

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

??? 19?? ??????? 2012 (*)

«???? ??????? ??? – ?????? 2006/112/?? – ?????? ??? ??? “???????????? ??????????????”
– ?????????? ??????? ??? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? –
????????? ?????????? ??? ?????????? – ?????????? ?????????? ??? ?????? ?????????? ???
????? ??? – ??????? – ??? ??? ??????????????»

???? ??????? C-263/11,

? ? ?????????? ?????? ?????????? ?????????????? ?????????? ?????? ??? ?????? 267 ????,
?? ??????? ?? Augst?k?s tiesas Sen?ts (????????) ?? ??????? ??? 13?? ????? 2011, ? ??????
????????? ??? ?????????? ??? 26 ????? 2011, ??? ?????? ??? ??????

Ain?rs R?dlihs

????

Valsts ie??mumu dienests,

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

????????? ??? ??? J. N. Cunha Rodrigues (????????? ?????????), A. Rosas, A. Ó Caoimh, A.
Arabadjievs (????????) ??? C. G. Fernlund, ????????,

?????? ??????????: E. Sharpston

?????????: C. Strömholm, ?????????? ????????????,

?????? ?????? ??? ?????? ?????????? ??? ??????? ??? ??' ?????????? ??? ?????????? ???
28?? ??????? 2012,

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

- ? Valsts ie??mumu dienests, ?????????????? ??? ??? N. Jezdakova, ?ener?ldirektore,
- ? ?????????? ??????????, ?????????????? ??? ??? I. Kalni?š ??? ??? A. Nikolajeva,
- ? ?????????? ??????????, ?????????????? ??? ??? A. Sauka ??? ??? C. Soulay,

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

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

???????

1 ? ?????? ??? ??? ?????? ?????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 4,
????????? 1 ??? 2, ??? ?????? ?????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977,
???? ?????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? – ??? ?????? ?????? ??? ?????? ?????????????? ?????: ?????????? ?????????? ??? (??

???. ??. 09/001, ?. 49), ???? ?????????????? ?? ??? ?????? 2006/98/?? ??? ????????????, ??? 20?? ?????????? 2006 (?? L 363, ?. 129, ??? ????: ??? ?????), ?????? ??? ??? ?????? 9, ?????????? 1, ??? ?????? 2006/112/?? ??? ????????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ??????? ??? ?????? ?????????? (?? L 347, ?. 1), ??? ??????????????? ?? ??? ?????? 2006/138/?? ??? ????????????, ??? 19?? ??????????? 2006 (?? L 384, ?. 92, ??? ????: ?????? ??? ??? ??), ?????? ??? ??? ?????????? ??? ?????? ??? ???????????????.

2 ? ?????? ??? ??????????? ??? ?????? ??? ?????????? ?????? ?????? ????.
R?dlihs ??? ??? Valsts ie??mumu dienests (????????? ?????????? ????, ??? ????: VID) ??
????????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ????
????????????? ??? (??? ????: ???).

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

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

3 ????? ?????????? ??? ?? ?????? 411 ??? 413 ?????, ? ??????? ????? ??? ?????????? ???
?????????????, ?? ??? ?? 1?? ?????????? 2007, ?? ?????????? ??? ?????? ???, ??
????? ??? ??? ??????. ??? ?? ?????? ??? ?????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
??, ? ?????????? ??? ?? ?????? ?????? ??? ???????, ?????????? ?? ?????????? ???
??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????????? ???
????? ???, ?????? ?? ???????, ???????, ???????, ?????????? ??? ?????? ???.

4 ????? ?? ?????? 2, ??????????? 1, ????????? ??, ??? ??????? ??????? ???, ?? ??????
?????????? ???' ?????? ?? ?????? 2, ??????????? 1, ??? ?????? ???????, «[?]??? [??]
?????????? [...] ?? ?????????? ?????? ?? ?????????????????? ?? ?????????? ??????? ??
????? ?? ?? ??????? ?????? ?? ?????? ?? ?????????? ??? [??] ??? ??????? ?? ??? ??????? ??
?????».

