????? ??? ??? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ??????????  
????????????? ?????????? ??? ?????????? ??? ?????? ?????????? ?????, ??? ?????, ??  
????? ?? ?????? ?? ?????????? ?? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ??  
????????? ?? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??  
????????? ?? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??  
?????????????, ??? ?????? ?????????? ??? ?????????? ???, ?? ??? ?????? ???, ??? ??????????

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

?????????, ?? ?????????? ??????????????, ?????? ??? ?????????? ?? ?????????? ???  
????????????? ??? ?????? ??? ?????????? ?????????????????? ??????, ??? ?????????? ??  
????????? ??? ?????????? ???, ?????? ??? ?????? 11, ?, ?????????? 1, ??? ?????? ??????, ??  
????????? ?? ??????????, ??? ??? ??????, ??? ?????????? ?? ?????????? ??? ?????????? ???.  
?????????, ??? ??? ?????? ?????? ?? ?????? ??? ?? ?????? ??? ?????? ?????????????? ???  
??? ??? ?????????????? ?????? ?????????? ??? ?????? ??? ??? ?????????????? ???  
????????? ??????????????, ??? ?????????? ??????, ??? ?????????? ??? ?????? ??? ?????? ???  
???? ?????????????? ??????. ??????????????, ?? ?????????? ??? ?????? ?????? ??? ?????? ???  
?? ??? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? ???  
?????? ??? ??? ?????? ?????????? ???.

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

?????, ?? ?????????? ?? ?????????? ???????????, ??? ?????? ??? ?????? ??? ?????????? ???  
????????????? ??? ?????? ?????????????? ???, ?? ?????? ?? ?????????? ?? ???  
????????? ??? ??? ?????? ??? ?????, ? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????????? ???  
????????? ?? ?????????? ??? ?????????? ???, ?? ?????? ?????????? ??? ?????? ?? ?????????? ???  
????????? ? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ???  
????????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ???  
????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
1, ??? ?????? ??????, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???  
?? ?????????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???

(?? ?????? 30-31, 38-40, 43, 45-46 ??? ??????).

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

??? 27?? ?????????? 2011 (\*)

«????? ?????? ??? – ??? 11, ?, ?????????? 1, ??? 27, ?????????? 1 ??? 5 – ??? ??????

??? ??? - ??? ????????????? - ?????????????????? ??? - ?????????????? ??? -  
?????? ?????????? ??? ??? ??? - ?????????? ????????? - ??? ? ?????? ??  
????????? ??? ????????? - ?????? ?????????? ??? ???»

???? ?????? C?489/09,

? ?????????????? ?????? ?????????? ?????????????? ?????????? ??? ?????? 234 ??,  
????????????? ??? ?? hof van beroep te Gent (??????) ?? ?????? ??? 17?? ?????????? 2009, ?  
????? ?????????? ??? ?????????? ??? 30 ?????????? 2009, ??? ?????? ??? ???

### **Vandoorne NV**

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**Belgische Staat,**

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

????????? ??? ??? N. Cunha Rodrigues, ??????? ????????, A. Arbabadjiev, U. Lõhmus, A. Ó  
Caoimh (???????) ??? P. Lindh, ????????,

????????? ??????????: J. Mazák

?????????: A. Calot Escobar

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

- ? Vandoorne NV, ?????????????? ??? ??? D. Blommaert, advocaat,
- ? ??????? ????????, ?????????????? ??? ??? M. Jacobs ??? ??? J.-C. Halleux,
- ? ??????? ????????, ?????????????? ??? ??? M. Smolek,
- ? ??????? ????????, ?????????????? ??? ??? W. Roels ??? ??? M. Afonso,

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

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

???????

1 ? ?????? ?????? ?????????? ?????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 11, ?,  
????????? 1, ??? 27, ?????????? 1 ??? 5, ??? ?????? ?????? 77/388/??? ??? ??????????,  
??? 17?? ????? 1977, ??? ?????????? ??? ?????? ?????? ?????? ?????? ??????, ??? ??????????  
?? ??? ?????? ?????? ?????? - ????? ?????? ?????? ?????? ?????????????? ?????: ??????????  
????????? ??? (?? ????. ??? 09/001, ?. 49), ??? ?????????????? ??? ??? ?????? 2004/7/??  
??? ??????????, ??? 20?? ?????????? 2004 (?? L 27, ?. 44, ??? ????: ??? ??????).

