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

??? 8?? ?????????? 2020 (\*)

«????????? ????????? – ?????? (??) 2018/957 – ??????? ?????? ?????????? – ???????  
????????? – ??? ??????? ??? ?????????? – ?????? – ??????? ??? ?????????? –  
????????? ??? ?????? ????? – ????? 53 ??? 62 ??? – ?????????? ?????????? –  
????? – ????? 9 ??? – ?????????? ?????? – ????? ??? ?????????? ??? ?????????? –  
????????? – ??? ??? ?????????? – ????? ??? ?????? ??? ?????????? ??????????  
????????? – ?????? ?????? – ????? 58 ??? – ?????????? (??) 593/2008 – ?????  
????????? – ????? ??? ?????????? ?????? ??? ??? ?????????? ??? ?????????? ?????»

???? ?????? C?620/18,

? ? ?????????? ?????? ?????? ?????? ??? ?????? 263 ???, ? ?????? ?????? ?????? ???  
2 ?????????? 2018,

?????????, ?????????????? ??? M. Z. Fehér ??? G. Tornyai, ?????? ??? ??? ?? M. M.  
Tátrai,

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????????? ????????????, ?????????????? ??? M. Martínez Iglesias ??? ??? L.  
Visaggio ??? A. Tamás,

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??? ?????????? ??? ?????????? ??? ?????????? ??? J. Möller ??? ??  
S. Eisenberg,

?? ??????? ????????, ?????????????? ??? E. de Moustier, A.?L. Desjonquères ??? C.  
Mosser ??? ??? R. Coesme,

?? ??????? ??? ??? ???, ?????????????? ??? ??? M. K. Bulterman ??? C. Schillemans  
??? ??? J. Langer,

?? ??????? ??? ??????, ?????????????? ??? ??? L. Havas, M. Kellerbauer ??? B.?R.  
Killmann ??? ??? A. Szmytkowska,

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

????????? ??? ?????????? ???, ?????????????? ??? ??? A. Norberg ???  
M. Bencze ??? ??? E. Ambrosini ???, ??? ???????, ??? ??? ?. Norberg ??? ??? E. Ambrosini,  
A. Sikora-Kal?da ??? Zs. Bodnár,

?????,

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

??? ?????????????? ??????????? ??? ???????????, ?????????????? ??? ??? J. Möller ??? ?? S. Eisenberg,

?? ??????? ???????????, ??????????????? ??? ??? E. de Moustier, A.?L. Desjonquères ??? C. Mosser ??? ??? R. Coesme,

?? ??????? ??? ??? ???, ??????????????? ??? ??? M. ?. Bulterman ??? C. Schillemans ??? ??? J. Langer,

?? ??????? ??? ??? ???, ??????????????? ??? ??? C. Meyer-Seitz, H. Shev ??? H. Eklinder,

??? ?????????? ???????????, ??????????????? ??? ??? L. Havas, M. Kellerbauer ??? B.?R. Killmann ??? ??? A. Szmytkowska,

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

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

?????????? ??? ??? K. Lenaerts, ???????, R. Silva de Lapuerta, A??????????, J.-C. Bonichot, ?. ?????? (????????), E. Regan, M. Ileši? ??? N. Wahl, ?????????? ????????, E. Juhász, D. Šváby, S. Rodin, F. Biltgen, K. Jürimäe, ?. ????????, P. G. Xuereb ??? N. Jääskinen, ????????,

?????? ??????????: M. Campos Sánchez-Bordona

?????????: R. ?ere?, ?????????? ??????????,

?????? ?????? ??? ?????? ??????????? ??? ??????? ??? ??' ??????????? ??????????? ??? 3?? ??????? 2020,

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1 ?? ?? ?????????? ??? ?????????? ???, ? ??????? ?????? ??? ?? ???????????, ???????, ?? ??????? ??? ?????? (??) 2018/957 ??? ?????????? ??????????? ??? ??? ???????????, ?? 28?? ??????? 2018, ??? ??? ?????????? ??? ?????? 96/71/?? ??????? ?? ??? ??????? ?????????? ??? ?????????? ??? ??????? ?????? (?? 2018, L 173, ?. 16, ??? ??????????? ?? 2019, L 91, ?. 77) (?? ????: ?????????????? ???), ???, ???????????, ?? ????????

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2 ?? ????? 9 ??? ?? ???:

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

3 ?? ????? 53 ????:

«1. ??? ?? ?????????? ??? ??????? ??? ?? ?????? ?? ?????????? ???????????????, ??  
????????? ??? ?????????? ??? ?? ?????? [?? ?????????? ??????], ??????????????  
?????? ?? ?? ?????? ?????????? ?????????? ?????????? ??, ?????????? ?????? ?? ?? ??????  
????????? ??? ?????????? ?????, ?????????????? ??? ?????? ?????? ?????? ??? ?? ??????????  
??? ?????????? ?????, ?????????????? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?? ??????  
??? ?????????? ??? ?? ?????? ?? ?????????? ??????????????.

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

4 ??? ?? ????? 58, ?????????? 1, ????:

«? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????????? ??? ??????????.

5 ?? ????? 62 ????:

«?? ?????? ??? ?????? 51 ?????? ??? 54 ?????????? ??? ?? ?????? ??? ?????????? ??? ??  
??? ?? ?????? ??????.

6 ?? ????? 153 ????:

«1. ?????????? ?? ?????????? ??? ?????? ?? ?????? 151, ? ?????? ?????????? ??? ??  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ????:  
?) ???????, ???????, ??? ?????????? ?????? ???????, ?? ?????? ??? ?????????? ???  
?????? ?? ?? ?????????? ??? ?????????? ???, ?? ?????????? ???, ?? ?????????? ???,  
?) ??? ???????, ?? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ???, ?? ?????????? ???,  
?) ??? ???????, ?? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ???, ?? ?????????? ???,  
??) ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ?? ?????????? ???  
????????? ???, ?????????????????? ??? ?????????? ???, ?? ?????????? ??? ?????????? ???, ?? ?????????? ??? 5,  
[...]

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

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

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

? ) ?????? ?? ????????, ??? ?????? ??? ?????????? ??? ?????? ?) ??? ?) ???  
????????? 1, ??? ??????, ??? ?????? ?????? ?????????? ?? ?????? ?????????? ???  
????????? , ?????????? ?????? ??? [?????] ??? ?????? ?????? ?????????? ??? ??????????  
?? ??? ?????? ????. ??? ?????? ?????? ?????? ?????????? ? ?????? ?????????? ,  
????????? ??? ?????? ?????? ?????????? , ?? ?????? ?? ?????????? ?? ?????????? ???  
??? ?????? ??? ?????? ?????????? .

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

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

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

[...]

5. ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? , ??? ?????????? ???  
????????????? , ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? (??-???).»

**? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ?**

? ?????? 96/71/??

7 ? ?????? 96/71/?? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? , ??? 16??  
????????? 1996, ?????? ?? ?? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??????????  
(?? 1997, L 18, ?. 1), ?????? ??? ?????? 57, ?????????? 2, ??? ??? ?????? 66 ??  
(?? ??? 53, ?????????? 1, ??? ?????? 62 ???, ?????????? ).

8 ?????? ?? ?? ??? 3, ?????????? 1, ??? ?????? 96/71, ?????? ??? ??? ??  
????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ?????????? ? ?????? , ?????????? ???  
????????? , ?????????? ? ?????? ?????? ?????? ?/?? ?????????? ?????????? ?  
????????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? .

9 ??? ?????? ?? ??? ?????? ?????? ? ?????? 96/71 ?????????? , ??? ??? 3, ??????????  
1, ?????? ??, ??? ?????? ??? ?????? ?????? ??? ?????? , ?????????????????? ???  
????????? ?????? ?????? .

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

10 ? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 53, ?????????? 1, ??? ??  
????? 62 ???.

11 ?? ?????????? 1, 4, 6 ??? 9 ??? 11 ??? ?????????? ?????? ??? ??? ??

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«(1) ? ?????????? ??????????? ?? ???????????, ? ?????????? ?????????????? ?? ? ?????????  
?????? ?????????? ?????????? ?????????????? ?????? ?? ?????????? ?????? ?????? ??  
????????????? ??? ??????? ?? ?????????? ??? ?????????? ??? ?????????? ?????? (????). ? ??????  
????????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?? ?????? ??  
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[...]

(4) ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 96/71[...], ??? ??????????  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ?? ?????????????? ?? ??????  
????????? ????, ????, ??? ??????? ?? ?????????? ? ?????????? ?????? ?????????? ?????? ?????????? ??? ??  
????????????? ??? ?????? ??? ?????????????? ???, ????????, ??? ?????????? ?? ?????????? ?????????? ??? ??  
????????? ??? ?????????? ?????? ?????????????? ?????????? . ?????????? ?? ?????????? ?????? ?????????? ??? ??  
????????? ??? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?? ??????????  
?? ??? ?????????? ??? ?????? 96/71 [...], ?? ?????? ?? ?????? ?????????????? ?????????? ??? ??  
????????? ??? ??? ?????? ??? ?????? 2014/67/?? ??? ?????????? ?????????? ?????????? ??? ??  
????????? [?? 15?? ????? 2014, ??? ??? ?????? ??? ?????? 96/71 ??? ??  
????????? ??? ?????????? (??) ?????. 1024/2012 ??????? ?? ?? ?????????? ?????? ?????????? ??????????  
???? ??? ?????????? ?????????????? ??? ??? ?????????? ?????? (“????????? ???”) (?? 2014, L  
159, ?. 11)].

[...]

(6) ? ???? ??? ??? ?????????????? ??? ? ?????????? ??? ?????? ?????????? ??? ?????? ??????????  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? . ?? ??? ??  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????  
????????? ??? ??????, ??? ?????? ??? ?????? ?????????? ?? ?????????? ?????? ?????????? ?????? ???  
??? ?????????? ?????????? ?? ?????????? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ??  
????? ?????????? ??? ?????????? ?? ?????????? ?? ?????? ?????????? ??? ?????? ?????????? ?????? ???  
????????? ?????? ?????????? ?????????? ?? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ??????  
????????? . ?? ?????? ??? ?????? ?????????????? ??? ?????????? ?????? ?????? ??? ?????????? ?????? ??  
????? ?????????? ??? ?????? ?????????? . ??? ?????? ?????????? ??? ?? ?????? ?????? ?????? ???  
????????? ???? ? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??????.

[...]

(9) ? ?????????? ???? ?????? ?????????? ??????????. ?? ?????????? ?????? ??????????  
????????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ??? ??????????  
??? ?????? ??? ?????? ?????? ?????? ??????????. ??????, ?????????? ?????? ?????? ??? ??????  
????????? ?????? ?????????? ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ??????  
????????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ??????  
????????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ??????  
12 ??????, ?? ?????? ??? ?????? ?????? ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ???  
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????.

(10) ?????? ?????????? ? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ????

