

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

?? 12?? ?????????? 2013 (*)

«????? ?????????????? ??? – ??? ?????? 77/388/??? – ?????? 17 ??? 19 – ??????? ???
????? ?????? – ?????????????? ?????? ??? ?????????? ?????????? ??? ?????????? ???
??? ?????????? ?????? – ?????? ???' ?????? – ?????????? ??? ??????????
????????? – ?????????????? ?? ??? ?????? ??? ? ?? ?????? ??? – ?? ?????????????? ???
????? ?????? ???»

????? ?????? C?388/11,

? ?????????? ?????? ?????????????? ?????????? ?????? 267 ???, ???
?????? ?? Conseil d'État (?????) ?? ?????? ??? 11?? ?????? 2011, ? ?????? ??????? ???
????????? ??? 22 ?????? 2011, ??? ?????? ??? ????

Le Crédit Lyonnais

????

Ministre du Budget, des Comptes publics et de la Réforme de l'État,

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

????????? ??? ??? A. Tizzano, ?????? ??????, A. Borg Barthet, M. Ileši?, J.-J. Kasel
(?????) ??? M. Berger, ???????,

?????? ??????????: P. Cruz Villalón

?????????: V. Tourrès, ??????? ??????????,

?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??' ?????????? ?????????? ???
27?? ?????????? 2012,

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

– ? Le Crédit Lyonnais, ?????????? ??? C. Aldebert, E. Ashworth ??? C.
Reinbold, avocats,

– ? ?????? ??????, ?????????? ??? G. de Bergues ??? J.?S. Pilczer,

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

– ? ?????? ??? ?????? ??????, ?????????? ??? L. Seeboruth ??? A.
Robinson, ?????????? ??? R. Hill, barrister,

– ? ?????? ??????, ?????????? ??? C. Soulay ??? L. Lozano Palacios,

????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??? ???? ?? ??????????
?? 28?? ?????????? 2013,

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

????????

1 ? ?????? ?????????????? ?????????? ?????? ??? ?????????? ??? ?????? 17, ?????????? 2,
3 ??? 5, ??? 19, ?????????? 1, ??? ??? ?????? 77/388/??? ??? ??????????, ???
17?? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????, ??? ??????
????? ?????? ?????? ????????? – ??? ?????? ?????? ????? ?????????????? ????: ??????????
????????? ??? (?? ????. ??? 09/001, ?. 49, ??? ????: ??? ??????).

2 ? ??????? ???. ?????????? ???. ??????? ???. ??????? ???. Le Crédit Lyonnais (???.
?????: LCL), ?????????? ???. ??????? ???. ???????, ??? ???. ???????, ???????,
???. ???????, ??? ???. ???????, ??? ???. ???????, ??? ???. ???????, ??? ???. (???. ???:
???) ??? ???????, ??? LCL ??? ???. ???????, ??? ???. 1? ???????, 1988 ??? ???. 31
??????, 1990.

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

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

3 ?? ?????? 2 ??? ?????? ??????? ???? ?? ????:

«????? [???] ?????????????:

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

[...]]».

4 ?? ?????? 4, ??????????? 1 ??? 2, ??? ??????? ?????? ??????????? ?? ?? ??????????;

«1. ?????????? ?? “????????????? ????” ?????????????? ????, ??? ?????? ???????????
??? ?? ?????????????? ????, ??? ?? ??? ???? ?????????????? ?????????????????? ??? ??????????????
???? ?????????? 2, ?????????? ??? ?????????????? ?????? [?] ??? ?????????????? ???
????????????????? ????.

2. ?????????????? ????????????????, ??? ???? ?????? ??? ?????????? 1, ?????? ??? ??
???????????????, ??? ??????????, ??? ?????? ? ??? ?????????? ??????????,
????????????????? ??? ??? ?????????????????? ??????????, ??? ?????????? ??????????????????
????? ??? ??? ?????????????? ??? ?????????? ?????????? ? ??? ?????????????? ???
????. ?? ?????????? ?????????????? ?????????? ?????? ? ?????????????? ?????????? ? ???
?????, ??? ??? ?????? ?????? ?????????? ?????? ?????????? ?????????? »

5 ?? ?????? 9, ??????????? 1, ??? ?? ??? ?????????? ????? ?? ????:

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

6 ?? ?????? 13 ? ??? ?????? ??????? ??????? ?? ????:

? ?????????????? ???????? ?????????? ??? ?? ?????????????? ???? ?????????????? ?????? ?????????????? ??????????????,
????????????? ??? ??????????:

[...]