5 ?? ?????? 9, ??????????? 1, ??? ??????? ???? ???, ?? ?????? ???' ??????
????????? ??????? ?? ???? ??? ?????? 4, ?????????? 1 ??? 2, ??? ?????? ???????, ??????
?? ????:

«????????? ?? “?????????????? ???? ????” ?????????????? ??????, ??? ?????? ?????? ?????????????? ??? ?? ?????????????? ????, ?????????? ??????????????, ?????????? ??? ?? ?????????????? ???? ??? ???? ?????????????? ????.

?? “???????????? ??????????????” ?????????? ??? ?????????????????? ??? ??????????, ???
???????? ? ??? ?????????? ??????????, ?????????????????? ??? ??? ??????????????
?????????, ??? ?????????? ?????????????????? ??? ??? ??? ?????????????????? ??? ??????????
?????????????. ?? ?????????? ?????????????? ??????????, ??????, ? ??????????
????????? ? ????? ??????, ?? ????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????..»

6 ?? ?????? 213, ??????????? 1, ??? ??????? ???? ???, ?? ?????? ??????????????? ???'
?????? ?? ??????????? ??? ??????? 22, ??????????? 1, ??? ?????? ???????, ?? ??????????? ??
?? ?????? 28??, ??????????? 1, ??????, ??????, ?????? ?????, ??? «[?]?? ?????????????? ???
???? ??????? ??? ??????, ?? ??????? ? ?? ?????? ??? ?????????????? ??? ??
????????????? ??? ???».

7 ??????? ?? ?????? ?? ?????? ?? ?????????? 2006/42/?? ?? ??????????, ?? 24??
?????????? 2006, ?? ?? ???? ????? ?????????? ? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ????? ?????????? ?? ?????? 21 ?? ?????? ?????? 77/388 (?? L 25, ?. 31),
?? ?? ?? ????? ?????? ?? ?????? ?????????? ?? ?????????? ?? ??????????. ?? ?? ?? 1? ?? 2005 ?? ?? 31

? ?????????? 2009, ?? ?????? ?? ??????? ????? ?? ???? ?????????? ?????? ? ??????????, ???
????????? ?????????? ??????. ?? ??? ?????????? ?????? ??? ??????????, ??? ??????????, ??? 7??
????????? 2009 (?? L 347, ?. 30), ??????? ?? ???? ??????, ??? ?????????? ??? ?? ????
193 ??? ?????? ???, ?? ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?? ??????
????? ? ???????, ??? ?????? ?????? ?????? ??? 31 ?????? 2012.

?? ????????

8 ?? ??????? ?????????? ??? ?????? ???????, ??? ?????? ??? ?????? ??? ???????
?????, ?????????????? ??? ?????? ??? (Latvijas V?stnesis ?????. 49 ?? 30?? ??????
1995).

9 ??? ?? ??? 1, ?????????? 6, ??? ?? ??? ?????:

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

10 ?? ??? 3, ?????????? 3 ?? 5, ??? ?? ??? ????? ?????? ??? ????:

«3. ?? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?? ?????? ? ??? ??????, ? ?? ?????????? ???,
????????? ??? ?????? ?????????? ??? [??] ??? ?????? ??? ?? [VID].

[...]

5. [?]?? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????????? ???
????????? ??? ??? ??? ????? ?????????? ??? ?????? ?????? ? ?????? ?????? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?? 10
000 ?????????? ??? (LVL), ?? ?? ??? ?????, ? ?? ??? ?????? ??? ?? ?????????? ???
????????? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? VID. ? ??????
???? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?? ??????
??????????. ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ??????
????????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????????? ???
????????? ??? ?? ??? ?????? ??? ?????? ??? ?? ??????».

11 ?? ????? 13.2 ??? ?? ??? ????? ?????? ?? ????:

«1. ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ?????????? 2, ???
????????? ??? ? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? [??] ??
????? ?????? ??? ?? VID, ? ?????????? ?????? ??? ??? ?????? ?? ??? ?????? ??
????????? ??? ??? ?????? ?????? ?? ?????????? ?????? ??? ?????????? ??? ?????? ??
??????????:

1) ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? -????????? ??? ?????? ??? ?????? - ?? ?????????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????

2) ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

12 ?? ????? 35, ?????????? 3, ??? ?? ??? ????? ?????? ??? ????:

«?? ??? ??????? ??? ??? ????? ?????????? ?? ??????????? ??? ??? ?????? ??? VID ??? ??
????? 3 ??? ????? ????, ??? ?????????? ?????? ??? ?????????? ??? ???, ??? ??????????
???? ??????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ??? ?????? ??? ?????? ???
??? ????? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ?????????? ?????? ??? ?????????? ??? ?????? ???, ??? ?????????? ???, ??? ???
????? ??? ?????? ?? ??? ????? ?????? ??? ??????, ?????? ?????????????? ??? 18 % ???
????? ??? ?????????? ????.»

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

13 ??? ?????? ?????? ??? ?????????? ? VID, ?????????? ??? ? ?????????? ???
????? ?????? ?????????????? ?????? ?????????? ??? ?????? ??? 2005 ??? 25
????????? ?????? ?????? 2005 ??? ?????????? 2006. ?????? ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
??? ??? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? VID.

14 ??? ??? ?????????? ??? ?? ?????????? ??? ??????, ? VID, ?? ?????? ??? 21??
?????? 2007, ?????? ????. R?dlihs, ???' ?????? ??? 35, ?????????? 3, ???
????? ????, ?????? 11 363,20 LVL, ??? 18 % ??? ?????? ??? ??????
?????????, ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

15 ? ?. R?dlihs ?????? ??????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???
????????? ?? ?????????? ??? ?????????? ???, ?????????? ??? ??? ?????? ??? ?????????? ???
????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ????. ?????? ?????????? ???, ??? ?????????? ??? ?????? ???
????? ??????????, ?? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ?? ??????. ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ?????? ??? ?????? ??? ?????? ???.

16 ??????????, ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??
????????? ?????????? ??? ??????, ??? ? ?????????? ??? ?????? ??? ?????????? ??? ??
????? ??? ??? ?????? ???.

17 ???????, ? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????????? ???
???? ?????????? ??? ?????? ??? ?????? ???, ?????? ??? ?? ?????? ??? ?????? ??? ??
????????? ?????????? ??? ?????????? ??? ?????????? ???, ?????? ??? ?? ?????? ??? ??
????? ??? ?????? 132 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???

18 ? ?????? ??? ???????????, ??????????, ??? ?????? ?? Administrat?v? rajona tiesa
(????????? ?????? ?????? ?????? ??????) ??? ??? ?? Administrat?v?
apgabaltiesa (????????? ?????? ?????? ?????? ?????? ??????). ?? ?????????? ???
????????? ??? ?? ??? ?????? ?????? ???, ?????? ??? ?????? 1, ?????????? 6, ???
????? ??? ??, ?? «????????? ?????? ??????» ?????? ??? ?????????? ??? ?????? ???
????? ??? ?????? ???????, ??? ?????????? ??? ?????? ??? ??' ??????. ?? ?????????? ???

? ?????????? ?? ? ??????? ? ?????????? ?????? ?? ? ?????????????????? ?? ? ??????
????????????????? ?? ? ?????? ???? ?????? ??? ???? ?????????????? ?????? ?????? ??????,
??? ?????????????? ???' ??? ???? ?????? ?????? ?????? ?????? ?????? 2005 ??? ??????????
2006, ??? ??? ?????? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ???? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ??????
??? ??????. ??? ?????? ?? ????????, ?? ???? ?????????? ?????? ??? ?????? ??? ??????
????? ??? ???? ??? ?????? ???.

19 ? ?????????? ?? ? ?????? ?????? ?????? ?????? ?????? ??? ???? ?????????? ???
Administrat?v? apgabaltiesa.