? ?????????? ??? ???????? ??????? ?????????? ?? ?????? ???, ???? ?????????????? ???  
??? ??????????????, ???? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????????? ???? ??? ???????. ????, ?? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ??????????  
????????? ??? 12, ?, ???????, 18 ?????. ?????????? ??? ?????? ?????????? ??? ?????????? ???  
????????? ??? ??????, ??? ?????? ??? ?????? ?? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ??????, ?? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ???  
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????????? ??? ?????????? ???.

(11) ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? 12, ?, ???????, 18 ?????, ?  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ??? ??  
????????? ??? ?? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? »

12 ?? ?????????? ??? 16 ??? 19 ??? ?????????? ??? ?????? ??? ????:

«(16) ?? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???,  
????????? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???,  
????????? ???, ??? ? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ???  
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ???  
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(17) ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
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?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ????. ?? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????????? ??  
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(18) ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? /??? ??? ?????????? ??? ??????  
????? ???, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????. ???  
????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??????. ??????, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? /??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? /??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

(19) ?? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??  
????? ??????, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.  
?? ?????? ???, ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? /??? ?????? ???, ??? ?????? ???

? ?????????? ??????? ? ??????? ?? ??? ?????????? ??? ?????? ??????. ? ?????????? ?? ??????? ??  
????????? ?? ??? ?????? ????? ?????????????? ?????????????? ?????? ?? ??? ??????  
????????? /??? ??????? ?? ?????????? ??? ?????????? ??? ?????? ??????»

13    ??? ? ? ?????????? ??? 24 ??? ? ? ?????? :

«? ??????? ? ?????? ??????? ??? ??????? ??????? ??????? ?? ??? ?????????? ???????  
????????? ?? ??? ??????? ??? ?????????? ?????? ??????????, ?? ??? ?????? ?? ??????  
?????????, ?????????????? ??? ?????????? ??? ?????? ??????????, ?? ??? ??????????  
????????? ????? ?? ?????????????? ??? ?????? ?????????? ?????????? ??????. ? ??????? ??????  
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14    ?? ??? 1, ?????????? 1, ???????? ??, ??? ?????????????? ?????? ?????? ???  
????????? -1 ??? -1? ??? 1 ??? ?????? 96/71:

«-1.    ? [????? 96/71] ?????????? ??? ??????? ??? ?????????? ?????????????? ?????? ??  
????????? ??? ?????????? ??? ?? ??? ?? ??? ?????? ?????? ?????????, ??????????????  
????????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ?????????? ??? ??????????, ?? ?????? ?????? ?? ??????????.

-1?.    ? [????? 96/71] ??' ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ???  
????????????? ??? ?????? ??? ??? ?????? ??? ??????, ?????????????? ??? ??  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????????  
??? ?? ?????? ?????????? ?????????? ??? ?????? ???, ?????? ?? ?? ??????  
????? ???/? ??????. ??? ?????? ?????? ?? ?????? ??????????????, ?????? ???  
????????? ?????????? ?????????? ?? ?????? ?????? ?????????? ?????????? ?????? ?????? ??  
?? ?????? ?????? ???/? ??????»

15    ?? ??? 1, ?????????? 2, ???????? ??, ??? ?????????????? ?????? ?????????? ??  
????? 3, ?????????? 1, ??? ?????, ?????? ??, ??? ?????? 96/71, ?????????? ??  
????????? ?? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ??? ?????? 3,  
????????? 1, ?? ???:

«1.    ?? ??? ?????? ??? ?????????? ???, ?????????? ??? ?? ?????? ??? ?????? ?? ??????  
????????, ?????????????? ??? ?????????????? ??? ?????? 1 ?????????? 1 ?? ??????????, ????  
??? ?????? ??? ????? ??????????, ????? ?????????????? ??? ?????? ?????????????? ???  
????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ?????? ?? ?? ?????? ??? ??????????  
????????, ?? ??????, ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ? ??????,  
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-    ??????????, ?????????? ? ?????????? ?????? /???

-    ?????????? ?????????? ? ?????????? ?????? ?? ?????? ?????? ?????? ?????????? ??  
????????? ?????? ?????? ???' ?????? ?????? ?????????? ?????? ?? ?? ?????? 8:

[...]

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

??? ??? ?????? [????????? 96/71], ? ?????? ??? ?????? ?????????? ??? ?? ??????  
?????? ?/??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??????????, ?????????? ? ?????????? ?????? ?????? ?,  
????????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????  
????? ??? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ??? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ??? ?????? ?????????? 8.»

16 ?? ??? 1, ?????????? 2, ????????, ??? ?????????????? ?????? ?????????? ???  
????? 3 ??? ?????? 96/71 ??? ?????? 1?, ? ??? ????:

«????? ? ?????????? ??? ?????? ??? ?????????? ?????? 12 ??????, ?? ?????? ???  
????????? ???, ?????????? ??? ?? ?????? ??? ?????? ?? ?????? ??????????, ??????????  
????? ?????????? ??? ?????? 1 ?????????? 1 ????????, ?????? ??? ?????? ??? ???  
????????? ???, ????? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ??????  
????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? 1 ??? ?????? ???,  
????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ?? ?????? ?????????? ???  
????? ??? ?????? ??? ?????? ?????????? ???:

- ??????????, ?????????? ? ?????????? ?????? /???

- ??? ?????????? ? ?????????? ? ?????????? ?????? ?? ?????? ?????? ?????? ??????????  
?? ?????? ?????? ?????? ? ?????????? ???' ?????? ?????? ?????? ?? ??? ??????  
8.

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

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

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

????? ?????????? ??? ? ?????? ?????? ?????????? ?????????? ?????????????? ???, ??  
????? ?????? ??? ?????? ?????????? ? ?????? ?????? ?????????? ??? ?????? ??? ??????  
??? ?????? ?????? 18 ????.

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

? ?????? “????? ?????? ??? ??????” ??? ?????????? ??? ?????? ??? ??????  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???, ??

????????????? ??? ? ?? ?????????? ? ?? ?????????????? ??? ???? ?????????? »

17 ??? ? ?? ??? 1, ?????????? 2, ??????? ?, ??? ?????? 2018/957, ?? ??? 3,  
????????? 7, ??? ?????? 96/71 ?????????????? ?? ???:

«?? ?????????? 1 ??? 6 ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????????? ??? ??? ??????????????.

?? ?????? ?? ??? ?????? ?????????? ?????????? ?? ?????? ??? ??????, ?????? ???  
????????????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ???  
?????????, ??? ?? ??? ?????? ??????, ?????? ??? ??????????. ? ??????????, ?? ??? ??????????  
?? ?????????? 1 ?????? ?????? ?????? ?), ?????????? ?? ??? ?????? ??? ??????????????  
????????? ?????? ?? ??? ?????? ?????????? /??? ?????????? ??? ?????????????? ???  
????????? ??? ??? ?????????? ??????????.

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

18 ?? ?????? 3, ?????????? 3, ??? ?????????????? ?????? ??? ?????? ?? ???:

«? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??? ??????????  
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 2006/22/? [??? ??????????  
????????? ??? ??? ??????????, ??? 15? ?????? 2006, ??? ?????????? ??????????  
????????? ??? ??? ?????????? ??? ?????????? (??) ????. 3820/85 ??? (??) ????. 3821/85  
??? ?????????? ?????? ?? ??? ?????????? ?????????? ??? ?????? ?????? ?????????????? ???  
????????? ??? ??? ??? ?????????? ??? ?????? 88/599/??? ??? ?????????? (?? 2006, L 102,  
?. 35),] ??? ?????? ??? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ?????? ??  
??? ?????? 96/71[...] ??? ??? ?????? 2014/67[...] ??? ??? ?????? ?????? ??? ?????? ??  
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**? ?????????? ?????? ?? ?? ?????????? ?????? ?????? ?????????? ??????**

19 ? ?????????? ??? 40 ??? ?????????? (??) 593/2008 ??? ?????????? ??????????????  
?? ??? ??????????, ??? 17? ?????? 2008, ??? ?? ?????????? ?????? ??? ??????????  
????? (?????) (?? 2008, L 177, ?. 6, ??? ????: ?????????? «????? ?»), ??? ?? ????:

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

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

20 ?? ?????? 8 ??? ?????????? «????? ?», ?? ?????? ?????? ??? ?????? «????????? ??????????  
?????????», ??? ??? ?? ???:

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

?? ?? ?????? 3. ??????, ? ?????? ?????? ??? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ??  
????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
?? ?????????? 2, 3 ?? 4 ?? ?????? ?? ??????, ??????, ?????? ??????.

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

[...]»

21     ?? ?????? 23 ??? ?? ??? ??????????????, ?? ?????? ?????????????? «????? ?? ?????  
????????? ?? [???????? ?? ??????], ?????????? ?? ????:

«?? ??? ?????????? ???. ?????? 7, ? ?????? ?????????????? ???. ?????? ???. ?????? ?????????? ???. ?????????? ???.  
???. [????????? ???. ??????] ???. ??????, ???. ?????? ??????, ?????????? ???. ?????? ??????  
????????? ???. ?????? ???. ?????? ???. ?????? ?????????? ???.»

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

22      ? ?????????? ?????? ??? ?? ??????????:

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

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

- ?? ??????? ?? ??????? ?? ?????? 1, ?????? 2, ??????? ??, ??? ??????????????????  
???????, ?? ??? ????? ??????????? ?? ??????? ?? ?????? 3, ??????????? 1, ?????  
??????, ??????? ??, ??? ??? ????? 3, ?????????? 1, ????? ??????, ??? ??????  
96/71,

– ?? ??????? ?? ???? 1, ?????????? 2, ??????? ??, ??? ?????????????? ???????, ?? ?? ???? ??????? ?? ??????? ?? ??????? 3, ?????????? 1?, ??? ?????? 96/71,

= ?? ?????????? ?? ?????? 1, ??????????? 2, ?????????? ??, ??? ?????????????????? ????????,

— ?? ?????????? ?? ?????? 3, ??????????? 3, ??? ?????????????????? ????????, ???

- ?? ?????????????? ?? ?????????????? ?? ?? ?????????????? ?? ?? ?????????????? ?? ?? ?????????????? ?? ?? ?????????????? ?? ??.

23    ?? ?????????????? ?? ???? ?? ?????????? ?? ??????? ?? ???? ?? ?????????????? ?? ???? ??

24      ?????????? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ???????

....., ....., 18, ....., .....,  
????????? ??????.

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

26      ?? ??????? ?? ??????? ?? ??????????? ?? 27?? ??????? 2019, ??????? ??

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

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27 ??? ????? ??????? ??? ?????????? ???, ? ??????? ?????????? ?????? ?????? ?????? ??????????, ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 153, ?????????? 5, ???? ??? ?????? ?????? ?????? ?????? ?????? 56 ????, ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? «????? ?», ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

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

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

28 ? ?????????? ?????????? ??? ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 53, ?????????? 1, ???? ?? ?????? 62 ????. ???? ??? ?????, ?? ??? ?????? ??????, ?? ?? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

29 ? ?????????? ?????????? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 153 ????.

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

31 ???, ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

32 ???, ? ??????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

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

34 ???, ??, ??? ?? ??? ?????? ?????????? ?????? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 96/71 ????