?) ??? ?????????? ????????:

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

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

3. ??? ??????????, ?????????????????? ??? ?? ??????????????????, ?? ?????? ???????
???????????, ?????????????? ??????????????, ??????????, ?????????? ??? ?????????,
???????????, ?????????? ??? ?????? ??????????, ?????????? ??? ?????????? ????????????,

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

5. ??? ??????????, ?????????????????? ??? ?? ??????????????????, ???' ?????????? ???
????????? ??? ?? ??????????????, ?? ?????? ?????????? ?????????? ??? ?????????? ?????????? ???
?????????, ?????????? ??? ?????????? ?????????:,

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

- ?????????? ? ?????? ?????????????? ???? ?????? 5, ?????????? 3,

6. ?? ?????????? ??? ?????????? ??????????, ???? ?????????? ???? ?? ?????? ????

[...]».

7 ?? ?????? 17 ??? ?????? ?????? ?????? ?? ????:

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

2. ??? ?????? ??? ?? ?????? ???? ?? ?????????? ?????????????????? ???? ???? ???? ???? ???
????????????? ????, ? ?????????? ???? ???? ?????????? ???? ???? ?????????? ???? ?????????? ???? ???
????????? ????:

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

?) ??? ?????????? ? ?????????? [??] ??? ?????????? ???? ?????????? ???? ????

?) ??? [??], ? ?????? ?????????? ??? ?? ?????? 5, ?????????? 7, ???????? ??, ??? ??
????? 6, ?????????? 3.

3. ?????? ?? ?????? ??? ?????????? ?? ??? ?????????????? ??? ?????? ??? ??????????
???????, ??? ?????????? 2, ?????? ? ?????????? ??? ?????? ?????????????? ???, ??? ??
????? ??? ?? ?????? ??? ?? ?????????? ?????????????? ??? ??? ??????????????:

?) ?????? ??? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??????????
????????????? ??? ?????????? ??? ?????? 4, ?????????? 2, ?? ?????? ?? ??????
????????? ?????? ?? ?????? ?????????????? ??? ?????????? ??? ??????

?) ?????? ??? ?? ?????????? ??? ?? ?????? 14, ?????????? 1, [?????] ??, 15
?? 16, ?????????? 1, ??? ?, ? ??? ?, ??? ?????? 2?

?) ?????? ??? ?????????? ??? ?? ?????? 13, ??? ?, [?????] ?? ?? ??, [?????] 1
?? 5, ??? ? ?????? ????? ?????????? ??? ?????? ?????? ?? ?????? ?? ?????? ??
????????? ?????? ?? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

[...]

5. ??? ?????? ?? ?????? ??? ?? ?????????? ??? ?????????????? ??? ?????????????? ???
????? ??? ?? ?????????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????????? 2
?? 3, ?? ?????? ?????? ?????? ??? ??????, ??? ??? ?????? ?? ?????? ???
????????? ?????? ??? ?????? ?????? ? ?????? ?????? ?????? ??? ?? ?????? ??? [??] ?? ???
????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????.

? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ??
????????? ??? ??, ?????? ?? ?? ?????? 19.

?????????, ?? ?????? ??? ??????:

?) ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ?? ?????????? ??? ?????
????? ?????????? ???, ??' ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??????

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

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

?) ?? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
???????, ?????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ??? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????????, ??? ?????? ?????????????? ??? ???
??? ?????????? ??? ?????? ??? ?????? ??? ??????

?) ?? ?????? ???, ??? ? [??], ? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
????? ???, ?????? ??????????, ??? ? ?????? ?????? ??? ?? ?????????? ???.

[...]»