2 ? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? Vandoorne NV  
(?? ????: Vandoorne) ??? ??? Belgische Staat (????????? ????????) ??????? ?? ?????? ???  
????????? ?? ?????????? ??? ?????? ??? ?????? ?????????????? ????? (?? ????:  
???) ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?? ??? ?????? ?????????? ??????????.

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

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

3      ?? ?????? 2 ??? ?????? ????????

«???? [??] ??????????»

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

2. ?? ?????????? ?????.»

4      ?? ?????? 5, ??????????? 1, ??? ?????? ?????? ??????:

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

5 ?????????????????? ???? ???? VII, ? ?????? ?????????? «????????????? ???? ???? ?????? ???? ????» . ?? ????? 10 ??? ???? ?????? ?????? ???? ???? ????:

«1. ??????????? ??·

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

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

2. ? ?????????????? ??? ? ?????????? ??? ? ?????? ?????????? ?????????? ??? ???? [...]»

6      ?? ???? 11, ?, ?????????? 1, ??? ???? ???????, ?? ?????, ????????????????? ???.  
????? ???. VIII ? ?????? ?????????? «????? ??????? ???. ??????». ??????:

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

??????????, ?? ?????????? ?????? ? ??????? ?? ?????????? ??? ??????, ?? ?????? ???  
????????? ?? ?????????????? ??? ??? ?????? ?????? »

7      ?? ???? 27 ??? ????? ????????, ?? ????? ?????????????????? ??? ????? ??V ?  
?????? ?????????????? «????? ??????????????», ??? ? ????;

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

[...]

5. ?? ?????? ????, ?? ?????? ??????????? ??? 1?? ??????????? 1977 ?????? ????,  
????? ?? ??????????? ??????? ??? ??????????? 1, ??????? ?? ???? ???????, ??? ?? ???  
??? ?? ?? ??????????? ??? ??????? ??? 1?? ??????????? 1978 ??? ?? ???  
?????????? ???, ??????????? ??? ??????? ??????????? ??? ??? ??????????? ???  
?????????? ??? ???, ?? ????? ??? ????? ??????????? ??? ?? ??????? ?? ??????????? ???  
?????????? 1.»

8 ?? ?????? 92/12/??? ?? ????????, ?? 25?? ??????????? 1992, ??????? ?? ??  
?????? ????????, ??? ??????, ?? ??????????? ??? ??? ?????? ??????? ??? ??????? ???  
?????????? ?? ??????? ??????? ??????????? (?? L 76, ?. 1), ?? ?????? ??? ??????? ???  
??? ??????????????? ??????, ??????, ??? ?????? ??? 6, ??????????? 1, ??? ? ??????  
????? ??????????? ??????????? ??????????? ??? ?? ??? ??? ??????? ?? ???????,  
?????, ?????? ????, ??? ?????? ??????? ??? ??????????? ?????? ?? ??? ??????? ???  
?????????? ???????.

9 ?? ?????? 10 ??? ?????? 95/59/?? ?? ????????, ?? 27?? ?????????? 1995, ??? ??  
?????, ??? ?? ??? ?????? ???????, ?? ?????? ??????????? ??? ??????????? ???  
?????????? ?????? (?? L 291, ?. 40), ??? ?? ???:

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

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

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

10 ?? ?????? 77, ?????????? 1, 7°, ?? ?????? ??? ?????????????? ??? (?? ???:  
?????? ???) ??? ?? ???:

«????????? ??? ?????? 334 ?? ?????????????? ??? 27?? ?????????? 2004, ? ???  
??? ?????? ??????? ????, ?????? ?????????? ? ?????? ?????????????? ??? ?????? ??????  
?????????? ??????:

[...]

7° ?? ?????????? ???? ?? ?????? ??? ?????? ??? ?????? ?? ?? ?????? ???????????.»

11 ?? ?????? 58, ?????????? 1, ??? ?????? ??? ??????:

«????? ???? ?? ?????????????? ??? ?????? ??? ??????????, ?????????? ??? ?? ??? ?????? ???  
?????? 25 ter ? ?????????? ??? ??????, ? ?????? ??????????? ?? ??? ??? ??????????  
??? ??????, ???? ??? ?????????? ? ?????????? ?????? ??? ??? ??????????  
?????????? ??? ??????, ???? ?????????? ?????? ?????? ??? ?????? ???????????. ?