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

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

36 ? ?????????? ??????? ?? ?????? ??? ? ?????? ??? ? ?????? ??? ? ??????????????????  
????????? ??? ? ?????? ??? ?????? ??? ? ?????? ??? ? ?????????????? ??? ? ?????????? ???  
????????????? ??????, ?????? ??? ?????? ?????????? ?????? ??? ? ?????? ??? ?????? ??????????  
????????? ?? ??? 153, ?????????? 2, ???????? ??, ???, ?????? ? ??????????????  
????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???' ?,?? ??? ??? ??????  
53 ??? 62 ???.

37 ?? ?????????? ??? ?? ??????????, ?????????????? ??? ???? ??????????????  
????????? ??? ??????????, ?? ?????? ??????????, ?? ?????? ??? ??? ?????? ???, ??  
????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????????? ???  
?????????.

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

38 ?????????????? ?? ????????, ??????, ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ?????? ?? ?????????? ?? ?????????????? ?????? ?????? ?????????? ??????????  
??????, ?????? ??? ?????? ?????????????? ? ?????? ??? ? ?????????? ??? ??????  
?????. ??? ??? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ? ?????? ???  
????????? ?????? ??? ???? ?????????? ??? ???? ??????????, ??? ??? ???? ???? ???? ????  
????? ? ? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????, ??? ? ?????? ??? ??????  
? ? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????, ? ?????? ?????? ??? ??????????  
?? ??? ??? ??? ?????? ???, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????? ? ??? ??? ?????? ?????? ?????????? (?????? ??? 3?? ?????????? 2019,  
????? ?????? ?????? ??? ?????? ?????????? ??? ??????????, C?482/17, EU:C:2019:1035, ???  
31 ??? ??? ?????????????? ??????????).

39 ??????, ??? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ???? ?????? ?? ??????????  
?????, ??? ??? ?????????? ??? ?????????? ?????? ??????, ?? ?????? ?????? ??? ??????  
????????? ??? ??? ??????, ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??  
????????? ??? ?????? ??? ??? ?????? ?????? (?????? ??? 3?? ?????????? 2019, ???  
????????? ??? ?????? ?????????? ??? ??????????, C?482/17, EU:C:2019:1035, ??? 32).

40 ?? ?? ??????, ?????????? ??? ?????? ?????? ??? ? ?????? ?????? ?????????? ??????????  
??????, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????????? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ???, ? ?????? ??? ??  
????????? ??? (?????? ??? 3?? ?????????? 2019, ??? ?????? ?????????? ???  
????????? ??? ?????? ??????, C?482/17, EU:C:2019:1035, ??? 42).

41 ??????, ??? ?? ?????????? ??? ?????? ??? ? ?????? ?????? ?????????? ??? ? ?????????? ???  
????? ?????? ?? ?????????? ??? ?????? ?????? ??? ??????, ? ?????????? ??? ?????? ???  
????? ?? ?????? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ? ?? ??? ?????? ?????? ??? ??????, ?????????? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??????, ??? ?????? ?????? ?????????? ??? ?? ?????? 9 ??? ?????? ???, ???  
????? ?????????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?????????? ??? ?? ?????????? ?????? ?????????? ?????? (?????  
????? ??? 21?? ?????????? 2016, ??? ??????, C?201/15, EU:C:2016:972, ??? 78).

42 ????????, ?? ??????? ?? ?????? ???????, ?? ??? ?????? ???????????, ?? ???????????  
????? ?? ??????? ?? ??????? ?? ??? ?????????? ?? ??? ??????? ??????????? ??  
?????????? ?? ??????? ?? ??????? ?? ??? ??????? ?? ?????????? ?? ??? ??????? ??  
????????? ?? ??????? ?? ??????? ?? ?????????? (?????? ?? 3?? ??????? 2019,  
?????? ?????????? ?? ??? ?????????? ?? ??? ??????????, C?482/17, EU:C:2019:1035, ???  
39 ??? ?? ?????????????? ???????).

43 ???????, ?????????????? ??, ??? ?????????? ?? ?????????? ?? ?????????? ??????????  
?? ?????? ?? ?????????? ?? ?????? ?? ?????? ???????, ?? ?????? ?? ?????? ?? ??????  
?? ?? ?????????? ?????? (?????? ?? 12?? ??????? 2015, ?????????? ???  
?????????, C?48/14, EU:C:2015:91, ??? 36 ??? ?? ?????????????? ??????????).

44 ??????, ??? ?? ??????? ?? ??? ?????? 53, ?????????? 1, ??? ?? ?????? 62 ???  
????????? ?? ? ?????????? ?? ?????? ?????? ??????? ?? ??????? ??????? ?? ??????  
????, ?????? ??, ?? ?????? ?? ?????????? ?? ?????? ???????, ?????????? ??  
????????? ?? ??????? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ??????? ?? ?????? ??  
????????? ?? ?????? ???????, ?????????? ?? ?????????? ?? ?????????? ?? ??????? ??  
????? ?????? ???????.

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

46 ???????, ??? ?????? ?? ??????? ?? ?????? ??, ??? ?? ?????????? ??  
????????? ??, ? ?????????? ?? ?????? ?????????? ?? ?????? ?? ?????????? ?? ??????? ??  
?? ??? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?????? ?? ?????? ??,  
????? ??? ?? ?????? ?? ?????????? ?? ?????? ?? 9 ???, ??? ?????? ?????? ??  
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
?? ??? ?????? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ??  
????????? ?? ?????? ?? 41 ??? ?????? ???????.

47 ?? ?? ??????, ?????? ?????????? ?? ?????????????? ?? ?????? ?? ?????????? ??  
?? 53, ?????????? 1, ?? ?????????? ?? ?? 62 ???, ? ?????????? ?? ?????? ??  
????? ?? ?????????? ?? ?????????? ??' ??? ?? ?????? ?? ?????? ?? ?? ?????? ??  
????? ?? ?????? ?? ?????? ?????? (???. ??????? ?? 13?? ?????? 1997, ???????  
???? ?????????? ?? ?????? ??????, C?233/94, EU:C:1997:231, ??? 17, ?? ?? 4?? ??  
2016, Philip Morris Brands ??., C?547/14, EU:C:2016:325, ??? 60 ?? ?? ???????????  
?????????).

48 ?? ?? ??????, ?? ?????? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??  
????? 53, ?????????? 1, ???, ?? ?????? ?? ?? 62 ???, ?????? ?? ?????? ??  
????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????? ?????????? ??  
?? ??????????, ??????????, ?? ?????????? ?? ?????? ?????? ?????????? ?? ?????? ??  
????? ?? ?????? ?? ?????????? ?? (???. ??????? ?? 4?? ?? 2016, Philip Morris Brands  
??., C?547/14, EU:C:2016:325, ??? 60 ?? ?? ?????????? ??????????).

49 ??? ?????????? ??????????, ?????????????? ??, ?????????? ?? ? ??????????????  
????? ?????????? ?????????? ?????????? ?? ?????? ?? ?????? 96/71 ? ??????? ?? ?????? ??  
?????????, ? ?????????? ?????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ??  
????????, ?? ?????????? ?????????? ?? ?????? ?????????? ?????? 1 ??? 4 ??? ?????? ??  
????? ?? ?????? ?? ?????? ?????? ?????????? ?? ?????? ?????????? ?????????? ??  
????????? ?? ?????? ?? ?????? ?????? ?????????? ?????? ?????????? ?????????? ??

???? ????????????, ??? ?????????? ?????????????? ??? ??? ?????????? ?????? ??????????, ??  
????? ?? ?????????? ?????? ??? ?????????? ??? ??? ?????????? ??? ??? ?????????? ??? ??? ??????????  
??? ?????????? ??? ??????????????, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??????  
????????? ???, ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ?????? ??  
????????? ??? ?????? ??? ?????? 96/71 ?????????????? ?? ?????????? ?? ?????? ??? ?????? ??????????  
??????, ??????, ??? ??????? ?? ?????????? ? ?????????? ?????? ?????? ?????????? ??? ??  
????????????? ??? ?????? ?????????????? ???, ???????, ??? ?????? ?? ?????????????? ??  
????????? ??? ?????????????? ?????.

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

51     ???. ??? ???. ?????? ??????, ? ?????????? ???. ?????? ?????????? ???. ??? ???. ?????? ???  
????????????? ??????? ???. ?????????? ???. ?????????? ???. ?????? ?????????? ???. ?????? ??? ???.  
????? ?????? ???. ?????????? ???. ?????? ???. ?????? ?????? ???. ?????? ?????????? ???. ?????? ???.  
????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.  
????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.  
????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.  
????? ?????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. «?????????  
???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.  
????? 10 ??? ???. ?????? ???.

52      ????? ???? ?????? ??????, ? ?? ????? ?????? ??????????? ?? ?????????? ?????? ??????????  
???? ???? ??????? ?? ?????????????? ?? ?????????????? ?? ?????????????? ?? ?????????? ??  
????????? ?? ????? ??????????????? ?? ?????? ?????????????? ?? ?????????????? ?? ??????????????  
?????????????? ?? ?????? ?????? ?????? ???????, ?????? ??? ?? ???????????, ???' ????? ??  
?????, ??????????? ?? ?????????? ?? ?????? ??? ?? ??????????? ?? ??????????? ?? ??? ?? ????? ?????? ????.

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

54     ?????????? ???, ??????, ?? ?????? 1, ??????????? 1, ??? ?????? ?????? ?????????? ??  
????? 1 ??? ?????? 96/71, ??????????, ??????, ??? ?????? -1 ? ??? ?????? ?????? ??  
????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??  
?? ?????? ??? ?????????? ??? ???, ???????, ??? ?????? -1?, ?? ??? ???  
????????????? ??? ? ?????? 96/71 ?????? ??? ?????? ??? ?????? ??? ?????? ??  
????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??.

55      ????????, ?? ????, 1, ?????????? 2, ????????, ??, ??? ?????????????? ??????  
?????????? ?? ???? 3, ?????????? 1, ??? ?????? 96/71, ?????????? ?? ????  
?????????? ?? ???? ?? ?????????? ?? ?????? ?????????? ?? ?????????????? ?? ???? ?? ???? ??  
????????? ?? ????? ?????????????? ??????????????. ?????????? ?? ???? ?????????? ?? ???? ?? ???? ??  
????? ?? ???? ? ?????? ??, ??????, ??? ?????????? ?????????? ?? ??????????????, ???  
????????? ?? ??? ?????????? ?? ?????????????? ?????? ??? ?????????? ?? ???? ?????????? ?? ????,  
??, ???????, ??? ?????????? ?? ??? ?????? ?????????? ?????? ??? ????? ?????? ?? ???? ??????

???????, ????????, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
??? ?????????????? ????. ????????, ??? ????? 3, ?????????? 1, ????? ??????,  
???????, ???, ??? ?????? 96/71, ??? ?????????? ?? ??? ?????????? ?????? (???  
????: ?????????? ?????? 96/71), ? ?????? ??? «????????? ?????? ??????»  
????????????? ??? ?????? ??? «?????».

56    ??????, ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????, ?????????? ???, ?? ??? ?????? ???  
??? ?????? 3, ?????????? 1?, ??? ?????? 96/71, ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???, ???  
???????, ??? ?????? ???.

