

@import url(../../css/generic.css); EUR-Lex - 61998C0409 - EL

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

/

## 61998C0409

?????? ?????????? ??? ?????? ?????????? Tizzano ??? 23?? ?????????? 2001. -  
Commissioners of Customs & Excise ??? Mirror Group plc. - ?????? ??? ??? ????  
????????????? ??????????: High Court of Justice (England & Wales), Queen's Bench Division  
(Divisional Court) - ?????? ??????. - ?????? C-409/98. - Commissioners of Customs &  
Excise ??? Cantor Fitzgerald International. - ?????? ??? ??? ?????? ??????????????  
?????????: High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court) -  
?????? ??????. - ?????? C-108/99. - ??? ?????? ??? - ?????????? ??? ??????????  
?????? - ?????.

?????? ??? ?????????? ??? ?????????? 2001 ?????? I-07175

### ????????? ??? ?????? ??????????

1. ?? ??? ?????????? ?? 15?? ?????????? 1998 ??? ??? 2?? ?????????? 1998, ?? High Court  
of Justice (England & Wales), Queen's Bench Division, Divisional Court (???: High Court),  
?????? ??? ?????????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ??????????  
?? ??? ??? ??????, ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? 13 ??? ?????? ??????  
77/388/?? ?? ????????, ?? 17?? ??\_?? 1977, ??? ?????????? ??? ?????????? ??? ??????????  
?????? ????, ??? ??????? ?? ??? ?????? ?????? ?????? - ?????? ?????? ?????? ???  
????????????? ????: ?????????? ?????????? ??? (???: ??? ?????). ??????????,  
?? ?????? ?????????? ????, ??? ?? ??? ??? ?????????? ??? ?????????? ??? ??????????  
Lubbock Fine (???: Lubbock Fine), ??? ?????? ??? ?????? «?????? ??????» ?  
????? ?????????? ??? ?????? ?, ?????? ?, ??\_?, ??? ?? ??? ??????????, ??? ?? ??????  
?? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ??  
?????? ??????? ?? ?????? ??? ?????????? ??? ??? ?????? ?????????? ??? (???: ???)  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? (???: ???)

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

2. ??? ??? 13 ??? ??? ?????? ?????????? ?????????? ?? ?????? ??? ?????????? ??? ???.  
????? ?????? ? ??? ?????? ?????? ????????????, ?????? ???, ?? ???:

«?? ??? ?????????? ??? ?????? ?????????? ??????????, ?? ??? ?????? ??? ?????????? ??? ??  
????????????? ??? ???????, ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????????????? ??? ??????? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ???,  
????????????? ??? ??????????:

[...]

?) ??? ?????????? ???????? [...]».

?? ?????????? ?????????? ??? ?? ?????????? ?????? ??? ?????????? C-409/98,  
Mirror Group

3. ?? 1993, ? ?????? Mirror Group Newspapers plc (??? ????: Mirror Group), ? ?????? ???  
??? ?????????? ??? ?? ?????? ?????? ?????, ?????? ?????????? ??? ?????? ???  
??? ?????? ?? ?????? ?? ?????? ?????? ??? ?????? ?????????? ????. ?????? ??  
????????????? ???, ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ? ??????, ??????????  
?? «????????????? ??????», ??? ?? ??? ?????? ?? ?????????? ?? ?????????? ??  
????????? ?????????? ?????? ?????? ?????? ???, ? Mirror Group ?????? ??? 20  
????????? 1993 ?? ??? ??? ?????????? ?????????? ?????? Olympia & York Canary Wharf Ltd  
(??? ????: O&Y) ?????? ?????????? ?????????????? ?? ??? ?????????? ??????. ??  
????????? ??? ??????????????:

- ??? ?????? ?????????? ??????? ?? ?? ?????? ?????? ?????? (??? ??? 20? ??? ??? 24?) ???  
????????? ?????????????? ??? ???????.

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

- ??? ?????? ?????????? ?????????? ??? Mirror Group ??? ??? ?????? ?????????? ?? ?????? ???  
????????, ?????? ??? ?????, ??? ?? ?????? ?????????? ?????? ??? ??????, ?????? ??? -  
????? ?? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????????? ??? ??? ?????? - ???  
????????? ?????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???.

4. ?? ??? 13.1 ??? ?????? ?????????? ?????????? ???, ?? ?????? ??? 2 ?????? 1993, ?  
O&Y ?? ?????????? ??? Mirror Group, ?????????? ??? «?????» ??? 12  
????????????? ??? ?????? (GBP) ?????? (????? ??) ??? ?? ?????????? ?? ??????  
????????? ?? ??? ?????? ?????????? ??? ??????.