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

[...]

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

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

12 ?? ?????? 58, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? 27, ?????????? 5, ?? ?????? ??? ?????? ??? ?????? ??????????, ??? 19  
????????? 1977, ?? ?????? ??? ?????? ??? ?????? ?. ? ?????????? ??? ?????? ????:

«B. ?????? ??? ?????? ?? ?????????? ????.

1. ?? ?????? ?????????????????? ????

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

13 ?? ?????????? ?????? 13, ??? 29? ?????????? 1992, ??? ???? ?????????? ???  
????????????????? ?????? ??? ?????? ??? ?????? ?????????????? ?????? (Belgisch  
Staatsblad, 31 ?????????? 1992, ?, 28086), ??????:

«????? 1

? [?] ??? ??? ?????????????????? ??????, ?????????????????? ??? ?????????????? ????,  
?? ??? ?????? ??????????, ?????????? ??? ?????? ??? ?????? ??? ?????? 25 ter ??? [?] ?  
????????????? ??? ??????, ?????????? ?????????? ?????????? ?? ??? ?????? ???  
?????????.

?? ??? ???? ???? ???? ?????????? ?????? ?? ?? ???? 58, ?????????? 1, ??? [?] ???  
[?] ?????????? ??? ???? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ????  
??? ?????? ??? ?????? ???.

[...]

????? 2

????? ?????????? ??? ???? 5, 8° ?? 9°, ??? ?????? ?????????? ?????????? 1 ??? ???? ??? ????  
?? ?????????? ??? ?????? ??? ?????? ?????????? ??????, ?? ??????????  
????????????????? ?????? ?????? ?????????? ?? ??? ?????? ?????? ?????? ?????????? ? ????.  
????????, ??? ?????? ?????? ??? ?????? ?? ?????????? : “????????????? ?????? ????: ???  
????????? ??? ???? ??? ???? ?????? ?? ??????.”»

14 ?? ?????? 6 ??? ?????? ??? 10? ?????? 1997 ??? ???? ?????? ?????????? ??? ???

??????, ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? (Belgisch Staatsblad, 1 ?????????? 1997, ?. 19836) ?????? ??? ? ?????? ???  
????????????? ?????????? ?????????? ??? ?? ??? ???? ??????, ??????, ?????? ?????, ???  
??? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????.

15 ?? ??? 10 bis ??? ??? 3? ?????? 1997 ??? ??? ?????????? ?????????? ???  
?? ?????????????? (Belgisch Staatsblad, 16 ?????? 1997, ?. 12105) ?????? ???  
?? ?????? ??? ?????????? ??? ???? ?????? ?????????? ??? ?? ??? ?????? ?????? ???  
????????? ??????.

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

16 ? Vandoorne ??? ?????????? ?? ?????????? ?? ??? ??? ??? ?????? ???  
????????????? ??? ?????????? ?? ?????????? ?? ?????? ?????????????? ????. ???  
????? ???, ?????????? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ???  
?????, ??????, ??? ?????????? ???/ ?????? ???, ??????, ??? ?????????? ???  
??/? ?????? ?????? ??????.

17 ?? ??????????, ??? ?? ?????????? ??? ?????????? ?? ?????? ?????????? ???  
????????????? ??? ?????? ??? ?????????? ??? Vandoorne ??? ??? ?????? ???  
????????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??  
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
58, ?????? 1, ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 13.

18 ??? ?????????? ???, ??? ?? ?????? 2 ??? ?????? ??? ?????? ??????????, ???  
????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? Vandoorne ?????????? ? ??????  
«????????????? ????: ??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ???  
??? ?????????? ??? ?????? ????. ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
Vandoorne ??? ?????? ?????????????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
????? ?????????? ??? ?????? ???.

19 ?? ?? ?????? ??? ?? ?????? ?? ?? ?????? ??? 2006, ? Vandoorne ?????? ???  
?? ?????? ?? ?????????? ? ?? ?????? ?? ?????? ?????????? ?????????????? ???  
??? Capitol BVBA (??? ?: Capitol), ?????? ?????? ?????? ??? ?????? ??? ?????????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 14 ?????? 2005.