57    ??? ?? ?????? ?????????? ???, ?? ?????? ?? ??? ?????????????? ??? ?????? ???  
? ????????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ???  
???????, ?????????? ?? ?????? ???, ? ?????? ?????? ??? ?????? ???, ??? ?????? ???  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? 96/71.

58    ??????, ? ?????? 96/71, ?????? ?????????? ?? ??? ?????????? ??? ?????? 1 ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ????, ?????????? ??? ?????? ??? ?????? 5 ??? ? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

59    ??' ??? ?????? ?? ?????? ?????????? ?? ?????????? ??? ?????? 13 ??? 14 ??? ??  
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ?? ?????????? ???  
«????? ???» ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

60    ??? ?? ?????? ?????????? ???, ??? ??? ?????? ???, ? ?????? 96/71, ??????  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???,  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.  
?? ??? 3 ??? ?????? 96/71 ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.  
????? ???.

61    ????????, ?????????? ???, ??? ?????? ??? ?????? ??? ?????? 41 ??? 42 ??? ??????  
???????, ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????? ???.

62    ???????????, ???, ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 96/71 ?

?????????? ?????? ??????? ??????????? ??????????, ??? ?????? ?????????????????? ???????????  
?? ??????????? ??????????? ??? ?????? ??? ?? ?? 2004, 2007 ?? 2013, ?? ?????? ???  
?? ??????????? ?? ??????? ??? ?????? ??? ?????? ??? ?????????????? ?????? ??? ??????  
?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????????? ??? ?????? ?????? ???  
????? ????.

63    ????????, ??? ??????????? ?? ???????????, ? ?????????? ??????????? ??? ???????  
???????? SWD(2016) 52 ??????, ??? 8?? ?????? 2016, ?? ????? «????????? ???????????  
??????? ?? ??? ?????? ??????? ??? ?????????????? ??? ??? ?????????????? ??? ???  
????????????? ??? ??????? 96/71» (??? ????: ??????? ??????????), ??? ? ?????? 96/71  
????????????? ??????? ??? ?????? ?????????????? ?????? ?????????????? ?????????????? ???  
????? ??? ??????? ??? ?????????????? ??? ?????????? ?????????????? ??? ?????? ???,  
????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ?????? ???  
????????? ??? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????? ???.

64    ????????, ????????, ??? ??????? ?? ??????? 96/71 ?????? ? ??????????? ???  
?????????? ?????????? ??????? ?????????? ?????? ??? ?????????? ?????? ??? ???????  
?????? ??????????? ??? ? ??????? ??? ?????????? ??? ?????????? ??? ???????????, ?  
????????? ??? ?????? ??? ?????? ??? ??????????, ?????????? ?????? ??? ?????????? ???  
????????????? ??? ??? ??????? ??? ?????????? ??? ?????????????? ??? ?????? 62 ??? 63 ???  
????????? ??????, ?? ?????????? ??? ?? ??????? ??? ?????????? ??? ?????????????? ??? ?????? ???  
????? ??? ?? ??????? ??? ?????????????? ??? ?? ??????? ??? ?????? ??? ?? ?????? 96/71.  
??????????, ?????????? ?? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?? ??? ???????  
?? ?????? ??? ??????????, ? ?????????? ??????? ?? ??????? ??? ?????????? ??? ?????? ??? ?????????? ??  
????????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ???  
?? ?????????????? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
????????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???  
?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ???.

65    ?????? ?? ?????????? ???, ?? ??????? ?? ??? ?????????? ? ???????, ?? ?????? 153  
????? ??? ??????? ?????????? ?????? ??? ? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??? ??  
?????? ??? ?????????????? ???????, ?? ?? ??? ?????? 153 ?????? ?????? ???  
????????? ??? ?????????? ??? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???.

66    ???????, ?? ?????? 153, ?????????? 2, ??? ??????? ??? ?????????? ??????? ???????  
????? ?????????? ??? ?? ??? ?? . ?????, ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??  
????? ??? ?????????????? ??????.

67    ??????????, ?? ?????? 153, ?????????? 2, ??????? ??, ??? ?????????? ??????? ??  
????????? ?????? ??? ?? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ??? ??????  
??? ?????????? ???????, ? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ???????, ??? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ??????  
????, ??? ??? ?????????? ???, ?? ?????? ?????????? ?????? ??? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???.

68    ??? ?????? ?? ?????? 153, ?????????? 2, ??????? ??, ???, ??? ?????? ???????, ???????,  
????? ?????? ?? ?????????? ?? ?????????? ?????? ?????????? ?? ?????????? ?? ?????? ???  
????????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ???  
????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????????  
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? ?????????? ?????? 24 ??? ?????? ???, ??? ?????????? ???.

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

69 ??? ????????, ?? ??? 153 ??? ?? ??????? ?? ??????????? ?? ?????? ??? ??  
?????????????? ???????.

70 ??? ?????? ?? ???????, ? ?????? ?????? ?????? ??????? ?? ???????????.

??? ??? ??????? ?????? ?????? ???????????, ?? ??? ?????? ??????????? ??????? ?? ??????????? ???  
????? 153, ?????????? 5, ??? ?? ?????? ????????

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

71 ??? ??? ???????, ? ??????????? ?? ?????? ?????? ??????? ?? ?????? 153,  
?????????? 5, ???, ?? ?????? ??????? ?? ??? ?? ??????????? ?? ?????? ??????? ??  
?????? ?? ?????? ??????? ?? ????????

72 ??? ????????, ??? ??? ???, ?? ??? ??????????? ?? ?????? 3, ??????????? 1, ???  
??????, ??????? ??, ??? ?????? 96/71, ? ??????????? ?????? ??????? ??????? ??  
?????? ?? ??????????? ?? ?????? ??????????? ?? ?????? ??????? ??????????? ??????? ??  
??????????.

73 ??? ????????, ?? ??????????? ?? ??????? (?????????? ?? 13??  
?????????? 2007, Del Cerro Alonso, C?307/05, EU:C:2007:509, ??????? 40 ??? 46, ??? ??  
15?? ??????? 2008, Impact, C?268/06, EU:C:2008:223, ?????? 123), ? ??????? ???????????  
?? ? ??????? ?? ???????, ??? ??????????? ?? ?? ?????? 153, ?????????? 5, ???,  
?????????????? ?? ?? ??????? ?? ??????????? ?? ?????? ?? ??????? ??????????? ??  
????????? ??????????? ?? ??????????? ?? ??????? ?? ?????? ???????, ????? ?? ??? ??  
?????????? ?? ???????.

74 ??? ??? ???, ? ??????????? ?? ?????? ??????????? ?? ??????? ?? ???????????  
?????? ?? ??????? ?? ??????????? ?? ??????????? ?? ??????? ?? ??????? ?? ??????? ??  
?????????????? ?? ??????????? ?? ??????????? ?? ???????, ?? ??????????? ??  
?? ? ??????????? ?? ??????? ?? ??????? ?? ???????, ? ??????? ?? ??????????? ??  
?????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ???????.

75 ? ??????? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??  
?????? ?? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??  
?? ??????? ?? ??????????? ?? ???????.

76 ?? ??????????? ?? ???????, ??????????? ?? ??????? ?? ??????? ?? ??????? ??  
?????????? ?? ???????, ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??  
??????, ??????????? ?? ??????????? ?? ??????? ?? ???????.

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

77 ? ??????? ?????? ?????? ??????????? ??????????????? ?? ??? ?????, ?? ?? ?????? ???????????,  
??????, ??? ? ??????????? ?????? ?????? ?????? ??????? ?? ?????? 153, ?????????? 5,  
????, ?? ?????? ??????? ?? ??? ??????????? ?? ?????? ??????? ?? ?????? ?? ??????? ??  
?????? ?? ??????? ?? ???????, ???, ???????, ??? ?? ?? ??????? ?? ??????? ??  
?????????? ?? ??????? ?? ??????? ?? ???????.

78 ??? ?????? ?? ?????? ?????? ?? ?????? ?? ?????, ??????????????? ??????? ??, ???  
?????????? ?? ?? ????? 69 ??? ??????? ?? ???????, ?? ?????? 153 ??? ?? ??? ??????? ??

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

79    ???????, ? ?? ??? ?????? ?????? ?????????????? ??? ? ? ?????????? ??? ? ?????????? ???  
?????? ?????? ?? ?????????? ?????????? ??????????, ?????????????? ??? ? ?????????? ???  
????????? ?????????? ?? ?????? ?????? ?????????? ??? ? ?????? ??? ? ?????????? ???  
?? ?????????? ?????? ?????????? ?????? ?????? ?????????? ? ?????? ?????? ?????? ??????  
????????? ??? ?????????? ??? ?????????? ??? ???? ?????? ?????? ?????? ?????? ??? ????  
?????? ??????, ?????????????? ??? ???? ?????? ??? ???? ?????? ?? ?????? ?????? ??????  
?? ?????????? ?????? ?????? ?????????? ??????????.

80    ?? ??? 153, ?????????? 5, ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
??? ?????? ?????? ??? ???? ?????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
????????? ???, ?? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ???? ???? ???? ???? ???? ????  
????????????? ???, ???????, ??? ?????? ??????.

81    ??????, ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?? ??????????.

82    ??? ?????? ?? ?????? ?????? ??? ?????? ???, ?????????????? ??? ???? ???? ???? ????  
????????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???  
????? ??? ?????????? ??? ?????????? ?????? ?????? (?????? ??? 5?? ???? 2015,  
?????? ??? ?????????? ??? ?????? C146/13, EU:C:2015:298, ??? 56).

83    ??? ??? ??????, ? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??????  
????????? ??? ?????? ???, ??? ???? 53, ?????????? 1, ??? ???? 62  
????, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????  
???? ?????? ??? 153, ?????????? 5, ???.

84    ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 53, ?????????? 1, ??? ???? ????  
62 ???, ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????  
????????? ???, ?? ?? ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 153,  
????????? 5, ???.

85    ??? ??????, ?????? ?? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
?????????, ?????? ??? ???? ?????? ??? ?????? ???.

?? ?? ?????? ??? ?????? ?????? ??????, ?? ??? ?????? ?????????? ?????? ??? ?????? ??? ??????  
**56 ???**

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

86    ?? ??? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ? ?????? ?????? ???  
????? ?????? ??? ?????? 56 ????. ? ?????? ??? ?????? ?????? ??? ?????? ???.

87    ?? ?? ?????? ???, ? ?????? ???, ?????????? ??? ?????? 2006/123/?? ???  
????????? ?????????? ??? ?????? ??? ?????? ???, ??? 12?? ?????????? 2006, ?????? ?? ???  
????????? ??? ?????? ??? (?? 2006, L 376, ?. 36), ?????????? ??? ? ?????? ???  
????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

88 ? ?????????? ?????? ??? ?????? ??? ? ?????? 96/71, ??? ?????????????? ??? ??  
????????????? ????, ??????? ?????? ?????????? ?????? ?????????????? ??????????????,  
????? ?????????? ?? ?????? ?? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ??? ??????  
????? ??????????. ???????????, ??, ??? ? ?????????????? ??????, ?????????????? ???  
????????? ??? ??????? ??? ?????????? ?? ?? ?????? ?????? ?????, ?????? ??? ?????????????? ???  
????????? ??? ?????????? ?????? ??? ?????? ?????? ?? ?????????????? ??? ?????? ???  
????????? ??? ???????????, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

89 ? ?????????? ?????????????? ??? ? ?????????????? ??? ???? ?????????? ?????????????? ???  
????????? ?????? ??????????, ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ?????????? ???  
????????? ?? ?????? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ?? ?????????????? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ???,  
?? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????????? ???  
????? ??? ???????????.

