

?????? C-499/10

Vlaamse Oliemaatschappij NV

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FOD Financiën

(?????? ??? rechtbank van eerste aanleg te Brugge

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

«????? ?????? ??? – ??????? ?? – ?????? ?????? – ?????? ?????????? ??? ?? ?????? ??????
????????? – ??????? ?????????? ??? ?? ?????? – ?????? ?????? ??? ?????????? ??? ??????????
????????? – ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??? ?????????? ??? ?? ?????? ?????? ??? ?????? – ??? ?????? ? ?????? ?????? ?????? ?
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????????? – ?????????? ??? ?????????? – ?????? ?????? ?????? – ?????? ?????? ?????? – ??????
????????? ??? ?????????????? ??? – ?????????? ??? ?????? – ?????????? ??? ?????? ???
?? ?????? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ??????

(?????? 77/388 ??? ??????????, ????? 21 § 3)

? ? ????? 21, ?????????? 3, ??? ??? ?????? ?????? 77/388 ??? ?????????? ??? ??????????
??? ?????? ????, ??? ?????? ?? ??? ?????? ?????? ??????, ??? ?????????????? ??
??? ?????? 2001/115, ??? ?????? ?? ??? ?????? ?????? ?? ?????????? ?? ?????? ??? ?
????????????? ?????????? ??? ?????? ?????? ?????????? ?????????????? ??????
????????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??????????????
????? ??? ?????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??? ??????????????, ??? ???
????????? ????, ??? ??? ?????????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?????????????? ????, ????
??? ?? ? ?????????? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ????.

??????, ??? ?????? ??? ?????? ?????? de facto ??? ?????? ??????????????
????????? ??? ?? ?????????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ??
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??
????????????? ????, ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ??????????
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??? ??
????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ????, ??? ?????? ?? ?????????? ?????? ?? ??? ?????? ??? ?????????????? . ??????????????,
?? ??? ?????? ?????? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??.

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

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

(???. ??????? 24, 26, 28 ??? ??????.)

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

?? 21?? ?????????? 2011 (*)

«???? ?????? ??? – ??????? ??? – ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??????????
????????? – ??????? ?????????????? ??? ?? ?????????? ??? ?????????? ??? ??????????
????????????? – ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???
??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? – ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????????»

???? ?????? C499/10,

?? ?????????? ??? ?????? ?????????? ?????????????? ?????????? ??? ?????? 267 ???,
????????? ??? ?? rechtbank van eerste aanleg te Brugge (?????) ?? ?????? ??? 13??
????????? 2010, ? ?????? ?????? ??? ?????????? ??? 19 ?????????? 2010, ??? ??????
??? ????

Vlaamse Oliemaatschappij NV

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FOD Financiën,

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

????????? ??? ??? J. Malenovský, ?????? ???????, ?. ?????? (???????) ??? D. Šváby,
???????,

?????? ??????????: V. Trstenjak

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

?????? ??? ??? ?????? ?????????? ??? ??????? ??? ??' ?????????? ??? ?????????? ??? ??
29?? ?????????? 2011,

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

– ? Vlaamse Oliemaatschappij NV, ?????????????? ??? ??? T. Leeuwerck, advocaat,

– ? ??????? ????????, ?????????????? ??? ??? M. Jacobs ??? ??? J.-C. Halleux,

– ? ?????????? ????????, ?????????????? ??? ?? L. Lozano Palacios ??? ??? B. Burggraaf,

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

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1 ? ?????? ??????? ?????????????? ?????????????? ?????? ??? ?????????? ??? ?????? 21,
?????????? 3, ??? ????? ?????? 77/388/??? ??? ???????????, ??? 17?? ????? 1977, ???
????????????? ??? ??????????? ??? ?????? ??????, ??? ?????????? ?? ??? ????? ?????? ??????
????????? – ????. ?????? ??????? ????? ?????????????? ?????: ?????????? ?????????? ??? (?
???. ??. 09/001, ?. 49), ??? ?????????????? ?? ??? ?????? 2001/115/?? ??? ??????????,
?? 20?? ?????????? 2001 (?? 2002, L 15, ?. 24, ??? ????: ??? ??????).