20 ? ?????? ??? ?????????? ??? ?? ?????? ?? ?? ?????????? ??? ??? ??? ??? ??????  
?? ?????? ?? ??? ?????????? ???, ?????? ? ?? ?????? ?? ?????? ?? ?????? ???  
????? ??????????, ??? ?? ??? ?????? ?????? ?????? ??????????, ?????? ??? ??  
??????????, ??? ?? ??? ?????? 58, ?????? 1, ??? ?????? ???.

21 ?? ?????? ??? 8?? ?????? 2008, ??? ?? rechtbank van eerste aanleg te Brugge  
????????? ?? ?????? ??? ?????? ??? Vandoorne.

22 ??? ?????? ???, ?? hof van beroep te Gent ??????????, ??? ?? Belgische Staat,  
?? ?? ??????????, ???' ?????????? ??? ?????? 58, ?????????? 1, ??? ?????? ??? ??  
????????? ??? ?????????? ?????????? 13, ?????? ??? ?????? ??? ?????????? ?? ??? ??  
????????? ??? ?????? ??? Vandoorne ??? ??? Capitol, ?????? ? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?? ??? ?? ?????????? ? ??? ?????? ??? ??????????  
?? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????????? ?? ?????? ??? ?? ??? ?? ?????????? ?? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

23      ????? ??????, ?? ??????????? ????? ??????????? ?? ? ?????????? ??? ?????????????? ??  
?????? 27 ??? ?????? ??????? ??????? ??????????????? ??????? ?? ?????? ?? ?????????? ??  
????????? ??? ?????????????? ?????????????? ??? ??? ????? ?????????? ?????????????? ??????????????  
???? ? ?????? ??? ????? ?????????????? ??? ?????? ??? ?????????? ?????????? ??? ??? ??????????  
?????. ??????????????, ?????? ??? ?? ?? ??????? ?????????????? ???, ?????? ?? ??????????  
?????? ?????????? ??? ??? ?????????????? ?? ??? ??????????, ? ??? ?????? ??? ?????????? ???,  
????? ?????????????? ???, ?? ??? ????? ?????????????? ?????????? ???????, ?? ??? ??? ??? ?????? ???  
????? ?? ?????????? ??????????, ?????? ? ?????????? ??? ?????? ?? ?????? ??? ?????????? ?? ??????????  
????? ??????? ????. ??????, ??? ????? ?????????? ?????????? ?????????? ?????? ??? ?????????? ???  
????? ??? ?????? ??? ?????????????????? ???, ? ?????????? ?????? ??? ?? ?????????? ?? ??????????  
?? ?????????? ???, ??? ?? ?????? ??? ?????? ??? ??????????.

24     ???. ??? ?????????? ??????, ?? hof van beroep te Gent ?????????? ?? ?????????? ??  
????????? ???. ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????;

«?????? ? ??????? ??????????, ??? ?????????? ?? ?????? 58, ?????????? 1, ?? ??????? ??  
?? ????? 77, ?????????? 1, 7°, ??? ?????? ??? ??? ?? ????? 27 ??? ????? ?????? [...] , ??  
????? ??????? ??? ????? ??? ?????? ?? ?????????? ?? ?????????? ????? ?????????????, ???/?  
????? ?? ????? 11, ?, [?????????] 1, ??? ????? ??????, ?? ????? ?????? ??????? ??  
????????? ? ??? ? ?????????? ?????? ? ??????? ?? ??????????, ?????? ? ?????????? ???  
[...] ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??? ?????? ??? ?????????? ??????????  
?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? [...] ??? ?????? ?????????? ??  
????????? ? ???, ??? ?????? ? ?????? ?????? ??? ?????????? ??? ??????????, ?????? ??????????????  
????? ??? ?????? ??? ?????????? ?????? ?????????? ?? ??? ??? ??? ??? ??? ??????????  
?????;»

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

25 ???' ?????, ?????? ?? ??????????? ??? ?? ?????????? ??? ??????????, ??? ??????????, ??? ???????????, ??? ??????????  
??? ?????????? ??? ?? ?????? 267 ???, ?? ?????????? ??? ?? ?????????? ??? ?????????? ??????  
????????? ?? ?? ?????? ??? ??????. ??? ?????, ?? ?????????? ??? ?????? ?????? ?????? ?? ??????????  
??? ?????? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??????????  
??? ?????? ??? ?? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ?? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (??., ?????? ???, ?????????? ?? 5??  
?????? 2007, C?145/06 ??? C?146/06, Fendt Italiana, ??????? 2007, ?. I?5869, ????? 30, ???  
?? 9?? ??????? 2010, C?379/08 ??? C?380/08, ERG ???., ??? ??? ?????? ?????????? ???  
??????, ??? 25).