90 ???????, ??????????? ???, ??? ?????? ?????? ???????????, ? ?????????? ??? ?????? ??  
?? ??????????? ??????????? ??????????? ???????????, ??????????? ?? ??????????? ???  
????????? ??? ??????????? ??????????? ?????????? ??? ??????????? ??? ?????????? 96/71 ???  
????? ??? ?????? ??? ?????? ??? ?????? ??????????? ???????????.

91 ?????, ? ?????????? ?????????? ?? ?????????????? ?? ???? ?????????? ??? ?????? ???????????  
??? ?????????? ?????????? ??????????, ??????? ?? ??? ?????? ?? ?????? ??? ?????????? ??????????? ???  
????????? ??? ?????? ?????????????? ??? ?? ?????? ??? ?????? ?????????? ?????????????? ???????????  
????????? ??? ? ?????????? ??? ?????????? ?????? ?????????? ?????????? ?????????? ???????????  
????? ?????????? ?????? ??????????, ??????????? ?? ?????????? ???? ?????? ?????????? ?????????? ???  
?????????.

92 ?? ?? ??????? ??????, ? ?????????? ?????????? ??? ? ??????? ??? ?????? 3,  
????????? 1, ?????? ??????, ?????????? ??, ??? ?????????????? ?????? 96/71, ? ??????  
????????? ??? ?????? ??? «??????» ??? ???? ?????? ??? ?????????? ?????? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???  
????? ?????? ???, ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ???  
????????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???  
????? ??????, ?? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ??????. ??????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

93 ? ?????????? ??????????? ??? ? ?????????? ?????????? ??? ?????? ??? ???????,  
????? ??? ???????, ??? ?????? ??????? ?? ??? 3, ?????????? 7, ??? ???????????  
????? 96/71 ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???,  
????? ??? ?????? ??? ?????? ??? ?????? ???.

94 ???, ?????????? ??? ???? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????????  
??? ??????????, ?????? ?????? ?????? ?????? ??? ?????? ?????????? ??? ??????????  
????????? ?????????? ?????? ??????????, ?????? ?????? ??? ?????? ?????????? ?????????? ???  
????? ??? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

96      ????? ??????????, ??????????? ??? ? ?????????? ??? ??????????, ????? ?????????? ??????  
??? ????? ??????? ? ?? ?????????? ??? ?????????? ?????????????, ?? ?????????? ?? ??  
????????? ?? ?????????? ??????????, ??????? ?? ?? ?????? ? ??????? ?? ??????????????  
????????????? ??????? ?? 44,4 % ?????? ?? ?? 2010 ?? 2014, ??? ? ?????????? ??  
?????????? ?? ?? ??? ? ???????????.

97      ????? ???????, ? ?????????? ?????????????? ???, ?????????????? ?????? ??? ??????????  
????????? ??? ?????????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ??????  
???????????, ?? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????.  
???????????, ??????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
???? ?????? ??? ?????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????  
???????????, ??????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ???????, ??????? ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ?????? ??? ?????????? ???, ??? ? ?????????? ??? ?????? ??? ?????? ??? ??????????????  
????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????.

98     ?? ?? ??????? ???????, ? ??????? ?????????????? ??? ?? ??????? ??? ?? ???????  
?????? ?????????? ??? ?????????????? ??? ?? ?????? 3, ?????????? 1?, ??? ??????????????  
?????? 96/71, ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ????????,  
????? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??????? ??? ???????  
?????? ???????, ??? ?? ?????? ?? ?????????????? ??? ?? ?????????? ??? ?? ?????????? ??  
????????? ??? ?????????? ??? ?????????? ??????????.

99 ? ????? ?????????????? ??? ?? ?????????????? ??? ????? ?????????????? ??? ?????????????? ??? ?????????????  
????????????? ??? ?????? ????, ????, ?????? ?????? ?????????????? ?? ?????? 3, ?????????? 1?, ???  
????????????? ??????? 96/71, ??? ?????????? ?? ?????????? ?????????? ?? ?????????? ?? ?????????? ???  
????????????? ??? ?????? ?????? ?????? ?????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????????? ??????.

100   ????? ??? ??????, ? ??????? ?? ?????? ??? ?????? ?????? ?????????????? ?? ?????? ?????? ?????????????? ??  
?? ?????? ?????? ?????? ?????? ?????????????? ?????? ?? ?????? ?? ?????? ?????? ??????.

101 ????????, ??? ?????????? ????????, ??? ??????? ?? ??????? ?????????? ?????????? ??? ???  
?????? ? ?????? ?????? ??? ?????????? ??? ?????????? ??? ????? ?????????? ?? ?????? ?????? ?????? ??????????  
??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ??? ??? ??????????. ???????, ????? ??????? ??? ?????????? ??? ??? ??? ??? ?  
????????? ??? ?????? ?????? ?????????? ?? ?????????? ? ?? ?????????? ?????? ??? ?????? ??? ?????? ?  
????? ??? ?????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?? ?????????? ?? ??????  
????????? ??? ??? ??? ?????? ??? ?????????? ???.

102 ?? ?? ??????? ??????, ? ?????????? ??????????? ???, ??????????? ??????????? ???  
????? ??? ?????? ??????? ?????????? ??? ?????????????? ?????? 96/71 ??? ??? ??? ??????????  
????????? ?????? ?????????? ??????, ?? ????? 3, ?????????? 3, ??? ??????????????  
????????? ?????? ?? ????? 58 ???, ?? ????? ?????? ??? ? ?????????? ?????????? ???  
????????? ??? ?????? ??? ?????????? ?????????? ??? ??? ?????????? ??? ?????? ???  
????????? ??? ??? ?????????? ??? ??????????.

103 ?? ?????????? ??? ?? ??????????, ?????????????? ??? ?? ??? ??????????????  
????????? ??? ??????????, ?? ?????????? ??? ??? ?????, ?? ?????????? ??? ?????????? ???  
?????????, ?????????? ??? ?????????????? ??? ??????????.

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

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

104 ??? ?????, ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ???  
????????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?? ?????? ???  
??? ??? ?????? ?????????????? ??? ?? ?????? ?????? ??? ?????? (????????? ??? 26?  
????????? 2010, Schmelz, C?97/09, EU:C:2010:632, ??? 50 ??? ??? ??????????????  
?????????).

105 ?????, ??? ?????????? ??? ?? ?????? 48 ??? ?????????? ????????, ??? ?????? ???  
????????? ?????????? ??? ?????????? ??? ?????????? ??? ????????, ??? ?????????? ???  
????????? ??? ?????? ??? ?????????? ? ?????????? ??? ????????, ??? ?????????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????????? ??? ?????? ??? ??? ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??????.

106 ??? ?????? ???, ??? ?????? ???, ??? ?????? ?????????? ??? ?? ?????????? ???  
????????? ??? ?????? ???, ? ?????????? ??? ?????? ?????????? ??? ?? ?????????? ???  
??? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? (??., ???' ??????????, ????)  
?? 13?? ??? 1997, ??????? ??? ?????????? ??? ?????????? ??? ?????? ???, C?233/94,  
EU:C:1997:231, ??? 17).

107 ???, ???, ?????????? ??? ?? ?????? 51 ??? ?????????? ????????, ? ?????????? ???  
?????? ?????????? ?? ??? ?????? ??? ?????????? ?????? ??????? ?? ?????????? ???  
????? ?????????? ?? ?????? ???, ??? ?????? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ???, ?????? ??? ?????? ???  
????????? ??? ?????? ?????????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ???  
????? ??? ?? «????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???», ??? ??????  
? ?????????? ??? 10 ??? ?? ??? ??????.

108 ??? ??????, ? ??????? ??? ??????, ??? ?????????? ?????? ?????????? ???  
???? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
?????, ?????? ?? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???.

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

110 ???????, ??? ??????????????????, ? ??? ????? ?? ?????? ?????????????????? ?????????????? ?? ??  
????????????????????? ????? ?????????????? ?????? ?????? ?????????????? ?????? ???' ?????? ??????  
????????????? ??????????????, ?????? ?? ??? ?????? ?????? ?????? ?????????????? ??????????????????  
????????????? (????????? ??? 3?? ?????????????? 2019, ??????? ?????????????? ???  
????????????? ??? ??????????????, C?482/17, EU:C:2019:1035, ????? 164 ??? ???  
????????????? ??????????).

111 ????????, ? ??? ? ?? ?????????????????? ??????? ? ? ?????? ?? ?????????????????? ???  
????????? ??? ???????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???  
??? ?????? ??????? ??????? ??? ?????? ??? ?? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??????????  
??? ?????? ??? (?????? ? ?? 3?? ?????????? 2019, ??????? ?????????? ???  
????????????? ??? ???????????, C?482/17, EU:C:2019:1035, ??? 76 ??? ???  
????????????? ??????????).

112 ????? ?????? ??? ?????????? ??????? ??? ??????? ?? ???? ???????????????, ??  
?????????? ??? ?????????????? ??? ?????????????? ??? ??????????, ?? ???? ?????? ?????????? ???  
????????????? ???, ?????? ??????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????????? ???  
????? ?? ??????? ?????????????? ??? ?????????????? ??? ??????????? ?? ???? ?????????? ??? ?????????? ???  
??? ?????????? ? ?????????? ??????. ??????????, ?? ?????? ??? ?????? ?? ???? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ??????, ?????????? ? ?????????? ???  
????? ??????? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ??????????  
?? ?????? ??? ?????? ??? ?????????????? ??? ?? ??????? ?????????? ?????? ?????? ?????? (??????? ??? 3??  
????????? 2019, ??????? ?????????? ??? ?????????????? ??? ?????????????? C?482/17,  
EU:C:2019:1035, ?????? 77 ??? ??? ?????????????? ??????????).

113    ??? ?????? ?? ?????????????? ??? ? ??????????, ?? ??????? ??????, ??????? ?? ???  
????????? ?????????? ??? ??????? ??????? ??????? ??????? ?? ??? ????? ?????? ???.

114 ????????, ? ?????? ?????? ?????????? ?????????????? ??? ?????????? ??? ???????, ????  
????????????? ?????????????? ?????????? ?????? ??? ?????? ???, ??? ?????? ?????? ?? ???  
??? ?? ?????????? ??? ?????????? ??? ???????? ?? ?????????? ??? ?????? ???????, ?? ??????????  
??????, ?? ?????????? ??? ???????? ?????????? (????????? ??? 3?? ?????????? 2019, ???????  
????????? ??? ?????????????? ??? ???????????, C?482/17, EU:C:2019:1035, ????? 78 ???  
???? ?????????????? ??????????).

