

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

??? 30?? ??????? 2016 (\*)

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

???? ??????? C?200/14,

? ? ?????????? ?????? ?????????????? ?????? ??? ?????? 267 ??? ?????? ???? ??????  
?? Tribunalul Sibiu (????????? Sibiu, ??????) ?? ?????? ??? 20?? ?????? 2014, ?  
????? ?????? ??? ?????????? ??? 22 ?????? 2014, ??? ?????? ??? ??????

### **Silvia Georgiana Câmpean**

????

**Administra?ia Finan?elor Publice a Municipiului Media?, ??? Serviciul Fiscal Municipal  
Media?,**

**Administra?ia Fondului pentru Mediu,**

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

????????? ??? ??? M. Ileši? (?????????), ?????? ???????, C. Toader, A. Rosas, A. Prechal  
?? E. Jaraši?nas, ???????,

????????? ??????????: M. Szpunar

?????????: L. Carrasco Marco, ?????????? ??????????,

????????? ??? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??? ?????????? ???  
22?? ??????? 2015,

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

– ? S. G. Câmpean, ?????????????? ??? ??? D. Târ?ia, ????????,

– ? ?????????? ???????, ?????????????? ??? ??? R. H. Radu, ?????????????? ??? ???  
V. Angelescu ??? ??? D. M. Bulancea, ????????????,

– ? ?????????? ???????, ?????????????? ??? ??? R. Lyal, G.-D. Balan ??? M.  
Wasmeier,

???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? 18?? ?????????? 2016,

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

????????

1 ? ?????? ?????????????? ?????? ?????? ??? ?????? ??? ?????? 6 ???, ??? ???  
 ??? ?????? ?????? ?? ?????????????? ? ?????????? ??? ?????? ??? ?????? ??? ???  
 ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? 17, 20, 21,  
 ?????????? 1, ??? 47 ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? (???  
 ????: ??????).

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

3 Legea nr. 9/2012 privind taxa pentru emisiile poluante provenite de la autovehicule (????? 9/2012 ???? ??? ????? ???. ?????????? ?????????? ?????????? ?????????? ??????????), ??? 6?? ?????????? 2012 (*Monitorul Oficial al României*, ????? I, ???? 17 ??? 10?? ?????????? 2012, ??? ????: ????? 9/2012), ??????? ??? ?????? ?????? ?????????? ??? ?? ??????? ??? ?????????? ?1 ??? ?3 ??? ?1 ??? ?3. ??????? ??? ?????? 4, ?????????? 1, ??? ????? 9/2012, ? ??????? ?????????? ??? ?????? ?????? ??????????, ?????? ????, ??? ??? ?????? ?????? ?????????? ?????????? ??????????.

4 ?? ???? XV ??? Ordonan?a de Urgen?? a Guvernului nr. 8/2014 privind modificarea ?i completarea unor acte normative ?i alte m?suri fiscal-bugetare (????????? ?????????????? ?????????? 8/2014 ??? ???. ?????????????? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????????????? -????????????????? ??????), ??? 26?? ?????????????? 2014 (*Monitorul Oficial al României*, ??? I, ????. 151 ??? 28?? ?????????? 2014, ??? ????:OUG ????. 8/2014), ?????????? ?? ????:

«1. ?????????? ?????? ?????????????????? ?? ?????????? ?????? ??? ?????????? ??? ??????????  
??? ?????? ??? ??????? ?? ?????????? ??? ?????????? ?????? ??? ??? ?????? ??? ?????????? ??????  
???????????, ?????? ??? ?????? ?????????????????? ??? ??? ?????? ?????????? ??? ????  
????????? ?????????? ??? ?????????? ?????, ?????? ??? ?????? ?????? ??? ?????? ?????????????? ???  
?? ?????????? ??? ?? ?????? ?????????? ?????????? ??? ??? 31? ?????????? 2015,  
????????????? ??? ?????? ?????? ?????????????? ???, ?? ?????????? ?????????? ?????? ???'  
????? ??? ?? ? 20% ??? ?????????? ???.

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

4.    ??? ?????? ? ?????????? ??? ?????????? 1 ?????????????? ?????????????? ???  
????????? ?????????????? ??????????.

5. ?????????????? ????? ?????????? 1 ????? ??? ?????????????? ?????????? ??? ??????????  
????????? ?????????? ?????????????? ?????????????? ?????? ??? ?????? ?????? ?????????? ???  
????????? ??? ?? ?????? ?????????? ??????????.

7.    ?? ?????????? ???. ???? ???. ?????????? ???. ????????. ?????????? ???. ????????. ?????????? ???.  
????? ???. ????. ???. ?????? ???. ?????? ???. ?????? ???. ???. ????. ???. ?????? ???. ???. ?????? ???.  
????? ???. ???. ?????? ???. ?????? ???. ?????? ???. ???. ????. ?????? ???. ???. ?????? ???. ???.  
6.»

5 ??????? ?? ??? ?????????????? ?????? ??? OUG ???? . 8/2014, ? ??????? ??? ??????????????  
?????????????????, ?????? ???, ??? «??? ?????????????? ??? ????? ?????????? ?????? ?????? ???  
????? ??? ?????????? ??? ?????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ??? ?????????? ??? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????????? ??????????, ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ? ???  
??? ?????????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????  
??? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ??????????????, [??] ?????????????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????  
??????, ?? ?????????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????  
?????????? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????????? ?????????? ?????????? . ??????????????, ? ?????? ?????? ?????? ??????????  
????? ?? ?????????? ??? ?????? ?????????? ?????????? ?????????????? ?????????????? ???, ???????,  
?? ?? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
?? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???.