26      ??? ??? ?????????? ??????, ?? ???????? ??? ?????? ?????? ??? ?????? ??? ??? ??? ?????? ???  
?? ?????? ?????????? ?????? ??? ?????? ?? ?????????????? ??? ?? ?????????? ?? ???? ?????? ?? ????  
11, ?, ?????????? 1, ??? 27, ?????????? 1 ??? 5, ??? ?????? ?????? ?????? ??? ?????? ???  
???? ?????????? ??? ?????? ?????? ?????????, ??? ? ?????? ??? ?????? ???, ?  
?????, ?????????? ??? ? ?????? ?????????? ??? ???, ??? ?????????? ??????, ?????? ???  
????? ??? ???? ??? ?????????? ??? ???? ?????? ?????????? ?????????? ???, ?????? ???  
?? ?????? ??? ?????????? ??????????, ?? ?????? ?????????? ?? ???? ??????????  
????? ??? ?????? ?????? ??????????, ?? ?????? ?????????? ?? ???? ??? ?????????? ??  
????????? ??? ?????? ??? ?????? ?????????? ??????????.

27 ???????, ?????? ?? ?????????????? ??? ?? ?????????????? ?????? ?????? ?????? ???

27, ?????????? 1 ??? 5, ??? ????? ???????, ?? ????? ?????????????? «?? ????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? », ?????? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? 11 ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (???. ??????????) ??? 10?? ???????? 1984, 324/82, ???????? ??? ???????, ???????? 1984, ?. 1861, ????? 29, ??? ??? 29?? ????? 1997, C-63/96, Skripalle, ??????? 1997, ?. I-2847, ????? 24). ????????, ?????? ?? ????? ?????????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (????????? ??? 19?? ?????????? 2000, C-177/99 ??? C-181/99, Ampafrance ??? Sanofi, ??????? 2000, ?. I-7013, ????? 60, ??? ??? 29?? ???????? 2004, C?17/01, Sudholz, ??????? 2004, ?. I?4243, ????? 46).

28      ?? ????????????, ?????????? ???, ??? ???? ?? ??????? ?????????? ?????????? ??? ???? ??????  
??? ??? ?????? ??????? ? ??????? ??? 15?? ?????? 2006, C?494/04, Heintz van  
Landewijck, ??????? 2006, ?. I-5381, ??????? 24, 44, 54 ??? 62), ?? ??????? ???????  
???????, ?? ????? ?????????????? ??? ??????? ????? ?????? ??? ?????? ?????? ?????? ???  
????????? ??? ??????? ??? ????? ?????????? ???????, ??? ?? ?????? ??? ?? ??????????  
???? ?? ??????? ??? ??????? ??? ?????????? ??? ??????? ?????????? ??? ?? ??? ?? ??????????  
??? ?????????? ??? ?????, ? ?????, ??? ?? ??? ?? ?????? ?????????? ???????, ???????,  
???? ?? ??? ?????? ??? ??????? ??????? ??? ???????, ??????? ? ??????? ??? ?? ??????  
??? ?? ??? ??????? ??? ??????? ?? ??? ?????? ??????? ??? ?????? ?????????? ???, ??? ?? ????  
????????? ??? ??? ?????? ??? ??????? ??? ??????? ??? ?????? 10 ??? ?????? ????????. ????????, ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ? ?????????? ???,  
??? ?????? ??? ? ?????? ??? ?????? ?? ?????????? ?? ??? ?????? ?????????? ??? ?????????? ???,  
????????? (?. ??????? ??? 14?? ?????? 2005, C?435/03, British American Tobacco ???  
Newman Shipping, ?????? 2005, ?. I?7077, ?????? 45 ??? 46).