115 ??????????, ??? ???? ?????? ?????? ?????? ?????? ???????????, ? ?????????? ??  
?????? ??????? ?? ??????? ??? ?????? ??? ?????????????? ?????? ??????? ?? ????  
?? ???? ?????? ??? ?????????????? ?? ?? ?????????? ?????? ?????? ?? ??????????????  
????????? ?????????? ???????????, ?????? ??? ???????????, ??? ??????????  
????????????? ?????? ???????????, ?????? ??? ?????? 5 ??? ?????????? (????. 2) ??????? ??  
?? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ???????????, ?? ?????? ???  
????????????? ??? ?????? ?? ??? ?????? ???, ??? ?????? ??? ??????????? ?????? ???  
????? ?? ?????????? ?????? ?? ?????? ?? ?????????????? ??? ?? ?????????????? ??? ???  
????????????? ?????? ?? ?????, ?????, ?? ?????????? ?????? ?????? ???, ???????,  
????????????? ?????? ?????????????? ?????? (??????? ??? 3?? ?????????? 2019, ???????  
????????? ??? ?????????????? ??? ???????????, C?482/17, EU:C:2019:1035, ????? 79 ???  
???? ?????????????? ??????????).

116 ????????, ??? ???? ?????? ?????????? ?????? ?????????? ?????????? ?????????? ??  
????? ?? ??????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??  
????????? ?????? ??? ?????? ?????????? ??? ???? ?????? ?????? ?????? ?????????? ?????? ???  
?? ?????????? ?????????? ??? ???????????, ? ?????? ?????????? ??? ?????????? ?????? ??? ??  
????????? ?????? ??? ?????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ?????? ?? ?????? ??????. ??????, ?? ?????????? ?????? ?????, ???????????, ??  
????????? ?? ?????????? ??? ?? ?????? ?????? ?????? ?? ?????? ??? ?? ?????????? ??? ??????  
????????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?? ?????? ??? ?? ?????????? ??? ?????? ???  
?? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ?? ?????? ??? ?? ?????????? ?????? ???  
????????? (??????? ??? 3?? ?????????? 2019, ??????? ?????????? ??? ?????????????? ???  
??????????, C?482/17, EU:C:2019:1035, ????? 81 ??? ??? ?????????????? ???????????).

117 ??? ?? ?????? ?????? ?????? ??? ?????????? ?????? ?? ?????????? ?? ??????????  
????? ??? ?????? ?????? ??????????.

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

118 ? ??????? ?????????? ???' ?????? ??? ? ?????????? ??? ?????? ??? ?? ???????  
?????? ?????????? ??? ?? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?? ??????  
??? ?????? ??? ?????? ?????? ??? ??, ???' ?????? ??? ?????, ?????????????? ?????? ???  
????????? ??? ?????????? ??? ?????????? ?????? ??? ??????.

119 ??? ??????, ?????? ? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????????????? ???  
??? ??? ?????? 2006/123, ????, ?? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? 108 ???  
????????? ???????, ?? ?????????? ??? ? ?????????? ?????? ?????? ?????? ??? ?????? ??? ??????  
??? ?????? ?? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ?????? ??? ?????? ??? ??????  
????????? ???, ??? ?? ?????? ?????? ??? ?????? ?????? ???' ?????????? ??? ?????????? ??? ??????  
? ?? ?????????? ??? ?? ??? ?? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????, ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??????. ??? ?? ?????, ???  
????????? ?? ??? 1, ?????? 6, ??? ?????? 2006/123, ? «?????? ??? ?????? ??  
????????? ??????, ??? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ???  
[??] ??????».

120 ??????, ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ?? ?? ?????????? ???  
????????? ??? ?????????? ?????? ?????????? ?????????? ?????? ??? ?? ?????? (??) 883/2004  
??? ?????????? ?????????? ??? ?? ?????????? ??? 29?? ?????? 2004, ??? ???  
????????? ??? ?????????? ?????? ?????? (?? 2004, L 166, ?. 1), ?????? ?

? ?????????? ??? ? ?????????????? ?????? ??? ?????????? ???' ?????????? ??? ?????????? 883/2004 ??? ??? ????? ??? ??? ????? ?????? ??? ?????? ??? ? ?????????? ?????? ??? ?????? ??? ??????.

121 ??? ????????, ?? ?????????? ??? ? ?????? 96/71, ??? ???? ?????????? ??? ?? ??? ?????????? ???, ?????? ?????? ?????? ?????????? ?????? ?????????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????.

122 ??????, ? ?????????? ??? ?????? ?????? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

123 ??? ??? ?????? ???, ?? ?????? 3, ?????????? 1, ??? ?????, ??????? ??, ??? ?????????? ??? 96/71 ?????????? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??????.

124 ? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ?????? ? ????????, ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 112 ??? 113 ??? ?????? ??????.

125 ??? ??????, ? ?????????? ?????????? ??? ? ?????????????? ?????? ??? ?????? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???, ?? ?? ??????, ?????? ?????? ?????? ??????.

126 ??? ?????????? ??? ?????? 51 ??? 107 ??? ?????? ?????? ?, ? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? «????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 10 ??? ???? ??????.

127 ?? ?? ??????, ? ?????????? ???, ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

128 ??? ?????? ???, ??? ?????? ??? ?? ??? ?????? ?????? ? ?????????? ?????? ??????

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

129   ????????, ?????????????? ??? ? ?????????????? ?????? ??? ?????? ?? ??????,  
????? ??? ?????????????? ??? ?????? 16, ?? ?????????????? ??? «????????? ?????????????? ???  
????????????? ??? ?????? ???» ???, ??? ?????? ?????????????? ??? ?????? 4, ?? ?????????? ??  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
«????????? ??? ?????? ???».

130   ????? ????????, ?? ?????? ?????? ??? ?????? ?????? ?????????? ?????? ?? ??????????.  
–   ??? ??? ??????? ??????? ??? ?????? ?????? ?????? ??????????, ?? ?? ?????? ??????????  
????????? ??? ?????? ??? ?????? ??????????????

131      ?????? ????????, ????. ?????? ?? ???? ?????????? ????. ? ????????. ????. ????????. 3, ????????????. 1,  
?????. ??????, ????????. ??, ????. ?????????????? ??????. 96/71 ????????. ????.  
????????????? ????. ????????. ?????????????? ?? ?. ????. ??????. ??????. ??????. ?? ?. ????. ??????.  
?????. ?????????????? ????. ??????. ??????????. ????. ??????????. ??????. ??????. ??????. ??????. ?? ?. ??????. ????.  
?????. ??????????. ???'. ??????. ????. ??????????. ????. ??????. ??????. ??????. ??????. ??????. ?? ?. ??????.  
????. ????. ??????????. ????. ??????. ??????????.

132 ????????, ??? ?? ?????? ??? ?????? 3, ?????????? 1, ????? ??????, ???  
????????????? ?????? 96/71, ?? ????? ?????????????? ??? ?????????? ?????? ??????????  
??? ?? ??? ???????????, ?????????? ??? ? «?????? ??? ?????? [??? ?????????? ???  
????? 3, ?????????? 1, ????? ??????, ??????? ?, ??? ????? ??????] ?????????? ??? ??  
????? ?????? ?/??? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ? ?????????? ??? ?????? ??? ? ?????????? ?????? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??????????, ?????????? ? ??????????  
?????????, ? ?????????? ?????? ? ?????? ?????? ?????? ?????? ?? ?????? ??? ??????????  
????? ?????? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ? ?????????? ???'  
????? ?????? ?????? ?? ??? ?????? 8».

133 ????????, ??? ???? ?????????? ??? ?????????????? ??? ??????????????  
????????????? ??? ?????? ?????? ?????? ?????? ??? ?? ?????????? ??? ?????  
????????????? ??? ?? ??? ?????? ?????? ?????? ?????????? ?????? ?????? ?????? ???  
??????, ??? ???? ??????, ??????, ??? ?????? ?????? ?????????? ?????????? ??? ?? ??? ?????? ???  
?????.

? ?????????? ?? ??? ?????????????? ?? ??? ????? ??????????, ?????? ??? ???????????, ?? ???????????  
????? ?????????? ?? ??? ?????????? ?????????? ??? ?? ??? ??????????. ????????, ??? ???????????  
?? ??????????, ? ?????? ?????????? ??? ?????????? ?????? ?? ??? ?????? 3, ???????????  
7, ??? ??? ?? ?????????? ?? ??? ?????????? ?????????? ?????? ??????. ??? ??????????  
?????????? ??? ?? ??? ?????????? ?????? 19 ??? ?????????????? ???????, ?????? ??? ??? ??  
????????? ??? ?????????? ??? ?? ??? ?????? ?? ?????????? ??? ?????? 3, ?????????? 1,  
????? ??????, ????????, ??, ??? ??????, ? ?? ??? ?????? ?????????? ?????? ?????? ??? ??  
????????? ??????, ? ?????? ??? ?????????? ?????? ??????, ?????????? ??? ?? ??? ?????? ??????????  
? ?????????? ??? ??? ?????? ?????? ?????.

135 ??? ?? ????, ? ?? ??? ?????? ??? ?? ??? ?????????? ??? ?????????? ??? ??  
????????? ?? ??? ?????????? ??????????, ?????? ??????????, ?????????? ??  
????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????????? ??? ??  
????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ??????. ?? ?????????? ??? ??  
????????? ??? ?? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ??????????  
????? ??? ??????????, ???????? ?????????? ?? ?????????? ?????? ??? ?????????? ???  
????????? ??? ?? ??? ?????? ??????. ????????, ??? ??????, ?? ??? ?????? ??????????, ??  
????????? ??? ?? ??? ?????? ?????? ?????? ?????? ??? ?? ??? ?????? ??????????.

136 ??? ???????, ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ??  
?????????.

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

137 ??? ?????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????????????? ??? ?? 111 ??? ???????  
?????????, ? ??? ?? ?????????? ???, ? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????, ??????? ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ?????????? ??? ?????????????? ??? ?? ?????? ?????? ?????? ?????? ??????  
??? ?? ??? ?????????? ??? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??????.

138 ??? ??????, ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????????? ?? ???????  
?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 16  
??? ??????.

139 ????, ? ?? ??? ?????????????? ??? ????? ?????????? ??? ?????????????? ??? ?? ??? ??  
?????, ??? ?? ?????????? ??? «????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
?????», ? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ????, ??? ?? ?????????? ??? 4 ??? ?? ??? ??????, ?? ??????  
«????????? ??? ?????? ???».

140 ???????, ??? ?????????????? ??? 16 ??? ?????????? ??? ? ?????????????? ??  
??? ??? ??????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
?????????. ??????????, ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????????, ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???.

141 ??? ??????????????, ?? ?????????? ??? ?????????? ??? ?????? ??? ??????????, ?? ??  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ?? ?????? ??? ?????????? ??? ?????? 3, ?????????? 1, ??? ??????????.

????????? 96/71 ??? ?? ??????? ?????? ?????????????????? ?????????? ??? ?? ?????? ?????? ???????  
?????????? ?? ??????? ?????? ???????.