6 ? Ordinul nr. 365/741 al ministrului mediului ?i schimb?rilor climatice ?i al ministrului finan?elor publice privind aprobarea Procedurii de efectuare a pl??ilor sumelor prev?zute prin hot?râri judec?tore?ti având ca obiect restituirea taxei pe poluare pentru autovehicule ?i a taxei pentru emisiile poluante provenite de la autovehicule ?i a modelului ?i con?inutului unor formulare ?i pentru modificarea anexei nr. 4 la Ordinul ministrului mediului ?i schimb?rilor climatice ?i al viceprim-ministrului, ministrul finan?elor publice, nr. 490/407/2013 pentru aprobarea Procedurii de restituire a sumelor prev?zute la art. 7, 9 ?i 12 din Ordonan?a de urgen?? a Guvernului nr. 9/2013 privind timbrul de mediu pentru autovehicule, precum ?i a sumelor stabilite de instan?ele de

judecat? prin hot?râri definitive ?i irevocabile (????????? 365/741/2014 ??? ????????)  
????????????????? ??? ??????????? ??????? ??? ??? ??????? ?????????? ??????????????, ??? ???  
????????? ??? ??????????? ??????? ??? ?????? ??? ??????? ?? ?????????? ?????????? ??????????  
????????? ?? ??? ?????????? ??? ?????? ??? ??????? ?????????? ??? ?????????? ?????????? ??? ??? ???  
???? ?????????? ??????? ?????????? ???????, ??? ??? ??????? ??? ?????????? ?????????? ???  
??? ?????????? ??????? ??????? ??? ??? ??? ?????????? ?????? ??? ?????????? 4  
??? ?????????? 490/407/2013 ??? ?????????? ?????????????? ??? ?????????? ?????????? ??? ???  
????????????? ??? ???????????, ?????????? ?????????? ??????????????, ??? ??? ?????????? ???  
????????????? ??? ??????????? ??? ?????????? ??? ?????? 7, 9 ??? 12 ??? ??????????  
????????????? 9/2013, ??? ?????????????? ?????????? ??? ??? ?????????? ??? ?? ??????????  
??????, ??? ??? ??? ??? ?????? ??? ?????????? ?? ?????????? ?????????? ?????????? ???  
?????????), ??? 19?? ?????? 2014 (??? ????: ?????? 365/741), ?????????? ?????? ???  
????? XV, ?????????? 6, ??? OUG ?????. 8/2014 ??? ?????????? ??? ?????? ?????????? ???  
??? ?? ??? ?????? XV.

7 ?? ?????? 1, ?????????? 2 ??? 3, ??? ?? ??? ?????? ??????? ?? ????:

«2. ?? ?????????? ??? ?????????????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???  
??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
???????????, ??? ?????? ??? ?????? ?????????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????????? ???  
?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ??? 31? ?????????? 2015,  
????????????? ??? ?????? ??? ?????? ?????????????? ???, ?? ?????????? ?????????? ??? ?????? ???'  
????? ??? ?? 20% ??? ?????????? ???, ?????? ??? ?? ??? ?????? XV ??? [OUG ?????. 8/2014].

3. ?? ?????????? ?????????? ??? ?????? ??? ?????? 1, ?????????? 2, ??? ?????????? ???  
????? ?????????? ??? ?????? ??? ?????? ?????????? ???, ?????? ?? ??? ?????????? ??? [OG ????.  
92/2003)], ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???, ??? ?? ???' ??? ??????????  
????????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??? ?????? ???, [...]».

8 ?? ?????? 3 ??? ?? ??? ?????? ??? ?? ????????:

«?? ??? ?????? 1, ?????????? 2, ?????????????? ??? ?????? ??? ?????????? ??? ?????  
??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ?? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ?????????? ???, ??? ?????? ???.

9 ?? ?????????? 1 ??? ?????? 365/741 ???????, ??? ??????? ?, ??? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? XV, ?????????? 1, ??? OUG ?????. 8/2014,  
?? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??????.

10 ?? ?????? 7 ??? 19 ??? ?????? ??? ?? ??? ?????? ?????????? 1 ?????????? ?? ????:

«7. ?? ?????? ?????????? ??????????, ??? ?????? ?????????? ??? ?? ????????:

a) ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ???????,

b) ?????? ?????????? ??? ?????? ??????? ? ?? ?????????? ??? ?????? ??????? ????????,  
????????????? ??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ???????????,

[...]

19. ??? ??? ??????? ??? ?????? ??????, ??????? ?? ?? ?????????????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? 11, ? ??????  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??????  
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????  
????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? [...] »

11 ? Ordonan?a de Urgen?? a Guvernului nr. 22/2002 privind executarea obliga?ilor de plat? ale institu?ilor publice, stabilite prin titluri executorii (?????? ?????????? ?????? 22/2002  
??? ??? ?????? ??????? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ???  
????????? ???), ??? 30?? ?????????? 2002 (Monitorul Oficial al României ????. 81 ??? 1??  
????????? 2002) ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????  
????? (??? ????: OUG ????. 22/2002), ????????, ??? ?????? ??? 1, ?? ???:

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

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

12 ?? ??? 2 ??? ?????????? ??? ?? ????????:

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

13 ?? ??? 3 ??? OUG ????. 22/2002????? ?? ????????:

«???? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????????? ???  
????? 2 ?????????? ??? ?????? ???, ? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ???/ ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????»