20 ??' ?????? ?? ? ???????, ?? Augst?k?s tiesas Sen?ts ?????????? ?? ???? ??????:
????????? ??? ?????? ??? ?????????? ?? ???? ?????? ?????????? ?????????? ??????????:

«1) ???? ?????????? ??? [??], ??? ??? ?????? ??? ?????? 9, ?????????? 1, ???
????? [2006/112] ??? ??? ?????? 4, ?????????? 1 ??? 2, ??? [????? ??????], ???
??????????, ???????, ?? ?????? [??], ?? ?????? ?????? ?? ?????? ?????????? ??????
(????? ??????) ??? ??? ?????????? ??? ?????? ??? ?????????????? ?????????? ??????
??? ?? ?????????????? ??? ?????????? ??? ?????????? ?????????????? ?????????? ??? (??
??????????, ??? ?????); ???????, ??????? ??? ?????? ?????????? ?????? ??????????
????????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????;

2) ???? ?????? ?? ???? ?????? ??? ?????? ??? ?????????????? ? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? ??????, ??? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????? [??], ??????? ?????? ??? ?? ??? ??? ??? ?? ?????????? ?????????? ??? ??? ??? ???
????????????? ??????, ??? ?? ?????? ??? ?? ?????? ??? ??? ?????? ??? ?? ?????? ??? ?????????? ???
????? ?? ??? ?????? ?????? ??? ??????;»

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

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

21 ?? ???? ?????? ?????????? ???, ?? ?????? ?????????? ??????, ??? ???, ??? ??
????? 9, ?????????? 1, ??? ?????? ???, ??? ??? ?? ???? 4, ?????????? 1 ??? 2,
??? ?????? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????????? ?????? ??? ??????
????????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??????????
????????? ??? ?????? ?????????? ??? ?????? «????????? ?????????? ??????????» ??? ???
????? ??? ?????? ?????? ???.

22 ???? ?????? ??? ???? ?????? ???, ?? ?????? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ???.

23 ??????, ??? ?????? ??? ???? ?????? 3 ??? 5 ??? ?????? ??????????, ?
????????? ??? ?????? 4, ?????????? 1 ??? 2, ??? ?????? ?????? ?????? ???' ????
????????? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ??? ?????? ???.
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ???, ? ?????? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

24 ??? ??? ??????, ????, ??????????????, ?? ?????????? ???, ??? ???? ? ??? ??????,
? ?????? ??? ??????, ??? ?????? 2, ?????? ?? ??? ?????????????? ???????, ??? ???
????? ??? ?????? ?????????? ??? ???, ?????????? ??? ?????????? ?? ???, ??? ????
??????, ??? ?????????? ?????? ??? ??? ?????????? ?????????? ??? ?????????????????? ??
????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????????????? ??
????????? ??? ??? (???. ??????? ??? 10?? ??????? 2010, C-86/09, Future Health Technologies,
?????? 2010, ?. I-5215, ??? 25 ??? ?????????????? ??????????).

25 ?????? ??? ?????? 9, ?????????? 1, ??? ??????, ??? ?????? ???, ??
«????????? ???» ?????? ?????? ?????????????? ?????, ??? ?????? ?????????? ??? ??
????????? ???, ?????????? ?????????????? ?????, ?????????? ??? ??? ?????????? ???
??? ?? ?????????? ??? ?????????????? ???.

26 ??????????, ????, ???, ??? ???? 10 ??? ?????? ???, ? ??????????
?? ?????? 9, ?????????? 1, ??? ???? ??????, ??? ? ?????????? ?????????????? ???
?? ?????? ??? ?????? ??????????, ?????????? ??? ?? ?????????? ??? ?????????????? ???
????? ?????? ?????? ?????????? ?? ??? ?????????? ??? ?? ?????????? ??? ?????????? ???
????????? ??? ?????? ?????? ??? ?????????? ?????? ?????????? ??????????, ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???.

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

28 ??? ?, ??????, ???, ??? ?????? ??? ???? «????????? ??????????» ??? ??
????? 9, ?????????? 1, ??? ?????? ???, ??? ?????????? ??? ?????? ??? ??????????, ?
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??., ???????, ???????
??? 21?? ?????????? 2006, C-223/03, University of Huddersfield, ?????? 2006, ?. I-1751,
?????? 47 ??? 48 ?????? ??? ?????????????? ??????????).