29 ????????, ??? ?????????????? ???, ??? ?? ?????? ?????????? ?????????? ?????????? ???  
?????? ??? ?? ?????? ?????? ?????? ? ?????????????? ?????? Heintz van Landewijck (?????  
55), ?? ?? ?????????? ?????? ???????, ??? ?????????? ?????? ??? ?? ?????? 58,  
????????? 1, ??? ?????? ??? ?? ??? ?? ???? ?????????? ??? ?????????? ??? ?? ??????  
?? ?????? ?????????? ?????? ??? ?????? 27, ?????????? 5, ??? ?????? ??????,  
????????? ??? ?????????? ??? ?????? 12 ??? ?????? ???????, ?????? ?? ??? ??  
????????? ??? ?? ??? ?? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ???,  
????? ?? ?? ??? ?? ?????? ?????? ?????????? ?? ?????? ?? ??? ?????????? ??? ?? ?????????? ???  
????? ??????.

30     ?? ???????????, ?????? ?? ??????????? ??? ?? ????? 27, ??????????? 1, ??? ?????  
?????? ??????? ??? ?????? ?????? ??????? ?? ?????????? ??? ?????? ?? ??????? ?? ??????? ?? ????  
??? ??????????? ??? ?????? ??? ?????? ??? ?????? ??????????? (??. ??????? ??? 12??  
?????? 1988, 138/86 ??? 139/86, Direct Cosmetics ??? Laughtons Photographs, ??????? 1988,  
. 3937, ??? 52, ??? ??????????? ??????? Heintz van Landewijck, ??? 57).

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

????????? ?? ??? ???? ??????????? ?????? ??? ?????? ??? ?????? ??????????????? (??., ???  
???? ??????, ??????????????? ?????? Heintz van Landewijck, ?????? 56 ??? 58).  
??????????????, ??? ?????? ?????????????? ???????????, ?? ?? ??? ?????? ???, ??????????  
??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????????? ???, ???????,  
??? ?????????? ?????? ?????????? ??? ?????????? ?????? ?????? ?????????? ???, ??????  
(????????????? ?????? Sudholz, ??? 62).

32    ????????, ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ?? ????????  
??? ?????????? ??? ?????? 27, ?????????? 1, ??? ?????? ?????? ???, ??? ??? ?????? ??????  
??????, ??? ?????????? ?? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ???  
??? ?????????? ??? ?????????? ??? ?????????? (??., ??? ??? ?????? ??????,  
????????????? ?????? Heintz van Landewijck, ?????? 58 ??? 59).

33    ??? ????, ?? ??? ?????? ??????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?  
Vandoorne ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? 11, ?, ?????????? 1,  
??? 27, ?????????? 1 ??? 5, ??? ?????? ??????, ?????? ?????? ?? ??????? ?? ??????? ??  
????????? ?? ??? ?? ?????????? ?? ?????????? ??? ?????????? ??? ??????????, ??????????  
??? ?????? ??? ?? ?????????? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ??? ???  
????, ??? ?????????? ??? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ???  
????? ??? ?????????? ??? ?????? 27 ??? ?????? ?????? ?????? ?????????? ??? ??????????  
????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?? ?????????? ?? ??????????  
? ?? ??????????. ??? ?? Vandoorne, ?????? ??? ?????? ?????? ?????? ?? ??????????  
????????, ??? ?????? ?????????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ??????  
??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????. ???????, ?????? ??? ??  
????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
??? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
????????? ??? ???, ??????, ??? ?????? ??? ?????? ?????? ?????? ?????? ??????  
?????????, ??? ?????? ?????? ??? ?????? ?????? ?? ??? ??? ?????? ?????? ?????? ??????  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????.

34    ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ???.

35    ??????????, ??? ?????? ??? ?? ?????? 28 ??? ?????? ??????????, ???  
????????? ???, ??? ?????? ?????????? ??? ?? ?????? ??? ?????? ???, ? ??????,  
??? ?????????? ???, ?????????? ??? ?? ?????? ??? ?? ?????????? ??? ??????  
????? ??? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ?????????? ???  
????????? ???, ?????????? ?? ??? ?????? ?????? ?????? ?????????? ??? ??????  
????????? ??? ??? ?????? ??? ?????? ??? ?????? 10 ??? ?????? ???.

36    ????????, ?? ?????????? ??????????, ??? ? Vandoorne ??? ?????? ??? ??????  
?????, ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ?????????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ???, ???  
??? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????  
????? ?? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????  
????? 17, ?????????? 2, ??? ?????? ?????? ???, ??????, ?? ?????? ??? ?????????? ???  
????? ??? ?????? ?????? ??? ?????? 10, ?????????? 2, ??? ?? ??? ?????? ?????? ??? ????  
????????? ??? ??? ?????? ??? ?????? ???.