14 ? Ordinul Ministerului Finan?elor Publice nr. 2336 pentru aprobarea Procedurii de punere în aplicare a titlurilor executorii în baza c?rora se solicit? înfiin?area popririi conturilor autorit?ilor ?i institu?ilor publice deschise la nivelul unit?ilor Trezoreriei Statului (?????? 2336/2011 ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????  
????????? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????) (??? ????: ???????

2336/2011), ????????, ??? ???? ?? 10bis, ?? ??????:

«1. ????? ? ?????????? ??????????? ?? ?????? ??? ?????????????? ??????????????, ? ?????????? ???  
?? ?????????????? ?????????????? ?? ??? ?????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ? ?? ??? ????  
??? ?????????? ??????, ??? ?????? ?? ?????????? ?????? ? ?????????????? ??? ?????????? ??? ????  
????? ?????????????? ??? ?????????? ?? ?????????? ?????? ??? ??????, ??? ??? ?????????? ???  
????????????? ??? ?????????????? ??? ?????? 1, ?????????? 2, ??? [??? OUG ????. 22/2002],  
????? ?????????? ??? ?????????????? ?? ??? ????? 288/2002, ??? ? ?????? ?????? ?? ??????  
????????????? ??? ??????????????.

2. ?????????????????? ??? ?????????????? 1, ????????????? mutatis mutandis ? ?????????????  
????????????? ?????????? ??? ?????????????? ??? ?????????? 1 ??? 10.»

15      ? ??????????? ???. ?????????????? ???. ????? ?????????? ???. ?????????? ???. OG  
?????. 92/2003.

16     ?? ????? 116 ?? ???? ????????????, ?? ????? «????????????», ??????????, ???  
????????????? ??? 1, 2, 4 ??? 6, ?? ????????:

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

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

[...]

[...]

6. ? ?????????????? ?????????????? ??? ??? ?????????? ?????????????? ??????????, ?????????? ??????????  
??? ?????????? ? ?????????????? [...] »

17 ?? ???? 24 ??? Legea contenciosului administrativ nr. 554 (????? 554 ??? ????????????,  
??????), ??? 2?? ?????????? 2004, (*Monitorul Oficial al României*, ???? I, ????. 1154, ???  
?? ?????????? 2004), ??? ????????????????, ?? ????? ?????????????? «?????????  
?????????», ??????, ??? ?????????? ?? 1, ?? ???:

« ????? ?????????? ????? ?? ??????, ?????????? ??? ?????????????? ??????????, ?????????? ???  
????????????? ?? ??????, ?? ?????????????? ?? ? ?? ?????????????? ?????????? ?????? ? ??  
????? ??? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??????????, ? ?????????? ???  
????????????? ?????????? ?????? ?????????? ?????????? ?????????? ?????????? ?????? ???

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

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

18 ? S. G. Câmporean ?????????? ??? ?????????? ?????????????????? ?????????????? ???  
???? ?????????? ??? ??????????. ??? ??? ?????????? ???, ? S. G. Câmporean ???????, ??? 18  
????????? 2012, ?? ??? 2 737 ?????????? ??? (RON) (????????? 615 ????) ?? ??? ???  
????????? ?????????? ?????????? ???, ??? ?? ?????????? ??? 9/2012.

19 ?? ?????????? ??? ?????????? ??? 21 ?????????? 2012 ??????? ??? Tribunalul Sibiu  
(????????? Sibiu), ? S. G. Câmporean ?????? ?? ??? ?????????? ?? ??? ???, ??? ????  
????????????? ???, ??? ?????????? ??? ?????????? ??? ?????????? ???, ?????????????? ???  
? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ??????.

20 ?? ??????? ??? ??????? ??? 5 ?????????? 2012, ?? ?????? ??????????,  
????????????? ??? ?? ??????? ??? ?? ??? ?????? ?? ?? ?????? ??? ??????, ?????????? ??  
????????? ??? ??????? ??? ?????????? ??? ?? ?????? ?????? ?????????? ?????????? ??????????  
??? ??????????.

21 ?? ?? ?????? ??? 3?? ?????????? 2014, S. G. Câmporean ??? Ciocoiu (C?97/13 ??  
C?214/13, ?? ????????????, EU:C:2014:229), ?? ?????????? ?????????? ??? ?? ???  
????? ??? ?? ?????? ??? ?????????? ?? ??? ?????? ??? ?????? ?????? ?????????? ??????????  
????????? ??? ?????? ??? ?????? ?????? ?????? 9/2012. ?? ?????????? ??? ??????????  
????? ?? ?????????? ??? ?????? ???.

22 ???????, ??? ?????? ??? ?????? ??????????, ?? ?????? ?????????? ??????????  
????????? ?? ??? ?? ?????????? ?? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ??????????  
????????? ?????????? ?? ??? ?????????? ?? ??? ?????? ??? ?????????? ?????????? ??????????  
?? ?????????? ?? ??? ?????? ??? ?????? ?? ??? ?????? ?????????? ?? ??? ?????? ??? ??????  
?? ?????? ?????????? ?? ??? ?????????? ?????????? ?????????? ???, ??? ?????????? ??? ??????  
XV ??? OUG ????. 8/2014.

23 ?? ?? ?????????? ???????, ?????? ??????, ??? ?????????? ??????????  
?? ?????????? ?????????? ??????? ?? ??? ?????? ?????? ?????????? ?? ??? ?????? ??? ??  
????????? ??? 20 % ?? ?????? ??? ?????????? ?????, ?????? ?????? ??? ??????????  
??????. ??? ?? ?????? ??????????, ? ?????? ?????????? ??????, ??? ?????? ??? ??? ??  
????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ??????????  
????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ??????????  
????????? ???, ?? ?????? ?????? ?????????? ??? ?? ?????? ??? ?????? ???.