29 ??????, ?? ?????? ??? ?? ??????????, ??? ???? ?????? ??? ?????? ??? ??????
?????, ?????????????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????? ???, ?????? ??? ?????????? ?? ??? ?????? ??? ?? ??? ?????? ???, ??? ??????
????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? «????????? ???
?????????» ??? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ???.

30 ?? ?????? ?????? ??? ?????????????? ?????????? ??? «????????? ???
?????????» ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????. ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????,
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

31 ?????????????? ??? ?????? ??? ???? ?????? ??? ?????? ?????????? ???, ??? ????
?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????????? ??
«?????????» ??? ?????? ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1, ???.

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

32 ?? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????????????? ?? «????????????? ??????????????» ??? ??? ?????? ??? ?????? 9, ???????????
1, ??? ?????? ???, ?????? ?????????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? (??., ???' ???????, ??????? ??? 26? ?????????? 1996, C-230/94, Enkler,
?????? 1996, ?. I-4517, ??? 22).

33 ?? ?????? ??? ?????? ??? ?????? ??????????????, ??? ? ?????????????? ??????????
?????? ???????, ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ???? ?????? ?????? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????,
? ??? ??? ?????? ?????? (??????, ?????????????? ?????? Enkler, ?????? 24 ??? 26).

34 ??????????, ??? ???? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????????? ???
? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??. ??
????? ??? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???,
????? ??????, ??? ???? ?????? ??? ???? ?????? ??? ?? ?????? ?????? ?????? ?????? ??????
????????? ?????? ???, ???????, ?? ?????? ???, ?? ???? ??? ?????? ???, ?????? ???
?????????. ???, ???????, ?? ?????? ???, ?? ???? ??? ?????? ???, ?????? ???
????????? ??? ??? ?????? ?????? ???, ?????? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ???
??? ??? ?????? ?????? ???? ???? ?????? ??? ??? ?? ?????? ?????? ??? ?????? ?????? ???
????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? (?????????????)
?????? Enkler, ??? 27).

35 ??? ?????? ??? ?????? ?, ???? ?????? ???, ??? ??????, ??? ?????? ??? ??????
????? ? ?????????? ??? ?????? ??? ?????? ???, ??? ??????, ??? ?????? ???, ??? ??????
??? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
(????????? ??? Enkler, ??? 28).

36 ??????????, ??? ???? ?????????? ?????? ?????? ??? ?????? ??? ??? ???
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ??? ???? ?????? ??? ?????? ???, ??? ??? ?????? ??? ?????? ??? 9, ?????????? 1,
????????? ???, ??? ?????? ???, ???? «????????? ??????» ??? ??? ?????? ??? ?????? ???
(??., ??????, ?????? ??? 15? 2011, C-180/10 ??? C-181/10, S?aby ?.?,
?????? 2011, ?. ?-8461, ??? 39).

37 ???????, ??? ???? ??????, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? «??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 9,
????????? 1, ??? ?????? ????. ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????. ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ???? ???
????????? ??? ???, ??????, ?? ???? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ??? ?????? ???, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????????????? ?? ?? ??????, ???? ?? ?????????? ?? ???? ?????????????? ?? ?????????????? ??
????????? ???, ??? ?????????????? ?? ???? ?????? ?? ???? ?????????????? ?? ?????????? ?? ?????? ??
????? ??? ??????? ??????? ??????? ??????? ??????? ?? ???? ??? ?????? ??? ?????? 9, ??????????? 1,
?????? ???, ??? ??????? ???.

38 ????????, ??????? ?? ??? ????? ? ?????????????????? ??????? ?? ??? ?????? ??? ??????? ?????????????????? ??????? ?? ??? ?????? ?????????????? ??? ?????????????? ?? ?? ?????????????? ??? ?????????????? ?????, ?????????????? ?? ??? ?????????????? ??? ?????????????? ?????? ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????, ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????, ??????, ?????????? ??? ?????????? ??? ?????, ?????? ??? ?????? ??? ?????? ??????????????, ?????? ?? ?????????????? ????, ?????? ?? ??? ?????, ?????? ??? ?????? ?????????? ???? (?????????????????), ??????? Enkler, ????? 29).