8 ?? ?????? 19, ??????????? 1 ??? 2, ??? ????? ??????? ??????? ?? ??????:
«1. ? ??????? ?????????? ??? ?????????? ??? ?? ?????? 17, ?????????? 5, ?????? ??????,
????????? ??? ?? ?????? ??? ?????????? ???:

– ???. ??????????, ?? ??????? ??? ?????? ??? ??????? ??????? ???????, ??? [??], ???
????????? ??? ?????? ??? ?????? ??? ?????????? ???????, ??? ???????, ??? ?????? ?? ??
????? 17, ?????????? 2 ??? 3,

– ???. ?????????????? ?? ??????? ??? ??????? ?????? ??? ??????? ???????, ??? [??], ???
????????? ??? ?????? ??? ?????? ??? ?????????? ???????, ??? ???????, ??? ?????? ?? ??
????????? ??? ?????? ??? ?????? ??? ???????, ??? ?????? ??? ???????, ??? ?????? ??? ?????????? ??
?? ????? 11, ??? ?, ?????????? 1, [????????] ??.

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

2. ???. ?????????????? ??? ??? ?????????? 1, ??? ?????????? ???, ??? ??? ?????????? ???
????????? ???, ?? ??? ??? ?????? ??????? ??? ?????????? ??? ?????????? ??? ?????? ???
????? ??? ?????????? ???, ??????, ?? ??? ??? ?????? ??????? ?? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??
??? ?? ?????? 13, ??? ?, [????????] ??, ??? ?????? ??? ?????? ??? ?????????? ??? ??????. ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? 20, ?????????? 5, ??????????
?? ??? ?????? ??? ?????????? ??? ?? ?????? ??????????, ?????????? ?? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

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

9 ?? ?????? 271 ??? ?????? ?????????? ???????, ?? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? (?? ?????: CGI), ?????????? ??
????:

«4. ??????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ??? ?????? ??? [??]:

[...]

b) ?? ?????????? ??? ?????????????? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? a ??? e ??? ?????? 1 ??? ?????? 261 C, ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???.

10 ??? ?? ?????? 212 ??? ?????????? || ??? CGI:

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

11 ?? ?????? 213 ??? ?????????????? || ??? CGI ?????????? ?? ???:

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

????? ??????? ? ?????? ?????????? ? ?????? ?????????? ??? ?????????????? ??? ?????????? ?????????????? ?????????????? ?????????????? ?????????????? ?????????????? ?????' ?????????? ??? ?????? 257, ?????????? 7, ?????? 1, ?????? c, ????????, ??? [CGI] ?????? ??? ??????????????.

?? ???? ???? ?????? ??? ??????? ?? ???? ?????? ??? ?? ???? ?????? ??? ?????? ?????? ?????? ??????
????????????????? ??? ?????? ?????????????? ?????????????? ???' ?????????? ??? ?????????? ???
????????????? ??? ?????? 212.»

12 ?? ?????? 219 ??? ?????????????? II ??? CGI ????. ?? ????:

a. ????? ?? ?????? ????? ?? ??????????? ?????? ??????????? ?????????????? ??
?????????? ?????? ?? ?????? ?????? ?????? ??????, ? ????? ?? ????? ???????????
?????? ?? ???????

b. ???? ?????????? ?????????? ??? ?????????? ?????? ??? ??? ?????? ?????? ??????

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

13 ? LCL ?????? ?????????? ?????? ?? ???? ?? ?????? ??? ?????? ?????????????????? ?? ????

14 ??????? ?????????? ??????? LCL, ??? ??????? ??? ??????? ??? 1??
????????? 1988 ??? 31 ?????????? 1989, ??? ??? ?????????? ??? ?????????? ??????,
? ?????????? ?????? ?????? ??? ?????? ??? LCL ?????????? ???, ?????? ??????, ???
??? ??? ?????????? ??????. ?? ?????????? ?????? ?????????? ??? ??? ?????? ???
????????? ???, ?? ?????????? ?????, ?? ?????????? ??? ?????? ??? ?????? LCL ?? ???
????????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? LCL ???
????????????? ??? ??? ??? ?????????????? ?????? ??? ?????? ?????? ?????? ??? ??????
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 212 ???
????????? II ??? CGI.

15 ????? 20 ??????? 1994 ? LCL ??????? ??? ????? ?????? ????? ?? ?? ????
??????????, ?????????????? ??? ?? ??? ?? ?? ?? ?? ????? ?????? ?? ?????? ?????? ???
??? ?????????? ??? ?????????? ?????????? ??? ??? .???? 31 ?????????? 1996 ??????
?????? ??????, ?? ??? ????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ??? ?????????????? ?????? ??? ?????? ??? ?????? ??? ??????