24 ??? ??? ??????? ????, ??? 22 ?????? 2014 ?? Tribunalul Sibiu (??????????  
Sibiu) ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ???  
????????? ??? ?????? ?????????? ???.

25 ?? ???????, ?? ??? ??? ?????? ?????????? ??????? ?? ?????????? ??? ??????????  
????????? ??? ?????? ?????? ??? ?????????? ??? ??????. ?? ??? ?????? ???, ? ??????????  
?? ?????? ?????? ???, ?????????? ???, ??????, ??? ?????? ??? ?? ??? ??  
????????? ?????? ??? ?????? XV ??? OUG ????. 8/2014 ????, ??????, ???, ???  
????????? ??? ?? ??? ?????? ?????? XV ??? ?????????? ?? ???, ?????? ?????????? ????  
????????? ??? ?????????? ?????????? ?????????? ?????? ??? ?????? ?????????? ????  
????????? ??? ?????????? ?????????? ?????????? ?????? ??? ?????? ?????????? ???.

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

26 ??????? ??? ????????????????, ?? ?????????????? ??????????? ??? ??????? ?? Tribunalul Sibiu (?????????? Sibiu) ??? ?????????? ????? ?? ???????:

«1) ??????????? ??? ?? 6 ???, ??? ?????? 17, 20, 21, ??????????? 1, ??? 47 ??? ?????? ???  
?????????? ??????????? ??? ?????????? ??????, ??? ?????????? ??? ?? ?????????? ??? ????  
?????????? ??? ?? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ???, ???  
????????? 16/2003 ??? ?????????? ?????????? ??? ?????????? ??? ?????????? [??] ??? ??????  
1787/2011 ??? ?????????????? ?????????? ??? ?????????? ??? ?????????, ??????????  
?????? ??? ?? ??? XV [?? OUG ????. 8/2014];

2) ?????????? ??? ?????? ??? ?????? [????? ??? ?????? ?????????????? ?? ?????? ??????],  
????? ??? ??? ?????? 16/2003 ??? ?????????? ?????????? ??? ?????????? ??? ??????, ???  
????? 1787/2011 ??? ?????????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
??? ?????? (80)2 ??? ?????????? ????????, ?????????? ?????? ??? ? ??????  
365/741/2014, ?? ????? 1, 2 ??? 3 ??? [OUG ???] 22/2002??? ? ?????? 2336/2011;

3) ?????? ?? ?????????????? ?????? ??? ?????? ??? ? ?????????? ??? ?????????????  
(?????? C?103/88, Costanzo, EU:C:1989:256), ??? ?????? ??? ?? ?????????? ??????????????  
????????? ?????????? (? ?? ??????????: ?? ?????????? ?????? ??? ?? ??????????????  
?????????) ?? ??????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ?????? ??? ?????? ?? ?????? ? ?????? ? ??????????  
??? ?????????? ?? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ?? ?????? ?????? ??????????  
????????????? ??? ??? ?????? ?????????? ??? ?????????? ???;

4) ????? ??????? ????? ? ????? “?????????” ????? ?? ??????? ????? ??????, ?????? ?????? ??????  
?????????? ??????? ?? ??????? ?????????????? ??????????? ?? ??????????? ??????????  
?????? ?? ?????????????? ??? ?????????????? ?????????? ? ?? ??????? ?? ??????????  
?????????? ?? ?????????? ?? ?????????????? ?????????? ????? ?? ??????? ?? ?????? ?????  
????????? ??? ?? ???????;

5) ????? ?? ??????? ??? ??????? ??? ??????? ??? ?? ?????????? ??? ??????????? ?? ??????????? II,  
?????? 1, ??????? b, ??? ??????? 16/2003 ??? ??????? ??????? ??? ??????? ?? ??????????? ??  
?????? (?????? ?? ??????? ??? ??????? ?? ??????? ?? ??????? 24, ??????? 3, ??? ?? [????  
?????????? ??????]) ??????? ?? ?????????? ??????? ?? ?????????? ?? ??????????? ?? ??????????  
????????? ?? ??????? ?? ??? ????? ?????????????? ?????????? ?????????? ?? ??????????? ?? ???????????;

6) ?? ?????????? ??????????? ?????????? ?????????? ?????????? ?????????? ??? ????? ??  
??????????, ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ?? ??  
????????? II, ?????? 2, ??????? d, ??? ?????????? 16/2003 ??? ?????????? ?????????? ???  
????????? ??? ??????;»

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

????????? ??? ????? ??????????? ??????????? ?????????? ??? ??????????? ?? ?????????? ??  
?????????? ??? ???? ?? ??? ????? ??????? ??? ??? ?????? ?? ??????????? ?? ?????????? ??  
?????????? ??? ??????? ??? ?????? ?????? ?? ??? ??????????? ?? ?????? ??? ??????????? ??  
????????? ??? ??????. ?????????? ??? ??? ?????? ?????? ??????????? ?? ?????? ??? ??????????? ??  
????????? ?????????? ??? ?? ?????????????? ??? ? S. G. Câmpean ?????? ??? ?? ??????  
?????????? ?? ?????????? ?????????? ?????? ?????? ?? ??? ?????????? ??? ??????????? ??  
????????? ??? ?????? ?? ??? ?????? ?????????? ?? ??????, ?????????? ?? ??? ?????? ??? ?? ???  
?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ?? ??? ?????? ??? ?? ???.