39 ?????? ?? ??????, ?????????????????? ??? ???? ?????? ??? ? ?????????????? ??? ?????? ?????? ??????
????????? ?? ??????? ?????????? ?????? ??? ???? ?????????????? ?????????????? ??? ????????, ???
????????? ??? ??? ?? ?????????? ??? ?????? ?????????????? ?????????????? ??? ?????????? ???, ??? ??????????
??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??? ?????? ??? «????????? ??????????????» ??? ???.
????? 9, ?????????? 1, ??? ?????? ????. ??
????? ????, ?? ??? ?????????????? ??????????, ? ?????? ?????????? ?? ?????? ??? ?????? ??? ??
????? ??? ?????????? ?????????????? ??? ???? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? (??., ???' ?????? ?, ?????? ??? 8?? ?????? 2001,
C-415/98, Bakcsi, ?????? 2001, ?. I-1831, ??? 29). ?????? ?????? ??? ?????? ??????

40 ??????? ?? ????????????????, ??? ?????? ?????????????? ??????? ??????? ?? ?????? ?
????????? ?? ?? ????? 9, ?????????? 1, ??? ?????? ?????? ??? ?? ?????? ?? ?????? ??
?????????? ??????? ?? ?????? ?????????????????? ??????? ??????? ?? ?????? ??
?????????? ?? ?????? ?????????? ??????? ?? ?????? ??????? ?? ?????????????? ??
????????????? ??????? ?? ?????? ??????? ?? ?????? ??????? ?? «?????????»
?????????» ??? ?? ?????? ??????? ?? ?????????? ??????, ?????? ?? ?? ?????? ??????????
????????????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??????. ?????????? ??
????? ?????????? ?? ?????? ?????? ?? ?????? ??? ?????????? ??? ?????????? ?????? ??????????
????????? ?? ?????? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ??????, ??? ?? ?? ??????
?????, ?????????????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????.

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

41 ?? ?? ??????? ?????????????? ???????, ?? ?????? ?????????????? ?????, ???? ????, ?? ??
?????? ?? ?????? ???? ?????? ?? ?????? ?? ?????? ?????????? ?? ???? ?????? ??? ?????????????? ?
????????? ?? ?????? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????????? , ?? ???? ?? ???? ??????
????? ?? ?? ?????? ?? ?????? ?????????? ?? ?????? ?????? ?? ?????? ?????????? ?? ?????? ?????? ?? ???? ?? ???? ?? ????
????????????? ?? ?????? , ?? ?? ?????? ? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?????????? ?? ?? ???? ??????
?? ?? ?????? ?????????? ?? ???, ?? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??? ?? ??????
?? ?? ??? ?? ??? ?? ???.

42 ????? ?? ?????? 213, ??????????? 1, ??? ??????? ???? ???, ??? ?????????????? ??? ???.
????????? ??? ??????, ?? ??????? ? ?? ?????? ??? ?????????????? ??? ?? ?????????? ??? ???.
???? ???.

43 ?? ?????? ???, ??? ? ? ?????????????? ?? ???? 3, ?????????? 3 ??? 5, ??? ????
???? ???, ?????? ?? ???? ?????? ?? ???? ?????????? ?? ???? ??? ???? ??????????, ??? ??

? ?????????? ??????????, ??????? ?????????? ?????? ? ?????? ?????????? ??? ?? ???? ???? 10 000
LVL ?????????? ?? ? ?????????? ??? ?????? ?????????? ??? ?, ??????????????????
?? ?????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? 213,
????????? 1, ??? ?????? ????.

44 ? ?????? ??? ?????? ?????? ?????????? ?????? ?????????? ?????????? ?? ?????????? ??
????????? ??? ?????? ?????????? ??? ?????? 213, ?????????? 1, ??????. ??? ?????
?????????, ?????????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????
?? ?????????? ?? ?????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????
????? ??? ?????? ?????????? ?? ?? ?????????? ???, ?? ?????? ??? ?????? ?????? ?????? ?? ??????????
?? ?????????? ??? ?????? ?????????? . ?????? ?????? ?? ?????? ??? ?????? ?????? ?????????? ???
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ???
??? ?????? ??? ?????????? (????????? ??? 21?? ?????????? 1989, 68/88, ??????)
???? ??????, ?????? 1989, ?. 2965, ??? 23? ?? 16?? ?????? 1992, C-210/91,
????????? ??? ??????, ?????? 1992, ?. I-6735, ??? 19, ??? ?? 26?? ?????? 1995, C-
36/94, Siesse, ?????? 1995, ?. I-3573, ??? 21).