??????????, ?? 1990 ??? ? 1991, ??? ??? ???????? ??? ??? 1? ??????????? ??? ??? 31
?????????? 1990, ??????????????? ???, ?? ?? ??? ??? ????? ??? ??????? ??? ??????? ??? ??? ??? ???
??? ??????????????? ??? ????????? ?? ??????????????? ????? ??? ??? ??? ? ??? ??? ??? ??
?????????????? ??? ????? ??????? ??????? ?? ??? ??? ??? ??? ???????, ??? ?? ?? ????? ???
??? ??????? ??? ?? ??????????????? ??????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????????? ???
??? ??? ?? ??????? ??? ????? ?? ??????????? ?? ??????????? ??? ??????? ?? ??????? ?? ??????????? ???
??????????.

16 ?????????? ??? ?? ?????????? ?????? ?????????????? ??? ?? ?????????? ??????????, ? LCL
?????? ??????? ??????? ??? tribunal administratif de Paris. ?? ??????? ??? 5?? ???????
2004, ?? ?????????? ??? ?????????? ??? ????????. ?????????? ??? ? ?????? ??? ?????? ???
??? ?????????? ??? ??????????? ????, ? LCL ?????? ??????? ??????? ??? Conseil
d'Etat.

17 ????? ??????? ??? ?????????? ???, ? LCL ?????????? ???, ??? ?? ?????????? ?
????????? ?????????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ???, ?????? ?? ??????
????? ?? ?????? ??? ?????????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ???, ???????, ??????? ??? ?????????? ??? 23?? ??????? 2006, C?210/04,
FCE Bank (?????? 2006, ?. I?2803), ?? ?????????????? ??? ? ??? ?????? ??? ?????? ?? ??????????
?? ???????, ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????????? ???.

18 ?????????????? ??? ?? cour administrative d'appel de Paris, ??????????, ??????, ??? ??
?????????????? ?? ???? ????? ?????????????? ?? ?????? ?????? ??? ?????? ?????? ?????????????? ?? ???
?? ??? ??, ??? ??? ?????????? ?? ?????? ??? ?????? ?????? ??????????, ?????????? ?????? ?? ?? ???
?????, ?? ?????? ?????????? ?? ?????? ?? ?????????????? ?? ?????? ?????????? ?????????? ???
?? ??????, ???, ???????, ??? ?? ?????????????? ?? ?????? ?????????????? ?????? ???
????? ??? ?? ?????? ?????????? ?? ?????? ?? ??? ?????????????? ?? ??? ?????? ??? ?? ?????????? ??
????? ??????, ??????? «????????? ?????? ??????????????» ??? ??? ?????? ???
?????????? ???????, ??????? ?? ?????????????? ?????? ?????????????? ??? ?????? ??? ??????????
????? ??? ?????????? ??? ?? ?????????????? ??? ?????? ?????????? ??? ???.

19 ????? ??? ?????????????? ??????, ?? Conseil d'État ?????????? ?? ??????????? ?? ??????
???? ?????????? ?? ???? ?? ?????????? ?? ?????????? ?? ?????? ?????????????? ?? ??????????:

«1) ?????? ? ? ?????? 17, ?????????? 2 ??? 5, ??? 19 ??? ?????? ??????? [...] , ??????????????
????? ??? ?????? ??? ?????????? ??? [??], ??? ?????? ???, ??? ??? ?????????? ???
????????? ??? ??????????, ? ??? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ???
?? ?????? ?????? ??? ?????????????? ??? ?? ??? ?????? ??? ???, ??????????, ??
????????????? ??? ????? ?????? ?? ?????????? ?????? ?? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ?????? ??? [??];

2) ?????? ?? ?????? ?????? ? ?????? ??? ?? ?????? ??????????? ?????? ???????????????,
????? ??? ?????? ?? ?????????? ?????????? ?? ?????????? ?? ?????? ?? ?????? 17, ?????????? 3,
????????? ?? ??? ??, ?????????? ?? ?????????? ?? ?????????? ?? ?????????????????? ?????? ??
????? 13, ?, ?????? ??, ?????? 1 ??? 5, ??? ?????? ?????? ?? ?????? ?????????? [?????];