) ?????? 6,5 ?????????? GBP (????? ??), ??? ?????? ?????????? ??? ?? ?????? ???  
????????????? ???, ?????? ?? ?????????? ?? «????????? ??????????» (Escrow  
Account). ?? ??? ?? ?????????? ??? Mirror Group ?? ?????? ???, ??? ??  
?? ?? ?????? ?????? ?? ?????? ?? ?????? ??? ?????????? ??? ?? ?????????? ??  
?????????????, ?????? ?? ??? ?????? ??????????, ? Mirror Group ??? ?????? ??? 20 ??????????  
1993 ?????? ?????? ?????????? ??? ??????????, ??? ? ?????? ??? ?????????? ???  
?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????, ??? ? ?????? ???  
????????? 1993, ??? ?????? ?????? ?????? ?????????? ?????? ?? ??? ??????????  
????????? ?????? ???, ??? ?? ?????? ?????? ??? ?????????? ??? ?????? ???  
????????? ??????, ??? ?? ?????? ?????? ??? ?????????? ??? ?????? ??? Mirror Group ??  
????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?? ??? ??  
????????? ??? ?????? ??? ??????.

) ?????? 5,5 ?????????? GBP (????? ??) ??? ?????? ?????????, ?????? ?? ?? ??????  
?????????, ?????????? ??? Mirror Group, ? ?????? ??? ?? ?????????? ?? ??  
????????? ??? ?? «Escrow Account» ?? ??????. ?? ??? ?? ?????????????? ???  
?? Mirror Group ?? ?????? ??? ?? ?????? ??? ?? ?????? ?? ?????????? ??????????,,  
????????? ??? ?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?????????? ???  
? Mirror Group ?????? ??? ?????? ?? ?????? ??? ?????????? ?????????? ???  
?? ?????? ??? ?? ?????????? ?? ?????? ??? ?? ?????? ???, ??? ?? 1,4  
????????? GBP (???) ??? ?????????? ??? O&Y ??? ?? ?????????? ??? ??????????  
????????? ??? ?? ??????.

? ) ??????, ? ??, ??? ?????????? ?? 2 ??????????? GBP ???????, ?????? ?? ?????????? ??  
?????? «Escrow Account» ?????? ??? ??????? ?? ???? Mirror Group ??? 26 ?????? 1993.

5. ? ??????? ?????????? ??? ????? ??????? ??????? ??????? ??????? ?????? ??? ?? ??  
????? ?????? ??? ?? ?????????? ??? ??????? ?????????? ???, ??? ?? ??????? ?????? ???,  
?? ??????? ?????? ?? ?????????? ??? ?????? ??? ?? ??????? ??? ??????. ??? ?? ????? ??????  
??????, ?? ??????? ?????? ?? ?????? ???' ?????? ?? ??? ?? ??????? ??? ?????? ?????  
??????, ??? ?? ?????? ???, ? Mirror Group ?????? ?? ??????? ??????? ??? ?? ???????  
?? ??????? ???????????, ????? ?? ?? ??????? ?? ??? ?? ??????? ??? ?? ?????? ?????? ???,  
?? ?? ?????? ??????????? ??? O& Y, ??? ?????? ??????. ??? ?? ???????  
????, ? Mirror Group ??????? ??????????? 7,2 ?? 4,4 ??????????? GBP ???????.

6. ??????????? ??? ??????? ???? ?????? ??????????? ??? ?? 13, ?, ??????? ?\_, ???  
????? ??????? ??? ?? «?????? ???????», ? Mirror Group ?????? ??? ??????? ??? 2  
?????????? GBP ??????? ??? ??????????? ?? ?? ??? ?? ??????? ??? 12  
??????????, ?? ??????? ??? 1?? ??????? 1997, ?? Commissioners of Customs & Excise  
(?????? ?? ?? ??????? ???, ??? ???: ??????? ?????) ??????? ??? ?? ??????  
????. ? Mirror Group ??????? ??????? ??? London VAT and Duties Tribunal (??????????????  
?????? ?? ?? ??????? ??????? ??? ?? ????? ??????????? ???, ??? ???: Tribunal).

7. ?? ??????? ??? 3?? ??????? 1998, ?? Tribunal ??????????? ??? ??????? ??? ?? ??  
????? ?? ??????? ??? ??????? ??? 6,5 ??????????? GBP ??????? ?? ?? ??????. ???  
?? ????? ??, ??? ??, ??? ???????, ??? ???????, ??? ???????, ? ??????? ??????? ?? ??  
?????? ??, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????  
?? ?? ?? ?? ??????? ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????  
13, ?, ??????? ?\_, ??? ?? ??? ?? ??????????? ??????? Lubbock Fine, ? ???  
?????????? ?? ??????????? ??? ?? ???????, ??? ?? ???????, ??? ?? ???????, ??? ?? ???????, ??? ??  
?????? ?? ?? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? 5,5  
?????????? GBP ??? ??????????? ?? ??????? ??????? ?? ?? ???????, ??? ?? ???????, ??? ??  
?????????? ?? ?? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ??  
?????????? ?? ?? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ??  
?????????? ?? ?? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ??