142 ????????????, ? ??????? ??????????? ?? ??????? ?????? ??? ?????? ? ???????????  
??? ?????? ?????? ??? ??? ????? ?????? ?????????????? ? ?????????? ??? ??????????????  
????????????? ?????? ??? ?????? 96/71.

143 ???????, ? ??????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? «????????? ?????? ?????? » ??? ?????? ?????? ??????, ??? ?????????? ??? ?????? 3, ?????????? 1, ?????? ??, ??? ?????? 96/71, ?? ?????? ?????? ?? ?????????????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????????? ?? ?????????? ?????? ??????, ??? ?????? ?????? ?????? ?? ?????????? ??? ?????? ??????.

144 ???????, ? ??????? ??? «?????????? ??? ?????? ??????» ?????????????? ??????????????  
?????????? ?? ?????? ?????? ???, ??????? ??? ?????????????? ?? ?????????? ??????????????  
????????? ??????? ?? ??????????????, ?? ????? ??????? ??? ?????? ?????????? ??? ??????  
????? ?? ??? ??????? ??? 12?? ??????????? 2015, Sähköalojen ammattiiliitto (C-396/13,  
EU:C:2015:86, ??????? 38 ??? 70), ??????????????? ?? ?????? ??? ??? ?????? ?????? ???  
????????? ??????? ?? ?????????? ? ?????????? ??? ?????????? ?????? ?????????? ??????????. ???????????,  
?????? ??? ? ?? ??? ????? ??????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ????  
?????? ???????, ?????? ??? ?????????? ??? ?????????????? ?? ?????????????? ?????????????? ???  
????? ??? ?????????????? ??? ??? ?????????? ??? ?? ?????? ?????? ?????? ?????? ??????????  
??????????, ??? ?????????? ??????????, ??? ?????????? ??? ??? ?????? ?????? ?????????? ??? ???  
?????????? ??? ?? ??????? ???????.

145    ???' ?????? ??? ??????, ??????? ?????? ?? ?????????????? ?? ??? ?????????????? ??????????????  
??? ? ??????? ?? «?????????? ?????? ??????», ???? ???? ?????????????? ??? ???? ??????????,  
?????? ?????????? ??? ?? ?????????????? ?????????? ??? ?????????????? ??? ??????????  
????????????? ?? ??? ????? ?????? ?????? ??? ?????????? ?????????? ??????????, ? ???? ??? ??????????  
???? ?????????? ?? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????????????? ??? ???? ?????????? ?  
??? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ??????.

146 ????????, ??? ??? ?????????? ?????????? ?????????? ??? ??? ?? ?????????? ??? 2014  
????????????? ?? ?????????? ?????? ??? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ?????????? ?????????  
??? ?????????? ??? ?????????????? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ?? ?????  
????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????.

147      ?????? ????????, ??????? ?? ??????????? ?? ??????????? ??, ???????????  
?????? ?? ??????????? ?? ??????????? ??, ?????? ??????? ?? ??????????? ??, ??????????? ??  
????????? ??????????? ?? ???????????, ?? ??????????? ?? ??????????? ??, ?????????? ???????????  
?? ?????? ?? ?????? ??????? ??, ?? ?????? ??????? ??, ?? ??????? ??, ?? ??????????? ??  
?????????????? ?? ???????????, ?????? ??????????? ??, ?? ?????? ??, ?? ??????????? ??, ??  
?????????????? ??, ?? ??????????? ??, ?? ??????????? ??, ?? ?????? ??, ?? ??????????? ??.

148 ?? ??????? ?? ?? ??????????? ? ???????, ??? ? ?????????????? ?? ??????? ??  
«????????? ?? ??» ??? ?? ?????? ?? «??????», ??? ?? ?? 3, ?????????? 1, ???  
??????, ??????? ??, ??? ?????????????? ?????? 96/71, ??? ? ??????? ??  
????????????? ?????????????? ??? ?????? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????? ???????, ?????? ??? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??????  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??????  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ???  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???.

149 ???????, ?? ??????????? ??? ?????? ??? ??????????? ??? ??????? ?? ??  
????????? ??? ??????????? ??? ?????? ???????, ??????, ?? ??? ???????????,  
????? ?????????? ??? ?????? ?????? ?????????? ?????? ?? ??? ??????????? ???  
????????? ??? ?????? 3, ?????????? 1, ??? ?????????? 96/71.

150 ??????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? 62 ?? 144 ?? 146  
?? ???????, ? ??????? ??? ??????? ?? ?????????? ??? ?????????? ?? ?????????? ??  
?????? ? ?????????????? ??? ?????? 3, ?????????? 1, ?????? ??????, ??? ??????  
96/71 ?????????? ?? ?????? ??? ?????? ?????????? ??? ??? ?????????? ?? ?????? ???  
????????????? ??? ??????, ??? ?? ?????????? ??? ?????????? ?????? ?????????? ???  
????? ??? ?? ?????????? ?????????? ??? ?????????? ?????? ?????????? ?????????? ???  
????????? ???.

151 ??? ???????, ?? ??? ?????? ??? ?????? ??? ?????? ?????????? ??????? ?? ??????????.

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

152 ? ??????? ??????????? ??? ? ??????? ??? ?????? ?????? ??? ?????????? ??  
?? ??????? ??????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??  
?????? ??????? ??? ???????, ??? ??????, ??? ?????? ?????? ??? ?????? ??? ?????????????? ??  
?? ??? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??  
??? ??? ??? ??????????.

153 ???????, ??? ?? ???, ? ?????????? ??? ?????? ?????????? ?? ?? ??? ?? ??? ??  
??????????, ??? ?? ??????? ?? ???????, ??????, ??? ?? ?????????? ?? ?? ??? ??  
?????????? ??? ?????? ??????? ?????????? ??? ?????? ??????, ?????? ??????  
?????????? ?? ?????? 3, ?????????? 1?, ??? ?????????? 96/71, ?????????? ??  
????????? ??????? ?? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??????????  
????????????? ??? ?????? ?????? ?????? ?????? ???, ???????, ??? ?? ?????????? ???  
????????? ?????????? ??? ?????? ?????? ?????? ?????????? ?? ?? ?????????? ??????  
?? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ?? ?????????? ??????????  
?? ??? ?????????? ??? ?????? ?????? ??????????.

154 ?? ??? 3, ?????????? 1?, ??? ?????????? 96/71 ?????????? ??, ??? ??  
?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ??  
?????????? ??? ?????? ?????? ?, ?? ?????????? ??? ? ?????? ?????? ?????????? ?????????? ??  
?????????? ??? ?????? ?????? ?????? ??????, ? ?????????? ?????? ?????? ?????????? ??  
??????????, ??????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ???  
3, ?????????? 1, ??? ?????? ??????, ?????? ??? ?????????? ?????? ?????? ???  
????????? ?? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??  
????????? ?????? /??? ??? ?????????? ?????? ?????? ?????? ?????? ?????????? ??  
????? ?????????? ?? ?????? ?????? ?????? ??????. ??? ?????????? ??? ?????? ??????????

???? ?????? 3, ?????????? 1?, ??? ?????????????????? ??????? 96/71 ??????, ??????, ??  
??????????, ?? ?????????? ??? ???? ?? ????? ?? ?????? ?? ?????? ??? ?? ????? ?? ???????  
????????, ?????????????????????? ??? ?????? ?? ??????????????, ???, ????????, ??  
????????????? ??? ?????????????? ?????????????? ??????????????.

155 ?????????????? ?????? ??? ??????? ?????????? ?????????????? ??? ?????????? ??? ????????, ?  
????? ?????????????? ??? 112 ??? 113 ??? ?????????? ??????????, ? ?????????? ???  
????? ??? ??????? ?? ??????? ?????? ?????? ?????????? ??? ? ?????????? ??? ?????? ?????????? ??????????  
????? ?? ??? ?? ??????? ??? ??????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ??  
????? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???.

156    ??? ?????? ?????????? ??? ??? ??? ?????? ?????????? ?????????? ???????????, ???????????  
????? ?????? ?? ???? ??? ?????? ??????????????????, ?????????????? ?? ?????????????? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ??????  
????????????? ?????????????? ?? ?????? ?????? ?????? ??????????, ??????, ??????, ??????, ? ?????????? ???  
????????? ??? ?????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??  
????????? ??? ?????? ?????????? ?????????? ?, ??????????, ??? ?????????? ??? ?????????? ??? ?????? ?'  
????? ?? ?????? ??? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ???.

157      ????? ????????, ?? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?????? ??  
?????????.

- ??? ??? ??????? ??????? ?? ?????? ?????? ??????????, ?? ?? ?????? ???????????  
????????? ?? ?????? 58 ????

158 ? ??????? ?????????? ?? ???? 3, ?????????? 3, ??? ?????????????? ??????  
????????? ?? ???? 58 ????, ??????? ??????? ?????????? ??? ?????? ??? ?????  
????????? ?? ?????????????? ?????? 96/71 ??? ??? ?????????? ?????????? ??????  
????????? ????.

159   ????? ?? ?????? 58 ????, ? ??????? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? , ? ??????  
????????????? ??? ?? ?????? 90 ??? 100 ????.

160 ????????, ??? ??????? ?????? ?????? ??? ???????????, ??? ?? ??????? ??? ?????? 58,  
?????????? 1, ????, ??????????? ??? ?? ?????? ??????????? ??? ?????? 56 ??? (?????? ???  
20?? ?????????? 2017, Asociación Profesional Elite Taxi, C?434/15, EU:C:2017:981, ??? 48).

161 ?? ?????? 3, ??????????? 3, ??? ?????????????????? ??????? ?????????? ??????? ??? ?  
?????? ????? ?? ??????????? ????? ??? ?????? ??? ?????? ?????????? ??? ??? ??????????  
?????????? ??????????? ?????? ??? ??????????? ??? ?????? 2006/22, ? ?????? ??? ??  
?????? ??? ?? ?????? 71, ?????????? 1, ?? ??? ?????????????? ??? ?????????? ???  
????????? ?? ??? ??????????? ?????? ??? ?????????? ?? ??? ?????????????? ??? ?????? 91 ???.

162    ????????, ?? ???? 3, ?????????? 3, ??? ?????????????????? ??????? ???? ???? ??  
????????????? ?? ??????? ?? ?????????? ?????????? ?????????? ?????? ?????? ??? ?????????? ???,  
?? ?? ??????, ??? ?????? ?? ?????????? ??? ?????? 58 ???.

163 ????????????, ?????? ?? ??????????? ?? ?????? ?????? ??? ?????? ?????? ????????????,  
????? ??? ? ?????? ?????? ??? ?????? ???.

??? ??? ??????? ?????? ???????????, ?? ??? ?????? ?????????????? ?????????? ??? ?????? ???????????  
????? 56 ????, ?????? ? ?????????????? ?????? ?????????? ??? ?????????? ??? ???????????????  
????????? ??? ?????????? ?????? ??????????