3) ??????? ? ??????? ?? ?????? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ??
????????? ?? ??? ?????????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? 17, ?????????? 5,
????????? ??????, ??? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ??????
????????????????;

4) ?? ?????????? ??????????? ??????????? ?? ??? ?? ??? ?? ??? ?? ?????? ???????????, ??????,

?????? ? ???????? ??? ???????? ??? ?? ?????????????? ??? ?????????????? ???
????????????? ?????????? ??? [??] ??? ?????? ??? ?????? ??? ?????? ?????????? ? ???
???? ?????? ??? ?????????? ?????????????? ???, ???????, ?????? ? ?????????????? ???
?????? ??? ?????????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
?????? ??? ?????? ??? ?????????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????;»

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

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

20 ??? ?????????? ?? ?????????? ???, ??? ????? ??????????, ??? ?????? ???
????????????? ??? ?????????? ?? ?????? 267 ??? ?? ?????????? ?????? ??? ??????
????????????? ??? ??? ?????????? ???, ??? ?????????? ?????????? ?? ?????? ??? ??????
????????????? ??????? ??????? ??? ?? ??? ?????? ?? ?????????? ?? ?????? ??? ??????
??? ?????? ??? ??????????. ??? ?? ?????? ???, ?? ?????????? ?????? ?? ?????????? ??? ??????????
????? ??? ?????? ???????, ?? ?????? ??? ?????? ?????? (??., ?????? ???,
????????????? ?????? FCE Bank, ????? 21).

21 ??????, ?????????? ???, ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ???
?? ?????? ?? ??? ?????? ?????? ?? ??????????, ??????, ? ?????? ?????? ?????????? ??? ??
?? ?????? ?????? ?????????? ?????????? ?? ?????? ???, ??????, ? ?????? ?????? ?????????? ???
????????????? ??? ?????????? ?????? ?? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ???
?????. ??? ?????? ??? ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ???.

22 ??????, ?? ?????? ?????? ?????? ?? ?????? ?? ??????, ???' ??????, ?? ?? ?? ???
17, ?????????? 2 ??? 5, ?????? ?? 19, ?????????? 1, ??? ?????? ?????? ?????? ??? ??????
???, ??? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
???, ??? ??????, ??? ?????? ? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ???.

23 ?????????? ?? ?????? ?????? ??? ?????? ???, ?????????????? ???, ??? ??
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? ???
(??., ?????? ???, ?????? ??? 29?? ?????? 2009, C?174/08, NCC Construction Danmark,
????? 2009, ?. I?10567, ????? 23 ??? ?????? ?????????? ??????).

24 ??????, ?????????? ? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? 2 ??? 5, ?????? ?? 19, ?????????? 1, ??? ?????? ?????? ??? ?????? ??? ?????? ???
?? ???? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ???.

25 ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ???
????? ???, ?????????? ??? ?? ?????? 17 ??? 19 ??? ?????? ?????? ?????????? ??? ?????? ???
????? ??? XI ???, ??? ?????? ?????????? ??? ?????? ??? ?????? ???.

26 ?? ?????????? ?????????? ??? ??????????? ?? ??? 17 ???. ??? ?????? ?????????? ??????????
?????????? ?????? ??? ?????????? ??? ??? ??? ??????????, ????????, ?? ???????????
(???. ??????? ?? 6?? ?????????? 2005, C?243/03, ??????? ?? ?? ???????, ??????? 2005, ?. I?8411, ?????? 28 ?? ????? ??????????? ??????????, ?????? ??? ??? 18?? ?????????? 2008,
C-488/07, Royal Bank of Scotland, ??????? 2008, ?. I?10409, ?????? 14).

27 ??????? ??? ??????????? ??? ?????????? ?????? ?? ?????????? ??????? ? ???????????????
??? ??? ?????????? ??? ??? ??? ?????????? ? ?????????? ??? ??????? ??? ?????? ???
?????????? ??? ?????????????? ????. ? ??? ???????, ?? ????? ??????? ??? ??????????
????? ??????????? ?? ???? ?? ?????????? ?????????? ???? ??? ??????????
?????????????, ?????? ??? ?????? ? ??? ?????? ?????????? ???, ??? ??? ?????????? ???
?? ?? ??? ??????????????? ???????????, ???' ????, ?? ??? (?? . ?????????????? ???).
Royal Bank of Scotland, ??? 15 ??? ??? ?????????? ??????????).