37    ???, ?? ?????????? ??? ? ?????? ??? ?????? ???, ??? ?????????????? ???, ???  
????????? ??? ?????? 18 ??? ?????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?????? ??????, ?????? ?? ?? ?????????? ??? ?????? 13 ??? ?? ??? ??????  
????? 2 ??? ?????? ?????? ?????????? 13, ??? ?????? ?????? ?????? ???, ??????  
?? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ?? ??? ??? ??? ?????? ???

???? ?????????????? ? ??? ??????????? ??? ?????? ??? ?????? «????????????????????? ?????: ??? ??????????? ??? ?????? ??? ??? ?????? ?? ??????».

38     ????? ??? ??????????? ??????, ?? ?????????????? ??????????????, ?????? ??? ??????????? ?  
?????????? ??? ??? ??? ?????????? ?????????????????????? ??????, ??? ??????? ??  
????????? ??? ?????????? ???, ?????? ??? ?????? 11, ?, ?????????? 1, ??? ?????? ???????, ??  
????????? ?? ??????????, ??? ??? ???????, ??? ?????????? ??? ?????????? ?????.

40 ????????, ??? ?????? ???? ?????????????? ?????????????? ?????????????? ??? ??? ??? ??? ??  
?????? ??? ?????? ???, ?????? ?? ??? ??? ??? ??? ?????????? ?????????? ??????????  
????????? ??? ??? ?????????????? ???? ?????????????? ?????????? ??? ?? ??? ??? ?????????? ???  
????????? ??? ??? ?????????????? , ???, ??? ?????????????? ??? ?????? 29 ??? ??????????  
????????? , ?? ??? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????????? , ? ???  
????????? ?????????? , ??? ?????? ??? ?????? ??? ?????? ?????? ?????? , ?????? , ?????? ???  
????????? ??? ??? ??? ?????????????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ???  
????????? ??? ???.

41    ??? ??? ?????????? ????, ?????????????? ??? ? ? ? ??? ????? ?????? ?????????? ?????????? ??????????  
????????? ??? ? ? ? ?????????? ?? ?????? ??? ?????????? ??? ?????????? ??? ? ? ? ??????  
????????????????? ?????? ?? ?????????? ??? ?????? ?? ?????????? , ?????????? ??? ? ? ?  
?? ? ?????????? ??? ? ? ? ?????? 27, ?????????? 1, ??? ?????? ??????, ?? ???? ???  
????????? ??? ? ? ?????? ??? ?????? ??? ?????? ?????????? ???, ???????, ?? ??????????  
????? ??? ? ? ?????? ??? ?????? ??? ?????? ??? ?????? ????. ?????? ?? ?????????? ??? ?????? ??????????  
?? ? ?????? ??? ?????? ??? ? ? ? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ? ? ?  
????????????? ? ??? ?????????? ?????????????????? ??????, ?? ??? ?????????? ??? ? ?  
????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? ??? ? ? ? ??? ?????????? ??? ? ?  
????? ??? ?????????? ??? ? ? ? ?????? ??? ?????? ?????? ??? .

42      ???????, ?????? ????????, ??? ? ?????????? ?????????? ?? ??? ?????????????? ???, ??  
????????? ???, ?????????????? ??? ???? ?????? ???, ?? ?????? ?????? ?? ?????? ??? ?????? ???  
????????? ???????????, ??????, ?? ??? ?????? ??? ???? ??? ???? ?????? ???, ??? ???  
????????? ??? ??????????? ??????. ???, ??? ?????? ?? ?????????? ???, ??, ??  
????????? ?? ??? ??? ??? ??? ?????? ?????????? ??? ???, ?? ?? ??? ??? ?????????? ??  
?????????? ??? ??? ???, ?? ?????? ??? ?? ??????, ??? ?????????? ??? ??? ???  
?????????? ??? ??? ???.