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

164 ? ??????? ?????????????? ??? ? ?????????????? ?????? ?????????? ??? ?????? 56 ????,  
????? ??? ??? ?????? ??? 18?? ?????????? 2007, Laval un Partneri (C?341/05,  
EU:C:2007:809), ?????? ?????????? ??? ? ?????? ??? ?????????? ?????????? ??? ?????????? ? ???  
????????? ?????? ?????? ?????????? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????? ?????? ?????? ?????? ?????????? ?????? ?????????? ??? ?????? ??? ?????????? ???.

165 ??? ?????, ??? ??? ???, ?? ?????????? ??? ?????? 1, ?????????? 1, ?????????? ?,  
?? ?????? ???, ?? ?????? ?????? ??? ? ?????? 96/71 ?????? ???, ?????? ???, ??  
????????? ?????? ? ?????? ?????? ?????? ?????? ??? ?????????????? ??? ?? ?????? ??????????  
????????? ?????? ??? ?????? ???.

166 ?? ?????????? ??? ?? ??????????, ?????????????? ??? ?????? ??? ??????????????  
????????? ??? ??????????, ?? ?????????? ??? ??? ?????, ?? ?????????? ??? ?????????? ???  
?????????, ?????????? ??? ?????????????? ??? ?????????? ???.

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

167 ???' ??????, ? ??????? ?????? ??? ?? ?????? 1, ?????????? 1, ?????????? ?, ??  
????????????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?? ?????? ??? 18?? ?????????? 2007, Laval un Partneri (C?341/05,  
EU:C:2007:809), ?????????? ??? ? ?????? ?????????? ??? ?????? 56 ???? ??? ?????? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

168 ??????, ?????? ? ?????? ??? ?????? ??? ? ?????????????? ?????? 96/71 «??' ??????  
?? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ??????», ?????? ?????????? ??? ? ?????? ??? ?????????? ???  
?? ?????? ??? ?????? ??? ?????? . ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???.

169 ??? ??????, ? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??????????.

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

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

170 ? ?????????? ?????????? ??? ?? ?????? 3, ?????????? 1?, ??? ?????????????? ???  
96/71 ??? ?????? ?????? ?? ??? ?????? «????? ?», ? ?????? ?????? ??? ?????? ???  
?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

171 ??? ??? ???, ??????, ??????????? ?? ??????????? ?? ??????????? ??? ???????, ?  
????????? «???? ?» ??? ??????? ??? ????? ?? ??????????? ??? ??????????? ??? ???????  
????????, ??? ??????????? ??? ?? ??? ??????????? ???????, ??? ??????????? ???  
????????? ??? ??? ???????, ?? ??????????? ??? ????? ??????? ??? ??? ????? ??????????? ???.

172 ???????, ? ??????? ??????? ?? ??? ?? ??? 3, ??????????? 1?, ??? ???????????????  
?????? 96/71 ??? ??? ??? ??????????? ??? ????? ???????????, ????? ??????????? ?? ??? ???  
?????????? ??????????? ??? ??????????? ??? ????? ??????????? ??? ????? ???????????.

173 ??????????? ??? ??? ? ??????? ??? ???????, ??? ??? ??????????? ??? ???????  
??? ??? 3, ??????????? 1?, ??? ??????????? 96/71, ??????????? ?? ??? ???????  
????????? ??????? ??? ??? ??????????? ??????????? ???????????, ??? ???????????  
??? ??????? ??? ??????? ??? ???????, ??? ????? ??????????? ?? ??? ????? ??????? «???? ?», ?  
?????? ??????????? ??? ??????????? ??? ??????????? ??? ?? ??? ????? ??????????? ??? ????? ???????  
????????? ???????.

174 ???, ? ??????? ??????????? ??? ?? ??? ???????, ?? «?????» ??? ?? ???????????  
?????? ??????????? ??? ??? ??????? ??? ??????????? ??? ??????????? ??? ?? ??? ???????  
??????, ??????? ??????????? ??? ????? ??????????? /??? ??????? ??? ??????? ??? ???????  
??????.

175 ?? ??????????? ??? ?? ??? ???????, ??????????? ??? ?? ??? ???????????  
?????????? ??? ???????, ?? ??????? ??? ??? ?????, ?? ??????? ??? ??????????? ??? ?? ???  
??????, ??????????? ??? ????? ??????????? ??? ??????????? ??? ???????????.

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

176 ?? ?? ???, ? ??????? ???????, ? ??????? ??????????? ???, ?????, ?? ??? 3, ??????????? 1?,  
?? ??????????? 96/71 ??????????? ??? ??????? 8 ??? ?????????? «???? ?», ??  
????? ??????????? ??? ??????????? ??? ??????????? ????? ??????? ??? ???????????  
??? ??????????? ??? ??????? ??? ???????, ???, ???????, ??? ????? ??????????? ?? ???  
????????? ?????? ??? ??????? ??? ??? ????? ??????????? ??? ??????????? ???????????  
??? ??? ??????????? ??????????????? ????????????. ?? ?? ??????? ??? ?????, ???????????  
??? ? ?????? ??? «?????», ??? ????? ??????? ? ??????????? ??? ?????, ??????????? ???  
????? ??? ??????? ??? ??????? ??? ??? ??????????? ??? ??????????? ??? ???????.

177 ??? ???????, ??????????? ??? ?? ??? ????? 8 ??? ?????????? «???? ?», ??? ???????  
1, ??????? ??? ??????? ??????? ??????? ??? ?????? ??? ?????? ??? ??????????? ??? ???????????  
????????? ??? ??????????? ?? ?????? ??? ??????? ?? ??? ?? ??? ?????? ??? ???????, ???,  
????? ??????? 2, ??????? ???, ??? ??? ????? ??????? ?????? ???????, ? ??????? ???,  
????????? ??????? ??? ?????? ??? ??????? ??? ?????? ??? ???????, ? ?? ??? ????? ??? ???????  
??? ?????? ??????? ??? ??????? ??? ??????? ??? ???????????, ? ?? ??? ????? ??? ???????  
??? ?????? ??? ??????? ??? ??????? ??? ??????? ??? ??????????? ??? ??????? ??? ??? ???.

178 ??????, ??? ????? 23 ? ?????????? «???? ?» ?????????? ?? ??????????? ???????????  
??? ??? ??????? ?????????? ??? ??? ? ????? ??????? ?? ?????????? ??? ??????????? ???  
????????? ??? ??????? ??????? ??? ??? ? ?????????? ??? ?????? ??? ??????????? ???  
?? ??????????? ???, ??? ??? ??????????? ??? 40 ??? ?????????? ??? ????? ???????????

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

179 ?? ? ? ? ?????? ??? ??? ?????????????? ???, ??? ? ? ???? 3, ?????????? 1, ???  
????????????? ?????? 96/71, ??? ???? ???? ?????????????? ??????????????, ??? ??? ??  
????? 3, ?????????? 1?, ??? ?????? ??????, ??? ?????? ??? ?????????????? ??????????????  
?? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????, ?????????? ?????????? ??????  
????????? ?????? ??????, ??? ??? ?????? ??? ?????? 23 ??? ?????????? «????? ?».

180 ???????, ??? ?????????? ? ?????? ?????????? ??? ?????? 196 ??? ??????????  
??, ?? ?????????????????? ??? ?????? «????? ?» ?????????????? ??? ?? ??????  
?? 23 ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?? ??????  
96/71, ???, ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?? ??????????  
?? ? ?????????? ?????? ?????? ?????? ?????? (?????) [COM(2005) 650 ?????], ???  
15?? ?????????? 2005, ? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ??????  
????????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????, ??????  
?? ?????? ??? ? ?????? ???.

181 ???, ? ??????, ??? ??? 3, ?????????? 1?, ??? ?????????? ?????? 96/71,  
????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??????????  
????????? ??? ?????? ??? ?????? ?????? ?????????? ???, ? ?????? ??? ?? ???  
????????? ??? ??? ???, ??? ?????? ?? ?????????? ??? ?????????? ??? ?? ?????? 179  
?? ?????? ???, ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?? ???  
????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?? ???.

182 ??? ???????, ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?? ??????????.

183 ??? ???????, ??? ?? ?????? ??? ??? ?????????? ??? ?????????????? ?????? 96/71  
????????? ??? ???? ? ?????? ??? «?????», ? ?????? ?????????????? ??? ?? 3,  
????????? 1, ?????? ???, ?????? ??, ???, ?????? ?????????? ??? ?????????? ? ??????????  
?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??, ??  
????????? ?? ?????????? ??? ?????? 3, ?????????? 7, ?????? ??????, ??? ??????, ?? ??  
????? 3, ?????????? 1, ?????? ???, ?????? ??, ??? ?????? ?? ?????? ?? ?????? ??  
?????.

184 ???, ?? ??? 3, ?????????? 1, ?????? ???, ??? ?????????????? ?????? 96/71  
????????? ?? ?????? ??? ???? ? ?????? ??? ?????????? ??? ?? ?????? ?????? /??/ ???  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ? ?????????? ???  
????????? ?? ?? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??? ??????  
????????? ??? ?????????? ? ?????????? ??? ?????????? ?, ?????????? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????????? ??  
????????? ?????? ?????????? ? ?????????? ???' ?????? ?????? ?????? ?? ??? ?????? 8  
?? ?? ??? ??????.

185 ??? ???????, ???' ??????, ??? ?? ?????????? ?????? 17 ?? ??????????????  
??????, ? ?????????? ??? ?????? ?????? ?? ??? ?????? ?????????? ?????? ???  
????????? ??? ?????? ???, ?? ???, ?????, ?????? ??? ?????? ??? ?????? ?? ??????  
????????? ??? ?? ?????? ??? ??????.

186 ??? ?? ?????????? ???, ??? ?????????? ?????? ??? ?? ?????? ??????????  
????????? ??? ?????????? ??? ?????? 112 ??? 113 ??? ?????? ?????????? ???

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

187 ??? ??????, ??? ?????? ?? ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
?????????, ??? ?????? ??? ? ?????? ?????? ??? ?????? ???.

188 ??? ?????? ??? ?????? ??? ?????????? ??? ??????, ? ?????????? ??? ?????? ?? ?????????? ??? ??????????  
? ??? ??? ??? ?????????? ??? ?????????? ??? ??????????, ?? ?? ??? ?????? ?????????? ? ??????  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????? ?????????? ???  
????? ??? ?????? ?????? ?????????? ??? ?? ?????? ??????.

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

189 ??? ?? ??? 138, ?????????? 1, ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???,  
????????? ?????? ?????????? ?????????? ??? ??????, ?????? ?????? ?????? ?????? ???  
????????? ??????. ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ?????????? ???  
?????, ? ?????? ?????? ??????, ?????? ??????, ?? ?????????? ??? ?? ?????????? ??? ?????????? ???.

190 ??? ?????? ?? ?? 140, ?????????? 1, ??? ?????? ??????????, ? ?????????? ???  
????????? ??? ??????????, ? ?????? ??????????, ?? ?????? ?????? ??? ?? ?????? ???, ??  
????????? ??? ?????????? ??? ? ?????????? ?????? ?? ?????????? ?????? ??? ?? ?????????? ???  
??? ???.

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

1) ??? ?????????? ??? ??????.

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

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

(?????????)

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