2 ? ?????? ??? ??????????? ??? ?????? ??????? ??????? ?????? ??? Vlaamse
Oliemaatschappij NV (??? ????: VOM) ??? ??? FOD Financiën (?????????? ??? ??????????)
?????? ?? ??? ??????? ??? ??? ??????? ??? ????? ?????????????? ????? (??? ????: ???)
?????? ?? ?????????? ??? ????? ??????? ??? ????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ???
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3 ?????? ??? ??????? 16, ??????????? 1, ?????? ??????, B, ?????? ??????, ????????,
????? ??????, ??? ?????? ??????, ??? ?????? ??? ???? ?????? ?? 28?, ?????? E, ?????? 1,
????? ??????????, ?? ?????? ??? ?????? ??? ?????????? ?? ??? ?????????? ?? ???, ???
????????? ??????????????, ??? ?????????? ?????? ?? ?????? ?????????????? ?? ?????? ???
????????? ?????????????? ??? ?????? ?? ?????????? ??? ??????????????.

4 ?????? ?? ??????? 16, ??????????? 1, ??????? ???????, ??? ??????? ??????, ??? ??????? ????
 ?? ?????? ??? 28?, ??????? E, ?????? 1, ?????? ??????????, ? ?????????? ??? ?????? ???
 ?????????? ??????? ?? ?? ?????? ??????? ??? ?????????? ?????? ?????? ??? ?????? ?? ??????? ??
 ?????????? ?? ??????? ?? ?????? ??? ?? ?????????? ? ??? ?????????? ??? ??
 ?????????? ?? ??????? ?? ?????? ???????, ??? ?????? ??? ?????????? ??? ?? ?? ?????? 21,
 ?????????? 1, ??????? ??, ?????? ???????, ??? ?? ?????? ??????.

5 ?????????????? «????????? ??? ????? ?????? ??? ??????????», ?? ????? 21 ??? ?????
????????, ??? ????? ??? ???? ????? ??? 28? ??????:

«1. ?????????????? ??????????, ? ?????? ?????????????? ?????? ??????????;»

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

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

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

) ??? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
????????? ??? ?? ??? 9, ?????????? 2, ???????? ?, ? ??? ??? ?????? ???
????????? ?? ??? ?????? ?????????? ?????? ??? ??? ?????????? ??? ?????, ??? ???
????? ?????????? ?????????? ??? ?????????? ??? ?????? 28?, ?????? ?, ?, ? ??? ?, ??
?? ?????????? ?????????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ???
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) ??? ??? ?????????? ??? ?????????? ???, ??? ?????????? ?? ??????????
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- ? ?????????? ??? ?????? ?????? ?????? ?????? ?????????????????? ??? ??? ??? ?????? ???
????????? ??? ??? 28?, ?????? ?, ?????????? 3,

- ? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ??? ?????????? ??? ??????,

- ?? ?????????? ??? ?????? ? ?? ?????????????? ??? ?????????? ??? ?????? ??? ??????????
????? ??? ??? ?????? ?? ??? 22, ?????????? 3.

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

) ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??
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) ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????.

2. ??? ?????????? ??? ??? ?????????? ??? ?????? 1:

) ?? ? ?????? ??? ?????, ???' ?????? ??? ?????????? ??? ?????????? 1, ???
????????? ??? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????????? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
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) ??? ? ?????????? ??? ?????? ?????????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
76/308/??? ??? ??? ??? ?????? (???) 218/92 ??? ?????????, ??? 27? ?????????? 1992,
????? ??? ?? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? (???), ?? ?????? ???
????? ??? ?????????? ?????????? ??? ?? ?????????? ??? ? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

3. ??? ?????????? ??? ?????????? ??? ?????? ?????? 1 ??? 2, ?? ?????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ??? ?????.

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

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

6 ?? ?????? 4, ??????? ??, ??? ??????? 92/12/???, ??? ???????????, ??? 25??
?????????? 1992, ??????? ?? ?? ?????? ???????, ??? ???????, ??? ??????????? ??? ???.
????????? ??? ?????????? ??? ?????????? ?? ?????????? ?????? ?????????? (?) L 76, ?. 1),
?????? ?? «????????? ??????» ?????? «???? ?????? ??? ???????????, ???????????????,
??????????, ???????????????, ? ??????????????? ?? ?????? ??????????? ?????????? ??? ???.
?????? ??? ??????????? ???, ??? ??????? ??? ?????????? ??? ??????? ??? ?????? ?????? ???????????,
?????????? ??? ??????????? ?? ?????? ?????? ??????????? ??? ?????????? ??? ?????? ???????????,
?????????? ??? ??????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????????? ??? ???.
?????????»..