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

29    ??????, ?????????????? ???, ??? ?????? ?????????? ??? ?????????????? ?? ?????????? ??  
?? ?????????? ??? ??????? ??? ?????? ?????????? ??? ?????? ?????????? ?? ?????? ?????????? ??  
????? ??? ?????????? ??? ?????????????? ??? ?????????? ?? ?????? ??? ?????????????? ?? ???  
??? ??????, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ?? ?????????? ??,  
????????? ??? ?????? ?????????? ??????????. ??????????, ??? ?????????? ??? ?????????? ??  
????????? ??? ?????? ?? 267 ??? ?????????? ?????????? ?????????? ?? ?????????? ?? ?????????? ??  
? ?? ?????? ?? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ?????????? ??  
????????? ??????????, ?????????? ??? ? ?????????? ??? ?????????? ??? ?????? ?????????? ??  
????????? ??? ?????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??  
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ??  
????????? ?????? (??., ?????? ???, ?????? ??? 6?? ?????????? 2015, Târ?ia, C?69/14,  
EU:C:2015:662, ?????? 12 ?? 13 ??? ?????? ?????????? ??????????).

30    ?????? ????, ?? ?????????? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??  
?????? ?????????? ??? ?????? ??? ?????????? ?????????? ?? ?????? ??? ?????????? ?? ?????? ??  
????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??  
????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??  
????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??  
????????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??  
(????????? ??? 21?? ?????? 2015, Verder LabTec, C?657/13, EU:C:2015:331, ?????? 29, ????  
?? ??? 6?? ?????????? 2015, Târ?ia, C?69/14, EU:C:2015:662, ?????? 14 ??? ???  
????????? ?????????? ??????????).

31    ?? ??????????, ?? ?????? ??? ? ?????????????? ??? ?????????? ??? ?????????? ??  
?? ?????? ?? ?????? ?????????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??  
?? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??  
?? ?????? ?????????? ?? ?????? ?????? ??? S. G. Câmpean, ?????? ?? ?????? ?? ?????? ??  
????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??????, ? ?????? ?????? ??? ?????? ??  
????????? ?????????? ??? ?????? ?????? ?????? ??????.

32    ??????????, ??? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ??  
????????????? ???, ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????????? ??  
????????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?? ?????? ??  
?????., ?????? ?, S. G. Câmpean ?????????? ?? ??? ?????? ?????????? ??? ??? ?????? ??  
?? ?????????? ???, ??????, ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??  
????????? ?? ?????? ???, ??????, ?? ?????? ??? ?????? ?????????? ??? ?????? ??

??? OUG ???? . 8/2014.

33    ??? ??? ?????????????? ????, ??? ?????????? ????, ????? ?????????? ???, ?? ????, ?? ?????? ?? ??????  
?? ??????? ?? ???? ?? ?????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ??  
????? ?????????? ?? ???? ?????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?????? ?? ???? , ?? ???? ?? ??  
?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????????? ?? ???? ?? ???? 29 ?? ???? ?????? ?? ???? ??????  
?????? ?? ???? ?????? ?? ???? ?? ???? ??????????.

34 ????? ??????, ???????, ?? ?????????? ?? ?? ?????? ? ?????????? ?????????? ?????????? ??????????  
????????? ?????????? ?? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ?? ?????? ??  
????????? ?? ?? ?????????? ?? ?? ?????? ?????? ?????? ?? ?? ?????? ?????????? ?? ?? ??????????  
?????????, ?????????????? ?? ?? ?????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ??  
????????????? ??????????, ??? ?????????? ?? ?? ?????? 267 ????, ?????????? ?????? ???  
????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? (????????? ?? ?? 4?? ?????? 2010, TNT Express  
Nederland, C?533/08, EU:C:2010:243, ????? 59 ?? ?? ?????????????? ??????????), ?? ??  
?? ?? ?????????? ?? ?? ?????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????????? ??  
?????? ?? ?????????? ?? ?? ??????, ?? ???????, ?? ?????? ?? ?? ?????? ?? ?? ?????????????? ??????.  
???? ???????, ?? ?????????? ?? ?? ?????? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ??  
?? ?? ?????? ?? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

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

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

36 ?? ?? ?????????? ???, ?? ?????? ??????? ?? ??????????? ?? ???????, ?? ??????  
?????????? ???, ??' ?????? ?? ??????????????? ?? ?? ?????? ?? ??????? ?? ??????? ?? ?? ?????  
???, ?? ??????????? ?? ??????? ?? ??????? ?? ??????????? ?? ?????? ?? ??????????? ?? ??????? ??  
?????? ??, ?? ??????? ?? ??????? ?? ?????? ?? ?????? ?? ??????????? ?? ??????????? ?? ???????????  
??????????, ?? ?? ?? ??????? ?? ??????????? ?? ?????? XV ??? OUG ????. 8/2014 ??? ??,  
?????? 365/741 ?, ???????????, ??? ?? 1 ??? 3 ??? OUG ??. 22/2002 ??? ?? ??  
10bis ??? ??????? 2336/2011.

37 ????????, ??? ?????? ???????????, ?? ?????????? ?? ?????????? ?????? ??? ?????? ?????? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ??????????? ??? ??????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????????? ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ????????, ??? ??  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?? ??????????. ????????, ?? ?????? ??? ?????? ??????  
????????? ?? ??????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ???  
????????? ??? ?????? (????????? ??? 6?? ?????????? 2015, Târ?ia, C?69/14, EU:C:2015:662,  
????????? 24 ??? 25 ??? ??? ?????????? ??????????).