8. ??? ? Mirror Group ??? ?? ? ?????????? ??????? ??????? ?????? ??? ?? ???????  
????? ??????? ??? High Court. ??? ?? ? ?????????? ??????? ??? ?????????? ???,  
????????? ??????? ??????? ??????? ?? ??? ??????? ??? ??????? 13, ?, ??????? ?\_,  
?? ????? ??, ??? ?? ??? ??????? ??? ??????? Lubbock Fine. ???' ??????, ??????? ??  
?? High Court, ??? ?? ??????? ??? ?? ??????? ??????? ??? ??????? ?? ??????????? ??? ??  
?? ??????? ?? ??????? ??? ??????? ??????? ??? ?? ??????? ??? ??????? ??? ???????, ???  
?????? ?? ??????? ??? ??????? ??????? ??? ?? ??????? ??? ??????? ??? ??????? ??? ??  
??????, ?? ??????? ??? 15?? ??????? 1998, ?? High Court ??????? ??????? ???  
?????????? ?? ?? ??????? ??????????? ???????:

«1) ??????? ??? ?????????? ??? ?????????? ??? ??????? C-63/92, Lubbock Fine & Co. ???  
Commissioners of Customs & Excise, ?? ??? 13, ?, ??????? ?\_, ??? ??????? 77/388/?? ??  
????????? ??????? ??? ?? ??? ??????? ??? ??????????? ??? ??????? ?? ???????, ??? ??  
??????, ??? ??????? ??? ??????? ??? ?? ???????, ??? ?? ??????? ??? ??????? ?? ???????  
?? ?? ??????? ??? ??????? ??? ?? ??????? ??? ?? ??????? ??/? ??????? ??? ??????? ??  
?? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ?? ???????;

2) ??????? ??? ?????????? ??? ?????????? ??? ?????? C-63/92, Lubbock Fine & Co. ???  
Commissioners of Customs & Excise, ?? ??? 13, ?, ??????? ?\_, ??? ?????? 77/388/??? ???  
????????? ?????????? ??? ?? ??? ?????? ??? ?????????????????? ??? ?????? ??  
?????, ??????, ?????, ????? ?????? ??? ?? ??? ??????, ??? ?? ?????? ????:

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

??/?

?) ?? ??????? ??? ?? ??????? ?????????? ??? ?? ?????? ??? ?? ?????????? ?????????? ???  
????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
????????? ?????? ??? ?????? ?????????? ??????;»

?? ?????????? ?????????? ??? ?? ?????????? ?????? ??? ?????????? C-108/99, Cantor

9. ??? 25 ?????? 1986, ? ?????? Prudential Assurance Co. Ltd (??? ????: Prudential)  
????????? ??? ????? Wako International (Europe) Ltd (??? ????: Wako) ??? ??????  
????? ??? ?????? ?????????? ??? ??????. ? ?????? ??? ?????????? ???  
????????? ?? 15 ??? ??, ?????? ?? ??? ?????????????? ??? ?????? 18, ?????? d, ???  
?? ??? ?????? ???, ? Wako ?????????? ??? ?????????? ?? ?? ?????????? ?? ??????????  
?? ?? ??? ?????????? ?? ?????? ??? ?????? ?? ?????????? ??? ??????????.

10. ?? 1993, ? Wako ?????????? ?? ?????????? ?? ?????? ??? ?????? Cantor Fitzgerald  
International (??? ????: Cantor). ? ?????????? ?????????????? ?? ??? ?????? ?????? ??  
?? ???, ?? ??? ?????????????? ??? 12 ?????? 1993, ?? Wako ?? Cantor ??????  
????????? ?????????? ??? ?????? ?? ?? ?????? ???, ??? ?????? ??????????  
????? ??? ?????? ??????, ? Cantor Fitzgerald Securities, ?? ?????? ??? ?????????? ???  
Cantor, ? Wako ?????? ??? ?????? ?? ?????? ??? Cantor, ??? ??? ??????  
????? ??? ??????, ?? ??? ?? 1,5 ?????????? GBP ?? ?????????? ??? ??????????  
?? ?????????? ?? ?????? ??? Cantor. ??? ??? ?????? ???, ? Cantor ?????? ??? ??????????  
?? ?????????? ?? ?????? ??? ?????? ??? Wako ??? ?? ?????? ?????? ??? ??  
?? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? Cantor ?????? ???  
?? ?????????? ?? ?????? ??? Prudential ?????? ??? ?? ?????????? ??? ??????.