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

7 ?? ?????? 51 bis, ?????????? 3, ??? ??????? ??????? ??? ??????:

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

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

8 ? VOM ????. ?????? ??????? ?????????? ? ?????? ???????????, ??? ??? ??????? ???, ???
??????????, ?? ?????????? ?? ??????? ??? ?? ???????????, ?? ???????, ???????????
????????? ??? ??????? ??? ????????. ?? ??????? ?????????? ??????????? ?? ??????????? ???
????????? ??? ??????? ??? ??????? ??? ?????????? ?????? ???????, ?????? ?????????? ???
????????? ??? ??? ?????????? ?????? VOM ?????? «????? ??????» ?? ?????? ??????????
????????? ??? ??????? ??? ??????? ??? ???????????.

9 ???, ? VOM ?????????? «????????? ??????» ??? ?? ?????? ??? ?????? 4,
???????? ??, ??? ?????? 92/12. ??? ?? ??????? ??? ???????????, ???, ??? ?? 7
????????? 1999, ??? ?? ??? ??????? ?? ???????????, ??? ?? ???????????.
??????????, ??????? ??? ??????? ??? ?????????? ???????????.

10 ????. ??? ???????, ?? ??????? ??? ??????????? ??? ?????? ???, ???'
?????????? ??????????? ??????????? ??? ??????? ??? ?? ??????? ??? ???????????
??????????, ??????? ??? ??????? ??????????? ??? ???. ??? ?? ??????? ???
?????????? ??? ?? ??????? ??? ??????? ??? ??????????? ??? ???. ??? ?? ???????
?????????? ??? ?? ??????? ??? ??????????? ??? ??????????? ??? ???. ??? ?? ???????
?? ???????, ? ??? ??????? ??? ??????? ???' ???.

11 ? Ghebra NV (??? ????: Ghebra) ????. ?????????????? ????. ?????? ????. ??? ??????? ??
????????? ????. ??? ?????? ??? ?????? ??? VOM. ??? 20 ?????? 2003, ? Ghebra
????????? ?? ???????.

12 ??????? ??????? ??? ?? ???????, ??????????? ??? ?????? ?? ??????????? 7 ???????????
2006, ??? ?? ?????? ??????? ??????????? ???, ??? ?? ??????? ??? VOM, ?????? ?? ???????
?????? ??????????? ??? ?? ?????? ??? Ghebra ??? ?????? ??? ?? ??????? ??? 2003. ??
????????? ???, ?? ??? ?????? ??? ?? ??????? ??????????? ??? ??????? ??? ?? ???????
?? ?????????? ???, ??????????? ??? ??????? ?? ???, ?? ?? ??? ??? ?????????? ???????.

?????????? ?? 2 133 005 ????.

13 ?????? ?????? ?????????????? ??? ?? ???? ?????? ?????????? ??? Ghebra ???, ???
????????????? ??? ????????????, ??? ?? ???????? ??? ?????? ?????? ?????? ? ?????????? ???, ?
??????, ??? 11 ??????? 2006, ??????? ??? ?????? ??? VOM ??? ?????? ??? ?? ??? 51
bis, ?????????? 3, ??? ?????? ?????? ????.

14 ????. 31 ????? 2006, ? VOM ?????? ??????? ?? rechtbank van eerste aanleg te Brugge
?????? ???. ??? ??????????? ??.