38 ?????????? ?????????????? ?????????? ??? ?????? ?????? ?????? ??? ??????????  
????????????? ?????????????? ?????? ??????, ?????????? ?? ???? ?????? ??????, ?????? ???  
????? ??? ?????????? ??????????, ?? ?????????? ?? ?????? ?????????????? ?????? ??? ??  
????????? ??? ?????????????? ?????? ??????? ?? ?????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ?? ?????? ?? ?????????????? ?????? ??? ?? ?????? ???  
????? (??., ?????? ????, ?????? ??? 6?? ?????????? 2015, Târ?ia, C?69/14,  
EU:C:2015:662, ??? 26 ??? ?????????????? ??????????).

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

???? ?????????? ?? ???? ?????????? ?????????? ??? ?????? ??? ?????????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (????? ??? ??????????) ??? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (????? ??? ?????????????????) (??., ?????? ??????, ?????? ??? 6?? ?????????? 2015, Târ?ia, C?69/14, EU:C:2015:662, ????? 27 ??? ?????????? ??????????).

40 ?????? ??????, ??????????????? ???, ??? ?????? ??? ?????? ?? ???????????, ??????? ??  
??? ?????? ??? ?????????? ???????????, ??? ?????? ??? ?????? ?? ??????? ?? ???????  
????????? ??? ?????????? ??? ?????????? ???, ? ?????? ?????? ?????? ?????????? ??? ?? ??????  
??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ?? ??? ?????? ??? ?????????? ?? ?? ?????? ???  
????? ?????????? ??? ??? ?????? ???????, ??? ?????????? ??? ?????? ??? ?????? ??? ??? ???  
????? ??? ?? ?????? ?????? ??????? ??????? ??? ?????? ??? ?? ???????, ??????? ???  
????????? ????, ??? ??? ?????????? ??? ?? ??? ?????? ??? (??., ???????, ?????????? ??? 10??  
?????????? 2002, Prisco et CASER, C?216/99 ??? C?222/99, EU:C:2002:472, ????? 77 ???  
???? ??????????? ???????, ?????? ??? ??? 2?? ?????????? 2003, Weber's Wine World  
?.??., C?147/01, EU:C:2003:533, ????? 87).

41 ??????? ?? ??????? ?????? ??? ?????? ??????? ?? ??????????? ?? ?????????? ??  
?????? ?? ?????? ??????????.

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

42 ??? ??? ?????? ?????? ??? ?? ???? XV ??? OUG ????. 8/2014  
???? ? ??????? 365/741, ? ?????? ??????? ??? ?? ???? ?????? ??? ?? ???? XV,  
?????? ??? ?? ???? 3?? ?????????? 2014, S. G. Câmpean ??? Ciocoiu (C?97/13  
??? C?214/13, EU:C:2014:229), ?? ??? ????? ?? ?????????? ?????????? ??? ?? ???? 110  
???? ?????????? ?? ??? ????? ?? ?????? ????? ?????????? ?????????? ?????????? ??????????,  
??? ??? ? ?? ??? ?????????? ???????, ?????? ?????, ??? ??? ?????????? ???  
??? ?????? ??? ?????????? ?????????? ?????? ?? ??? ?????? ??? ?????? ??? ??? ???  
????? ??? ????? ?????????? ?????????? ??????. ???????, ? ?????? ?????????? ??????????  
????????? ??? ?????? ?????? ?????? ?????????? ?????? ?????????? ??? ??????  
????????? ?????? ?????? ?????? ?????? ??????????.

43    ??? ??? ????????, ??? ??????????????, ??? ?????????????? ??? ???? ??? ?????????? ??? ???? ??????????  
?? ?? ?????? 40 ??? ????????, ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ?? ??????????  
?? ?? ?? ??? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??  
?????????????, ??? ??? ?? ??? ??? ??? ????????, ?? ?????????? ?????????? ??? ?????? ??? ??  
????????? ??? ??? ?????? ???.

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

45      ????? ?????? ??????????, ? ?????? ??? ?????? ??? ?????????????? ?????????????? ??? ??  
????? ??? ?????? ?????? ?? ?????????? ?????????????? ?????????????? ?????? ??? ?????? ?????? ??????????

????????? ??????????? ?? ?????? ??? ?????????? ?????? ?????????????? ?? ?????????? ??? ?????????  
??? ?????? ??????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? –?? ??? ??  
???????????, ??? ?????? ??? ?? ??????? ?????????? ???– ?????? ?????????? ?????????? ??  
????????? ??? ?????????? ?????? (??., ???????, ??????? ?? 19?? ?????? 2012,  
Littlewoods Retail ??., C?591/10, EU:C:2012:478, ????? 31 ??? ????? ??????????????  
?????????).

46 ??????????? ??????? ?? ?????? ????????????, ?? ?????? ??? ?????? ?????? ???  
?????????? ?????????? ?? ?????????? ?? ??????????? ?? ??????????????, ??? ?????? ??????, ???  
????????? ?? ?????????????? ?? ?? ?????????????? ??????? ?? ?????? ??? ?????? ??? ??????, ??  
?????????? ?? ?? ?????????? ?????? ?????? ??????? ?? ?? ?????? ??? ??????????????. ??????,  
?????? ?? ?????????? ?? ?????? ?????? ?? ?????? ??????????, ?? ???????????, ?? ??????????  
?????? ?? ?? ?????????? ?????? ?????? ??????? ?? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? (??.  
????????? ?? 1?? ?????????? 1998, Levez, C?326/96, EU:C:1998:577, ?????? 39 ??? 40,  
??? 19?? ?????? 2012, Littlewoods Retail ???., C?591/10, EU:C:2012:478, ?????? 31).