45 ??????, ?????????? ?? ?????????? ???? ?????? ?????? ?? ?????? ?????? ?? ???? ???? ???? ???? ????
?????????, ?? ?????? ??? ?????? ?? ?????????? ?? ?????? ?????? ?? ?????????? ?? ???? ???? ???? ????
????? ?????????? ??? ?????? ??? ?????????? ?????? ?? ?????? ?????? ?? ?????????? ?? ?????????? ???
??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ???.

46 ?????, ?? ?????? ??? ?????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? (??., ??????, ?????????? ??? 8?? ?????? 2008,
C-95/07 ??? C-96/07, Ecotrade, ?????? 2008, ?. I-3457, ?????? 65 ??? 67, ?????? ???
12?? ?????? 2012, C-284/11, EMS-Bulgaria Transport, ?????? 67).

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

48 ??? ?????, ??????, ?? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??????, ?????????????? ??? ???? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?? ?????? 213 ??? ?????? ???, ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????????? ??? ?????, ?????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? (??.,
?????, ?????? ??? 21?? ?????? 2010, C-385/09, Nidera Handelscompagnie, ??????
2010, ?. I-10385, ?????? 50).

49 ??????, ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ? ?????????? ??? ??????????
?? ?????? ??? ?????? ??????, ??????????, ?? ?????? ?????? ??? ?????? ?????? ?? ?????? ???
???????, ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????.

50 ??? ?????, ??????, ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ???? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???
????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
????????? ??? ???.

51 ?????????????? ??????? ???, ??? ?????????? ??? ?? ?????? ?????????? ?????????????? ???
????????? ??????????, ? ?????? ?????????? ?????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?????? ?? ?????????? ?????????? ?????????? ??????.

52 ?? ??????????, ??? ?????????? ? ?????? ?????????? ??? ?????? ??? ?????? ??
????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? 45 ??? ?????? ??????.

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

54 ?? ?????? ?????????? ??? ?????? ?????? ?? ?????? ??? ?? ?????? ??? ?????? ?????? ??????
????? ??? ?????? ??? ?????? ?????????? ??? ??? ?????? ?????? ??? ?????? ?? ?????? ??????????
??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?? ?????? ???
??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ??? ?????????? ?????? ???
????????? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??????.

55 ??????, ??? ?????? ?????????? ??? ?????? ??? ?????? ? ?????? ? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ???
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ??????
?????????, ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ???
????????? ??? ?????? ??? ?????????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
?? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
????????? ??? ?????? ??? ??????.

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

56 ??? ?????? ?????? ?????????? ???, ? ?????? ?????? ?????????? ??? ?????? ??? ?? ?????????? ??
????????? ?? ?????????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ???
??? ?? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? «????????? ??????????» ??? ??? ???
??? ?????? 4, ?????????? 2, ??? ?????? ??????, ? ??? ? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ???
?????????????.

57 ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????, ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

58 ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ??? ??????, ? ?????? ?????? ?????? ??? ?????? ???
????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 2004 ??? 2008 ???

????? ??? 900 000 LVL.