43 ??????????, ?????? ?? ??????????????? ??? ?? ?????????????? ?? ?????????????? ??????????????????,  
???? ?????? ??? ?????? ?????? ???????????, ?? ?????? ?? ?????????? ?? ?????? ?????? ?????? ???  
????? ??? ???, ? ?????? ??? ?? ?????? ??? ?????? ?????, ??? ? ??????????, ?????? ? ??????????, ??????????????  
????? ??? ?????????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??  
????????? ??? ??????????, ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????????? ?????????? ?  
????????? ??? ??? ???, ??? ? ?????? ??? ? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????????? ???, ?? ?????????? ?? ?????????????????? ??? ? ??????????, ???  
?? ??? ? ?????????? ??? ?????????? ??? ??? ? ?????? ??? ? ?????????? ??? ?????????????? ???  
??? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??? ???  
27, ?????????? 1, ??? ?????? ?????? (??., ???' ??????, ?????????????? ?????? Heintz

van Landewijck, ??????? 43, 62 ??? 65, ??? ??????? ??? 13?? ?????????? 2007, C?374/06, BATIG, ??????? 2007, ?. I?11271, ????? 39).

44 ???????, ? ????? ??? ????????, ??? ?????? ??? ??????????? ?? ???????????,  
?????????? ??????????? ??? ??? ??????? ??????????? ??????? [??.. ??????????? ?? 10??  
?????????? 2002, C?491/01, British American Tobacco (Investments) ??? Imperial Tobacco,  
?????? 2002, ?. ??11453, ??? 87, ??? ??? 29?? ??????? 2004, C?222/01, British American  
Tobacco, ?????? 2004, ?. I-4683, ??? 72, ??? ?????????????? ??????? BATIG, ??? 34].

45 ????????, ? ?????????? ?? ?????????????? ?????????????? ?????????????? ?????????????? ,???? ?  
Vandoorne, ?? ??? ?????????????? ? ??? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ???? ???  
????????? ?????????????????????? ?????? ??? ?????????????? ????? ?????????? ?????????? ??????????  
????????? ?????? ??? ?????????? ????? ?? ?????????? ????? ?? ?????????? ????? ?????? ???, ?? ?????? ???  
?? ?????? ??? ?? ?????????? , ??????? ?? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? 27,  
????????? 1, ??? ????? ?????? , ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??? ????  
????????? ??? ?????????????? ? ??? ?????????????? ????? ?????? ??? ?????????? ??? ?????? ?? ?????????? ???.

46      ????? ????????, ??? ?????? ??? ?????? ?????? ?????? ?? ?????? ? ?????????? ??? ?? ?????? 11,  
?, ?????????? 1, ??? 27, ?????????? 1 ??? 5, ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ?????????, ??? ? ?????? ??? ?????? ??? ?????? ???, ? ??????,  
?????????, ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ??? ??? ?????????? ??? ?????? ???  
? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????????????? ??????, ??? ? ?????? ?????????? ???  
???, ??? ?????????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ????  
????????? ??? ?????????? ???, ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ???, ??  
????? ?????????????? ?? ?????????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??  
????? ?????????? ?? ??? ?? ?????????? ?? ?????????? ??? ?????? ??? ?? ?????? ?????????? ???  
?? ??????.

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

47 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ????? ?????????? ??? ?????? ?????  
??? ?????????? ?????????????? ??? ??????? ?????????? ??? ?????????? ??????????????, ?' ????  
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ????? ??????????????  
???? ?????????? ?????????? ??? ??????????, ??? ??? ?? ??? ????? ??????, ???  
?????????????.

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

?? ?? 11, ?, ?????????? 1, ??? 27, ?????????? 1 ??? 5, ??? ????? ??????  
77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ??? ??????????  
??? ?????? ??????, ??? ??????? ?? ??? ????? ?????? ?????? ?????? – ??? ??????  
????? ?????????????? ?????: ?????????? ?????????? ???, ??? ?????????????? ??  
??? ?????? 2004/7 ??? ??????????, ??? 20?? ?????????? 2004, ????? ??? ?????? ???  
????????? ??? ?????? ?????? ??????, ??? ? ?????? ??? ?????? ???, ?  
?????, ????????, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ?????????????? ???  
????????????? ? ??? ?????????????? ??? ?????? ?? ?????????????????? ???, ??? ?  
????? ?????????? ??? ???, ??? ?????????? ???, ?????? ??? ??? ??? ??? ?  
??? ?????????? ? ??? ?????????? ??? ?????????? ???, ?????????? ?? ??????????  
??? ?????????? ??????????, ?? ??? ?????? ?????????? ?? ?????????????? ??  
??? ?????????? ??????????, ?? ??? ?????? ?????????? ?? ??? ??? ??? ?????????? ??  
????????? ??? ?????? ??? ?? ??? ????? ?????????? ??? ??? ?????????? ??.

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

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