47 ??? ?? ????? XV, ?????????? 1, ??? OUG ??. 8/2014 ?????????? ??? ? ??????? ???  
????? ??? ?? ??????? ??? ????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?? ??? ????? ??????????  
????????? ?? ?????? ?????? ?? ?????????????? ??? ?????????? ??? ?????????? ??? ??????????????  
????????????? ???, ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????  
????????? ??? ?? ??? ?????? ?????? ??? ??? ?????????? ?????????? ???????, ??? ?? ??? ??  
????? ??? ?? ?????????????? ??? ??? ?????????????? ??? ??????. ?? ?? ??? ????? XV  
?????????, ??? ?????????????? ??? 1 ??? 4, ??? ? ?????????? ??? ?? ??? ??????  
????????????? ??? ?????????? ??? ?????? ?????? ?????????????? ???, ?? ?????????? ?????? ???'  
???? ?? ?? ?? 20% ??? ?????????? ???, ??? ?? ?????????? ?????????? ?????? ??? ??????????????  
????? ??????? ?????? ?????? ??? ??? ?????????? ??? ?????? ??? ?????????????? ??? ??????????????  
????????? ??? ?????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? 1 ??? ?????? ???.

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

50 ? ?????????? ?????????? ?????????? ?????? ??? ? ?????????? ??? ?????? ?????  
?????? ?????? ??? ?????? ?????? ?? ?????????????? ? ?????? ?????????? ??????????  
????????? ?????? ?? ?????????? ?????????? ?????????? ?????? ?????? ?????????? ???  
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????????  
????????? ?????????? ?????? ?????????????? ??? ?????? ?????? ??????????????.

51 ????????, ??? ?? ?????????? ?? ??? ????? ?????? ??? ????? ?????? ?????? ?????????? ??  
????????? ?? ??? ????? ?? ???????????, ?????????? ?? ??? ????? ??????????? ?? ??? ????????,  
?? ??? ????? ??, ?? ?? ?????? ?????????? ?? ??? ????? ??????????? ?? ??? ?????????? ??????  
???? ?????? ? ?????????? ?????????? ?????? ?????? ?????????? ?????? ??? ?????????????? ??  
????? XV ??? OUG ????. 8/2014 ??? ??? ?????? 365/741 ????, ?? ??? ?? ???????????,  
??? ?????? ??? ?? ??????? ?????????? ????, ?????????? ?? ??? ????? ?????????? ?????????? ??????  
??? ??????? ??? ??????, ??? ? ?????? ?????????? ??? ?????? ??????.

52      ?????? ??? ????????, ?? ??????, ????, ?????? ?????????? ?? ? ????????, ?????????????? ?? ??  
?????? 34 ??? ?????????? ??, ????, ?????? ?????????? ??????? ?? ??? ?????? ?????? ?????????? ?? ??  
?????? ??????? ?? ?????????? ?? ?????????? ???????????, ?????????? ?? ??? ?????? ?????? ???????  
?????????? ?? ?????????? ?? ????????.

53      ????? ?????????????????? ?? ? ?? ?????? ??????? ??????????? ??? ????? ?????????????? ?? ??  
????????? ?????? ??? ?????? ??????, ? ?????? ??????????? ??? ?????? ??? ??????, ?? ??????  
?????????? ?? ?????? ?? ???????????, ?? ?????? ??????, ??? ?????? ?? ???????????  
????????? ?? ?????? ?????? ?????? ??????? ??? ?? ?????? ?????? ??????? ??????????? ?????? ? ??? ??  
?????????????? ??????????? ??? ?????????? ??? ?????? ?????? ??????? ?????? ???, ??????  
??? ?????? XV ??? OUG ????. 8/2014 ??? ?? ??????? 365/741.

54 ??????, ??? ?????? ?? ??????? ?????????????? ?????????? ? ??????, ??? ?? ??????  
??????????, ?? ??? ?????????? ?? ?????? ?????????? ?? ?????????? ?????????? ?? ?? ??????????  
???? ?????? ?? ???? ???? ?????????? ?????????? ?? ?????? XV ??? OUG ????. 8/2014  
??? ??? ?????? 365/741, ?????? ?? ?????? 1 ??? 3 ??? OUG ????. 22/2002 ??? ?? ?????  
10bis ??? ?????? 2366/2011, ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?? ?????????? ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????  
????? ?????????? ??? ?????????? ?? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????  
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????????? ??? ?????? ?????????? ?? ?????? ?????? ?????????? ?????????? ?????????? ???  
????????? ??? ??????, ??? ?? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??????????  
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55 ????? ?? ??????, ?????????????? ????? ?????????? ?????????????? ??? ?????????? ?  
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????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ?? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????, ??? ??? ??? ??  
????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (??., ???????,  
????????? ??? 6?? ?????????? 2015, Orizzonte Salute, C?61/14, EU:C:2015:655, ????? 67,  
????? ??? ??? 6?? ?????????? 2015, Târ?ia, C?69/14, EU:C:2015:662, ????? 34 ??? ???  
????????? ??????????).

56      ????? ???????, ? ??? ?????? ?????????????? ?????? ?? ?????????? ??? ???? ?????? ???  
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57      ????? ?????? ??? ?????????? ??? ?????? ??? ??????????????????, ?????? ?? ??????????,  
??????, ?? ??? ?????? ?????????? ?????? ?????????????? ??? ?????? ?????????? ??? ?????? ???  
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OUG ???? 8/2014 ??? ?????? ?????? 365/741, ?????? ??? ?????? ?????? ?????????? ?????? ?  
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????????? ?????? (??., ???????, ?????????? ??? 27?? ?????? 2013, Agrokonsulting-04,  
C?93/12, EU:C:2013:432, ????? 48, ?????? ??? 6?? ?????? 2015, Târ?ia, C?69/14,  
EU:C:2015:662, ?????? 36 ??? 37).