28 ???????????, ?? ???? 17, ?????????? 5, ??? ???? ?????? ?????????? ?? ???????
??? ?????? ??? ?? ??????? ?????????? ??? ??, ??? ?? ?? ??? ?? ?? ?????? ??? ???? ?
????????? ??? ?????????????????? ??? ?? ?????????? ??? ???? «??? ??? ??????????
????????????? ??? ?????? ?????????? ?????????? ??? ?????????? 2 ??? 3, ?? ??????
????????? ?????? ??? ??????, ??? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
?????». ??? ?????????? ???, ?? ?????? 17, ?????????? 5, ?????? ??????, ??? ??????
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ??????
????????? ?????? (????????????? ?????? Royal Bank of Scotland, ??? 17).

29 ?? ?????????? ?????????? ???????????????, ??????? ??? ?????? 17, ??????????? 5, ???????
??????, ??? ??? ????? ???????, ????? ?????????? ??????????????? ??????? ?? ? ? ????? 19 ??? ??
??? ??????? (????????????????? ??????? Royal Bank of Scotland, ????. 18).

31 ???????????, ???????, ??? ?????????????? ?????? ??? ??? ?????? ?????? ??
??????????, ??? ???? ?????????? ?? ??? 17, ?????????? 5, ??? ???? ??????, ??? ????
??????, ?? ?????? ?????????? ??? ?????????? ??? ?????????, ??????? ?? ?????????? ??
????????? ?????? ?????? ??? ??? ?????? ?????????? ?? ?????? ?????? ?? ?? ??
????????? ??? ?????? ? ?????? ??? ?????? ??? ??? ?????? ?? ?????????? ?? ?????????? ??
????????????? ?, ???, ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??
(??., ??? ??? ?????? ???, ?????????????? ?????? Royal Bank of Scotland, ??? 19).

33 ????????, ??? ?? ?????????????? ??? ? ?????? ??? «????? ??????????» ???
????? ?????????? ??? ??? ?? ?????? ??? ?????? ???, ??? ?? ??? ??????
????????????? ??? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ?? ??? ?? ?????? ??????
????? ????. ????, ??? ?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??????
????? ??? ? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????

??.??????????, ?? ?? ??????, ?????????????? ?????? ??? ?????????? ?????? ?????? ?????? ??? ???.
????????????? ??? ?????????? ??? ?? ?????? ??? ?? ?????? ?????? ?? ?????? ??? ?????? ??? ???.
??? ??, ??? ?? ?????? ??? ?????? ?????? 79/1072/??? ??? ??????????, ??? 6???
????????? 1979, ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ???.
???? ?????? ?????? ?????? – ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ???.
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ???. (?)
L 331, ?. 11), ??? ?? ?????? ?????? ?????? 86/560/??? ??? ??????????, ??? 17???
????????? 1986, ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ???.
???? ?????? ?????? ?????? – ?????? ?????? ??? ?????? ?????? ?????? ??? ???.
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ???. (?)
L 326, ?. 40), ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????. ? ?? ??? ??????
????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ???.
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ???.
????? (??., ??? ?? ?????? ???, ?????????????? ?????? ?????? ??? ?????? ??? ???.
????? 33 ??? 35).

34 ????.????? ??? ?? ?????????? ??? ?????? ??? ? ?????? ?????? ???????????, ??? ???.
????? ??? ?????? ??????, ? ?????? ?????? ??? ?????? ?????? ??????, ??? ???.
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ???.
??? ?? ?????? ?????? ??? (????????????? ??? ?????? ?????? ?????? ??? ?????? ??????, ???
38), ?????? ?????? ?????? ??? ?????? ??? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ????.
????????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ???.
????????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ????.
?????????.

35 ?????? ??? ? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ????.
????????? ???, ??? ??????, ??? ?? ?????? ?????? ?? ?????? ??? ?????? ????.
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ???.
????? ?????? ??? ?? ?????? ??????, ?? ?????? ?????, ??? ?? ?????? ?????? ????.
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ????.
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ????.
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ????.
????? ????.