59 ??????????????? ??????? ?? ?????? ?? ??????? ?????????????? ?????????????? ??????? ??
??????????, ???' ?????????? ?? ?????????? ?? ?????? ?? ?????? ?????? ?? ?????? ?????? ??????
?? ?????????? ?? ??????, ?? ?????????? ?? ?????? ?????? ?? ?????????? ?? ?????? ??????????????
?? ?????????? ?? ?????? ?? ?????? ?????? ?????? ?????????? ?? ?????????? ?????????????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????????? ?? ?????? ??????. ??? ??
????????? ?????? ?????? ???????????, ?????? ?????? ?????? ?????????? ?? ?????????? ??? ??????
?????????, ??? ?????????? ??? ?????? ?????? ??? ?????????????? ??? ?????? ??????????
????????? ?????????? (??., ?????? ???, ?????????? ??? 10?? ?????????? 2006, C-402/03,
Skov ??? Bilka, ?????? 2006, ?. I-199, ????? 51? ??? 18?? ?????????? 2007, C-313/05,
Brzezi?ski, ?????? 2007, ?. I-513, ????? 56 ??? ??? ?????????? ??????????, ?????? ???
??? 3?? ?????? 2010, C-2/09, Kalinchev, ?????? 2010, ?. I-4939, ????? 50).

60 ??????????, ?? ?????????? ?? ?????? ?????? ?? ?????? ?????????????? ?????? ?????? ??? ??
????????????? ???????????, ?????????????? ?? ?????? ?????? ?????????? ?????????? ??????????????
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????????? ?? ?????? ??????
????? ?????????? ? ?????? ?????????? ?????? ?????? ?????? ?????? ?? ?????? ?????????? ?? ?????? ??
????? ??? ?? ?????? ?????? ?????? ?????? ?????????? ?? ?????? ?????? ?????????? ?????? ?? ??????
?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????????? ??? ??
????????? ??? ?? ?????? ??????, ?????????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????????? ???
????????? ?????? ?? ?????? ?????? ?? ?????????? ?????? ?????? ?????? ??? ?????? ?????????? (??., ??????
????, ?????? ??? 27?? ?????? 2006, C-423/04, Richards, ?????? 2006, ?. I-3585, ???
42, ?????? ??? ?????????? ?????? Brzezi?ski, ????? 57, ??? Kalinchev, ????? 51).

61 ?????? ??? ?????? ?????? ?????????? ?????????? ?? ?? ?????????? ?????????? ??? ??
????????? ?? ??? ?? ?????? ?????? ?????? ?? ?????????????? ?????????? ??? ??????????????
????? ?????????? ?? ?????????? ?? ?????????? ?????? ?????????????? ??? ?????????? ??? ??????
(????????? ??? 20?? ?????????? 2001, C-184/99, Grzelczyk, ?????? 2001, ?. I-6193, ???
52? ??? 15?? ?????? 2005, C-209/03, Bidar, ?????? 2005, ?. I-2119, ????? 68, ?????? ???
????????????? ?????? Brzezi?ski, ????? 58, ??? Kalinchev, ????? 52).

62 ?????????????? ??????? ?? ?? ?????????? ?????? ?? ?????? ?????? ?? ?????????? ??? ??
????????? ?????? ?????? ?? 2004 ??? 2008 ??? ?????????? ?? ?????????? ??????????, ???
????????? ?????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ??
????????? ?? ?????? ?????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ??????
????? ?????? ?? ?????????? ??, ??? ?????????? ?? ?? ?????????? ?? ?????? ?????????? ?? ?????? ??????
?? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????????????? ???????????, ??
????? ??? ?? ?????? ?? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??? ??????
????????? ??? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ???????????.

63 ??????, ?????????? ? ?????????? ?? ?????? ??? ?????? ?? ?????? ?????????? ??????????????
????? ?????? ?????? ?????? ?????????? ??????????, ??? ?? ?????? ?????? ?? ?????????? ???
????????? ??? ?????? 61 ??? ?????? ??????, ??? ?? ?????????? ??? ?????? ?????????? ???
????????? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????.

64 ??? ??? ?????? ??????, ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????????? ??? ??????.

65 ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ??????.

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

66 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ?????????? ??? ??????.

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

1) ?? ????? 9, ?????????? 1, ??? ?????? 2006/112/?? ??? ???????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ????? ?????? ????? ?????????????? ?????, ??? ?????????????? ?? ??? ?????? 2006/138/?? ??? ???????????, ??? 19?? ?????????? 2006, ??? ?? ?????? ??? ?? ?????????? ?????? ?????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? «????????? ??????????» ??? ?? ?????? ??? ??????.

2) ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ?????? ??? ??????.

(?????????)

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