58      ???????, ?????? ?? ?????????? ???, ???' ???????? ??? ?? ??? ?????? ???????????  
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??? ?????? ?????? ?????? ??????, ?????? ?????, ?? ??? ?????? ?????? ?????????? ??? ?????? ???  
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59      ??? ?????? ?? ??? ?????? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ???  
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60      ?????? ???, ? ?????????? ??? ?????????? ??? ?????? ???????, ?????? ?? ?? ??? 3  
?? ?????? 365/741 ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ??' ??????????  
?????????, ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???  
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61      ??? ??? ?????? ?????? ???, ?????? ?? ??? ?????? ???, ?????????? ??? ?????? ???,  
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64 ?????? ??????? ?? ?????????? ??? ?? ?????? ??? ?? ?????? ?????? ?? ?????? ?????? ?????????? ??????  
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?????. ???????, ??? ?????? ?? ?????? ???, ??? ?????? ???????, ??? ?????????? ??? ? ??????? ??????????  
?? ?? ?????? 47 ??? ?????????? ??, ??? ??? ?????? ??????, ?? ?????????? ?? ?????? ???  
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65      ???????, ? ??????????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???  
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66 ????????, ? ??? ? ?? ?????????????????????????? ?????? ?? ?????????????? ?? ???? ??????

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67      ????? ??????, ????????, ?? ????? 1 ??? 3 ??? OUG ???? 22/2002 ??? ?? ????? 10bis ???  
????????? 2366/2011, ?????? ?? ?????????????? ??????? ? ?????, ??? ?? ?????? ???????????,  
?? ??? ?????????? ??? ?????????? ??? ?????????? ??????? ?? ?????????? ??? ?????????? ??? ???????  
????? XV ??? OUG ???? 8/2014 ??? ? ?????? 365/741 ??? ???????????, ?? ??????????  
???? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ? ?????????? ??? ?? ????? ??????????  
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68 ??????????, ?????? ?????????? ??? ??? ?????? ?????????, ??? ? ?????????????? ???  
????? 2 ??? 3 ??? OUG ??. 22/2002, ? ????? ?????????? ??? ?????? ??? ?????????? ???  
?? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????????? ???  
??????, ??' ??????, ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ??????. ???????, ??? ??? ?????? ??? ?? ???  
?????????, ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????????  
????????? ??? ??? ?????????? ?????? ???, ?????? ? ?????????? ??? ??????????  
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69 ????? ?????????? ?????, ????, ????? ?????????? ??? ? ?????????????? ??? ?????? ?????? ?????, ???  
??? ?????? ?????????? ???????, ????, ?? ????? 1 ??? 3 ??? OUG ????. 22/2002 ??? ??  
????? 10bis ??? ??????? 2366/2011, ?????????? ??? ????? ?????????? ??? ?????? ?????????? ???  
????????? ??????? ?? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???  
????????? ?????????? ??? ?????? 2 ??? 3 ??? OUG ????. 22/2002, ??? ?? ?????? ??? ?????? ???  
??? ??????? ??????? ??? ?????? ????? ?????????????? ??? ?????????????? ??? ?????? ?????? ???  
????? ????, ????, ????? ?????????? ??? ?????????????? ?? ?????????? ??? ?????? ?????? ?????? ???  
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????? ???? ??? ?????? ??? ?????????? ???????, ??? ?????? ?????? . ??? ??????  
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70      ????? ?? ??????? ???? ?? ?????????? ?? ?????? ?????? ?????????? ?? ?????????????? ?? ??????  
?????????, ??? ? ??????? ???? ?????? ???, ? ?????? ?????????? ??? ?????? ?????????? ??? ?????  
????????? ??? ???????, ?????????? ??? ?? ?????????????? ??? ?????????? ??? ?????? ?????????? ???  
??? ?????????? ??? ?????? ?????????????? ??? ?????? ?????????? ??? ?????? 110 ??? ??? ?? ???  
???? ????????, ??????? ??? ?????????????? ??? ?????????????? ?? ?? ??? ?????? 37 ??? ??????????  
????????, ?? ?????????? ?????? ?????? ???, ??????? ? ?????? ??? ?????????? ?? ?????????? ???  
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71      ??? ?? ??????? ?????????? ????:

- ? ????? ???? ?????????? ?????????? ?????? ?? ?????????? ??? ??? ?????? ???  
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????? ??????, ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?? ??????  
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??? ??? ?????? ??? ?? ?????? ??????, ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?? ??????  
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- ? ????? ???? ?????????????? ??????? ?? ?????????????? ??? ?? ?????????? ??? ?????????? ??? ?????????????? ???  
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?????????, ??? ?? ??????? ??? ?????? ???, ?? ?????? ?????????? ??? ?????? ??????????  
????????? ?????????? ??? ?? ?????? ?????? ?? ?????? ?????? ??? ?????????? ??? ??????????  
????????? ?????????? ??? ?? ?????????????? ?????? ?????????????? ??? ?????? ??????,  
????? ?????????? ??? ?????????????? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ???  
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72    ?????????? ??? ? ??????? ?????????? ???? ?? ???? ???? ?????? ?????? ?????? ?????? ???  
?? ?????????? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
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??? ??? ?????? ??????, ?? ?????????? (??????? ????) ??????????:

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

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