36 ? ?????? ??? ?? ?????? 17, ?????????? 2 ?? 5, ?????? ?? 19, ?????????? 1, ???.
????? ??????, ??????, ?? ?? ?????? ????.

37 ??????????, ??? ?????? ??? ?? ?????? ?????? ??? ?????? ???, ??? ?????? ?????? ???.
????????? ?? ?????? ??????, ?????? ??? ?????? ???, ??? ?????? ?????? ???, ??? ?????? ?????? ???.
????????? ??? ?? 67 ?? 69 ??? ?????? ???, ??? ?? ?????? ?????? ???, ??? ?????? ?????? ???.
??? ?????????? ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???
????????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???.

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

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

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

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

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

39 ??????, ? ?????? ?????? ?????????????? ??? ?????????? ?????????? ?????????? ?? ?????? ???

????????? ?????????????????? ??? ?????? 5, ?????????? 7, ?????????? ?, ??? 6, ??????????

3, ??? ?????? ??????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????? ???

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

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40 ?? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?

????????? ??? ???? 17, ?????????? 2 ??? 5, ?????? ??? 19, ?????????? 1, ??? ???? ?

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

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

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

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

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

41 ?? ?? ?????? ??????? ???, ?? ?????? ?????????? ????, ???' ??????, ??,

????????? ??? ???? 17, ?????????? 3, ?????????? ?? ??? ??, ??? ?????? ???????,

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

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

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

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42 ???????, ?????????????? ???, ??? ?????????? ??? ???? ???? ???? 30 ??? 33 ???

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

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

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

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

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

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

43 ?????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?

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

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

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

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

44 ???????, ??? ?????????? ? ?????? ?????????? ?????????? ??? ???? ???? 81 ??? ?????????? ???,

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

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

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

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

45 ? ?????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?

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

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

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

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

46 ???????, ?????? ?? ?????????? ??? ?? ?????????????? ??? ?????? ??? ?????? ?? ??????
????????? ?? ?????????? ??? ?????????????? ?????? ??? ?????? ?????????? ??? ??????????
?? ????? ?????????? ??? ??? ?????????? ????? ?????????????? ??? ?? ?????? ???
????????? ??? ?????????? ?????? (??????? ??? 22? ?????????? 2010,
C?277/09, RBS Deutschland Holdings, ?????? 2010, ?. I?13805, ????? 53).

47 ???????, ? ??????? ??? ?????? ?????? ?????????? ? ?????????????? ?????? ??????????????
?????? ??? ?????????????? ?????? ?????????? ?? ?????????? ?? ??? ?????? ??????????,
????? ?? ?? ?????????? ?????????? ?????? ?????? ?????????? ??? ?????????????? ?????? ???
??? (?. ??????? ??? 9?? ?????????? 2001, C?108/99, Cantor Fitzgerald International, ??????
2001, ?. I?7257, ????? 33).

48 ???????, ??? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ?????? ?????? ? ??????????
???? ??? ?????? ?? ?????????? ?????? ?????????? ???????, ?????? ?? ?????????? ??
????????????? ??? ??? ??? ?? ?????? ?? ?????????? ?????? ??? (?., ?????? ???,
????? ??? 21? ?????????? 2006, C?255/02, Halifax ?.??., ?????? 2006, ?. I?1609, ?????
73, ?????? ??? ?????????????? ?????? RBS Deutschland Holdings, , ????? 54).

49 ???????, ??? ??????? ??????? ?????? ?? ?????? ? ?????? ? ?????????? ??? ?? ??? 17,
????????? 3, ??????? ?? ??? ?, ?????? ?? 19, ?????????? 1, ??? ?????? ?????????? ?????
??? ?????? ???, ??? ??? ?????????? ??? ?????????? ?????????? ??? ??? ??? ??????????
???? ?????????? ???, ??? ??????, ??? ?????? ? ??? ?????????? ?????? ?????? ?????? ?????, ???
????? ?? ?????? ?????? ??? ????? ?????????? ??? ?????????? ??? ?????????????? ?? ?????????????? ???
??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????????? ??? ?????????????? ?? ?????????????? ???