15 ????? ??????? ??, ? VOM ???????????, ?????, ??? ? ???' ?????????? ??
?????? 51 bis, ??????? 3, ??? ??????? ?????? ??? ?????? ??? ?????????? ??
?????? ??? ?????????? ??? ?? ??????? ??? ?????? ??? ?????? ? ??????? ??
?????? ??????? ?? ??? ??????? ?????? ??? ?????????? ??????? ?? ???????????, ??
?????? ??????? ??? ?????? ??? ??????? ?????? ??? ??????, ?????? ? ?????? ???
????????????? ??? ?????????? ??? ??????? ??? ?????? ??? ??????????. ?????????? ???
??? ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ???
?????? ??? ??????? ??? ???, ?????? ?????????? ?? ?????? ??? ?????? ??? ???
??? ??????? ??? ??? ?? ??????? ?????? ??? ?????????? ?????????? ??? ???
?????? ?????? ? ??????? ?????? ??? ?? ??????? ?????? ??? ?????????? ???
??? ??? ??? ??????. ?????????? ??? ?????? ??? ??????????, ? VOM ?????? ???, ??
????????? ??? ?????? ??? ?????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ???
?????, ??? ??????? ??? ?????? ??? ?? ??????? ?? ?????? ??? ?????? ?????????? ??
????????? ??? ??? ?????? ??? ??????? ??? ?? ?????? ??? ?????????? ??? ?????? ???
?????? ?? ??? ?????? ?????? ?????????? ??? ??? ?????? ?????????? ??? ?????? ???
?????? ?? ??????? ?????????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?????, ? ?????? ?????? ??????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ???.

16 ?? FOD Financiën ??????????? ?? ?? ????? 51 bis, ?????????? 3, ?? ??????
?????? ?? ?? ?? ??????? ?? ?? ?? ?? ?? ???????????????, ?? ?? ?? ?????? ??????????
?????? ?? ??????? ?? ?? ????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?? ??????????? ?? ?? ?? ??????????
?????? ?? ?? ?????????? ?? ?? ?????????? ?????? ?? ?? ?????? ?? ?? ??????????? ?? ?? ?? ??????????.

17 ?? rechtbank van eerste aanleg te Brugge, ?????????? ?????????? ?? ?????? ?????????? ??
????? ?? ?? ?? ?????? 51 bis, ?????????? 3, ?? ?????? ?????? ?????? ?? ?? ?????? ?????? ??
?? ?????? ?? ?? ?????? ??, ???, ???, ?? ?? ?? ?????? ?? ?????????? ?????? ?? ?? ??
???????????????, ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?? ?? ?? ?? ?????????? ??
????????? ?? ?????????? ?? ??????:

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

18 ?? ?? ??????? ???, ?? ?????? ??????????? ?????? ???. ?? ?????????????? ?? ??
????? 21, ??????????? 3, ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ??.

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

19 ??????? ?? ??????????? ??? ?? ?????? 21, ??????????? 3, ??? ?????? ????????, ???' ??????,
?????? ?? ?? ?????? ??? ?? ??????????? ?? ??????????? ?????? ?????? ??? ?????? ??? ??????
????? ??????????? ??? ?? ??????????? ?????? ??? ?? ??????????? ??? ?? ?????? ??? ?? ??????
????? ??????? ?? ?? ?????? ??????? ?? ??????????? ??? ?? ??????????? ??? ?? ??????????? ??? ?? ??????????? 1
??? 2 ??? ?? ??? ?????? (??.. ??????? ?? 11?? ??? 2006, C?384/04, Federation of
Technological Industries ?.., ??????? 2006, ?. I?4191, ????? 28).

20 ????? ??????, ????, ??? ?????? ??? ?????????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ????????,
?? ?????? ????, ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
??? ?????? ????, ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???
????????? ????, ??? ?????? ?????? ??? ?????? (??., ?????? ????, ?????????????? ????)
Federation of Technological Industries ???., ?????? 29, ??? ?????? ??? 21?? ??????????
2008, C-271/06, Netto Supermarkt, ?????? 2008, ?. I-771, ??? 18).

21 ???????????, ??? ????? ?? ???? ?? ??????????????????, ?? ?????????? ??? ????
?????? ???, ??????? ?? ??? ??? ??? ???, ?? ????? ??? ?????????? ?? ?????????????? ??? ???? ??
??????, ??? ?????????? ?????? ??? ?????????? ?????????? ??? ??????? ??? ??????????
??????, ?????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ??? ??? ?????? ??? ?????? ?
?????? ?????????? ??? ?????? (??., ?????? ???, ?????? ??? 27?? ?????????? 2007,
C?409/04, Teleos ?.?., ?????? 2007, ?. I-7797, ????? 19, ??? ?????????????? ??????
Netto Supermarkt, ????? 19).

22 ?????, ??????? ?????? ?????? ?? ?? ?????? ??? ?????????????? ??? ?? ?????? ?????? ??
????????????? ? ???? ?? ??????? ??? ?????????????? ?????????????? ??? ?????????????? ???
????????? ???????, ???? ?????? ?? ?????? ??? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ???
????? ??????? ???? ?????? (??., ?????? ????, ?????????????? ?????????? Federation of
Technological Industries ??., ????? 30, ??? Netto Supermarkt, ????? 20).

23 ?? ???????????, ? ??????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??? ???????
????????????? ???? ??? ?? ??????? ??? ?????????? ?????? ??????????????, ? ?????????????? ???
??????, ?? ??????? ??? ?????????????? ?? ??????? ??? ?????? ??? ??? ??? ?????? ??? ?????? ???
??? ? ?????? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
??? ??? ?????????? ?? ?? ??????? ??? ?? ?????????? ?????? ?????? ?????? ??? ??????. ????, ???'
????????? ??? ?????????? ?????, ? ?????????????? ?????? ?????? ??? ?????? ??? ?????? ??????????
????????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??
??? ?????? ??????? ??? ?????, ?????? ??? ?????? ??? ?????? ??? ?????????????? ??????. ????. ??? ?
????????? ??? ??? ?????????? ?????? ?????? ?????? ?????? ??????????????, ?????? ?????? ??? ???
????????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????????? ??? ?????? ?????? ??? ???
? ??????.

24 ???????, ?? ??????????? ????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????????? de facto
??? ??????? ?????????????? ?????????????? ??? ??? ?????????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? (?)
????????????? ?????? Federation of Technological Industries ?.?., ???? 32). ????
???????, ?? ?? ?????????????? ??????, ??? ??? ?????? ???, ?????? ?????? ???, ?????? ?????? ??? ??
?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??????????

? ?????????? ?????????? ? ?????? ???? ?????????? ?????? ???? ?????????? ?????????? ???? ?????????? ????
92/12, ??? ???? ?? ??? ?????????? ? ?????????? ?? ?????????? ??? ?????????? ??? ???? ?????? ???
????????????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ?????????? ?? ??? ?????? ??? ?????????????? . ?????????????? , ?? ??? ?????? ??????
????????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ? ?????? ?????? ??????????
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
?? ?????? ??? ?????? ?????? ?????? ?????? (??., ??? ?????? ??????, ?????????????? ?????? ??????
Netto Supermarkt, ??? 23).

25 ?????????? , ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????? ??
????????? ??? ??? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??????????
?? ???? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???
????????? ?? ?????????? (??., ??? ?????? ??????, ?????????????? ?????? ?????? Federation of
Technological Industries ???., ????? 33- Teleos ???., ????? 65, ??? Netto Supermarkt, ???
24).

26 ??? ?????? , ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ? ?????????? ??? ??????
????????? ?????????? ?????????????? ??? ?????????? ?????????????? ?????????????? , ??
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????????
????????? ??? ??? ?????????? ??? ?????????? ??? (??.. ?????????????? ?????? ?????? Teleos
??., ????? 66, ??? Netto Supermarkt, ??? 25).

27 ??? ?????? ?????????? ?????????? ?? ?????????? ?? ?? ?????????? ??? ?????????? ??????
????????? ??? ?????? ?????? ??? ?????? ?????.

28 ?????????? ??? ?????? ??? ?????? , ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????? ?
????????? ??? ?? ?????? 21, ?????????? 3, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ???
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???
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29 ?????????? ??? ? ?????? ?????????? ?????? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? , ?' ???
????????? ?? ?????? ??? ?????? ?????? ?????? ??????. ?? ?????? ??? ?????? ?????? ?????? ??????
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? , ??? ?????? ??? ?????? ?????? , ??? ?????? ??????
??? ??? ?????? ?????? ?????? , ??? ?????? ?????? ?????? (????? ????) ??????????:

? ? ?????? 21, ?????????? 3, ??? ?????? ?????? 77/388/??? ??? ?????????? , ??? 17??
????? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ?????? , ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????? - ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????:
????????? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? 2001/115/?? ??
????????? , ??? 20?? ?????? 2001, ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ???
?? ?????? ??? ? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
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????????? ?????? ?????? , ??? ?????? ?????? ???, ??? ?????? ?????? ?????? ??? ?????? ??? ??????
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(?????????)

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