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

50 ?? ?? ?????? ??????? ??, ?? ?????? ?????????? ?????, ???' ??????, ?? ?? ?????? 17,
????????? 5, ?????? ??????, ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?? ??????
????? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ?????? ?????????? ??? ??????
????????????? ??? ?????? ?????????? ??? ?????? ??????, ? ?????? ?????? ?????? ??? ??????
????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????????????? ???
????????????? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???.

51 ?????????? ?? ?????? ??????? ??? ?????? ?????? ??? ?????? ?????, ?????????????? ???, ??? ??
????????? ??? ?????????? ??? ?????? 17, ?????????? 5, ??? 19, ?????????? 1, ??? ??????
??????, ?????????? ??? ? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??????????
????????? ??? ?? ??? ?????? 17, ?????????? 5, ?????? ??????, ???, ??????, ??????????
????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????????? ??? ?????? ???
??? ??? ?????? ?????????? ???, ???' ??????, ??? ??? ?????? ??? ?????????? ??? ?????????????? ???
????????? ??? ?????? 17, ?????????? 5, ?????? ??????, ?????????? ??, ??? ?? ??? ??????
(?., ??? ??? ?????? ???, ?????????????? ?????? Royal Bank of Scotland, ?????? 22, ???
?????? ??? 8?? ?????? 2012, C?511/10, BLC Baumarkt, ?????? 21).

52 ?? ?????????? ??? ?????? ?????? ???, ?????? ?????? ?????????? ??? ?? ?????????? ???
?? ?????? ??????, ?????????? ??? ?????? ??? ?? ??????????, ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?? ???

?????? ???? ???, ?????????? ??? ??????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ???
??? ??? ??? ??????. ??? ?????? ??? ?????? ??? ??????? ???, ?? ?? ??? ????? ?????? ??????????
?? ?????????? ??? ?????? ??? ?????? ??? ????? ?????????? ??? ?? ??? ?????? (??., ?????? ???,
????????????? ??? BLC Baumarkt, ??? 22 ??? ??? ?????????? ??? ??????).

53 ???????, ?????????????? ? ??????????? ??? ? ??????? ?? ???? ?????? 17, ??????????? 5, ?????
??????, ??? ????? ??????? ?? «?????? ??????????????» ??? ?????? ?? ?????????? ??
?????? ??????????? ?????.

54 ????????????, ??? ??????? ?? ???? 4, ?????????? 1 ??? 2, ??? ????
???????, ? ??? «?????????????» ????, ??? ??????? ??? ????? ???????, ?? ??????? ???
????????? ????????????, ??? ????? ?? ?????????????? ??? ???????, ??? ???????,
? ??? ?????????? ??????????.

55 ???????, ??? ?????? ????? ?? ??????, ?????? ??? ??????????? ??? ?????? 17,
?????????? 5, ?????? ??????, ?? ?????????? ?? ??????????? ??? ?????? ??? ?????
?????????????? ??? ?????? ??? ?? ?????? ?????, ??? ?????? ??? ??????????? ??? ??????????
????????? ??? ?????? ?? ??????????? ?? ?????? ??? ??????????? ??? ???????????????, ???
????? ??????? ??? ?????????????? ?????? ?????? ??????????? ??? ?????? ?????? ?????? ??? ?????
????? ???????.

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

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

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

58 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????
??? ?????????? ?????????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????????? , ?' ????
????????? ??? ?? ??????? ??? ?? ?????????? ??? ?????? ?????????? ????. ?? ?????? ??? ?????? ?????????? ??????????
????? ??????? ?????????????? ??? ?????????? ??? ?????? ?????????? . ??? ?????? ??? ?????? ?????????? . ??? ?????????? .

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

1) ?? ?????? 17, ?????????? 2 ??? 5, ????? ??? 19, ?????????? 1, ??? ????
?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ???
????????? ??? ?????? ??????, ??? ??????? ?? ??? ????? ?????? ?????? ?????? -
????? ?????? ?????? ????? ?????????? ?????: ?????????? ?????????? ???, ???
??? ?????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ???
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2) ?? ?????? 17, ?????????? 3, ?????????? ?? ??? ?, ????? ???? 19, ?????????? 1, ???
????? ?????? 77/388 ????, ??? ?????? ???, ??? ??? ?????? ??? ??????????
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3) ?? ?????? 17, ?????????? 5, ?????? ??????, ??? ?????? ??????? 77/388 ????

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