11. ? ??????? ???, ? ?????? ???, ?????? ?????? ??? 23 ?????? 1993 ??????  
?? Prudential, ?? Wako, ?? Cantor ?? Cantor Fitzgerald Securities ?? ??????????. ?  
????????? ?????????? ?? Prudential ?????? ?? Wako ?? ?????????? ?? ?????????? ???  
Cantor, ? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???  
?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ???  
??????, ?? Wako, Cantor ?? Cantor Fitzgerald Securities, ?? ?????????? ??????, ??????  
????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Wako ??? Cantor.  
????? ?? ?????? ??? ?????????? ??? ?????? ??? ??????, ? Cantor ?????? ?????? ??? ??????.

12. ?????? ??? ?????? ???????, ? Cantor ?????? ??? ?? Wako ??? 1,5 ??????????  
GBP, ??? ?? ?????? ??????? ??? ?? . ? ?????? ?????? ?? ?????? ??? ??????????  
????????? ?? 30?? ?????? 1996. ??? 13 ?????? 1996, ? Cantor ?????? ??????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? London VAT and Duties Tribunal,  
?? ?????? ???????, ??? 6 ?????? ??? ?????? ??? ???????, ?? ?????? ?????? ??? ??????  
?? ?????? ??? ??????? ??? ?????? ??? ??? ??.

13. ???? 26 ??????????? 1997, ? ?????????? ?????????? ?????? ?????? ??? ?????????? ?????? ?????? ???? ???? ?????????? ?????? ?????? ??? High Court. ??? ?????? ??? ?????????? ?????????? ??????, ?????????? ?????? ?????????? ?????? ?????? ?? ???? ?????? ???? 13, ?, ?????????? ?, \_, ??? ?????? ????????, ??? ?????? ??? ???? ???? ???? ???? ???? ???? Lubbock Fine. ??? 2 ?????????? 1998, ?? High Court ?????? ?????? ??? ?????????? ?? ?????????? ?????????? ?????????? ??????:

«?????? ??? ?????????? ??? ???????????? ??? ?????? C-63/92 (*Lubbock Fine & Co.* ???  
Customs & Excise Commissioners), ?????????? ?? ?????? 13, ?, ?????? \_, ??? ??????  
?????? ?? ??? ??? ?? ??? ?????? ?????????? ??? ?????????????? ??? ??????? ?? ??? ?????? ??  
???? ??????? ?? ????????, ??? ?? ?????? ??? ??????? ?? ??? ?????????? ?  
?????? ??????? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??  
?????????;»

?????? ?????

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

14. ?? ??? ???. ?????? ?????? ?????????????????? ??????????????, ?? High Court ?????? ??? ?? ????????????? ?? ???????????, ?????????????? ?????? ??? ?????? ?????????????? ?????????????? ?????????????? ?????????????? ?????????????? ?? ?????? «????????? ??????????» ????. ?????? ?????? ?????????????? ?? ?????? 13, ?, ?????????? ?,\_, ?? ??????, ?? ??. ?? ??. ?? ??. ?? ??. ?? ??. ?????????????? ?????????????? ?????????????? ?????????????? ?????????????? ?????????????? Lubbock Fine, ?? ??? ?????? ?????????????? ?????????????? ?????????????? ?????????????? ?? ?? ?????????????? ??? ?????? ?????? ??????.

15. ???????????, ??? ??????? ??? ?????????? ??????, ?? ?????????? ??????? ?? ??????????  
??? ??? ?????????? ??? ?????? ?????? ? ?????? ?????????? ??? ?? ?????????? ???  
????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ?????? ???  
????????? ???, ?????? ??? ?????????? ??????????????. ?????????? ?????? ?? ??????????  
?? ? ?????? ??? ?????? ??? «????????? ??????» ??? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? 13, ?, ?????? ?\_.

16. ?? ??????????? ??????? ?? ??? ??????? ??? ????: «[...] ?????? ??? ?????????????? ????,  
????? ? ??????? ???????, ? ?????? ?????????????? ????, ??? ?????????????? ??????,  
????????? ??? ?????? ?????????? ?????????????? ???, ??? ?????? ??????, ?????????????? ???,  
??? ??????????, ??? ? ?????????? ??? ??? ?????? ?????????? ??????????????, ??? ??? ??  
????????? ?? ?????? ?????????? ??? ??? ??? ?? ??? ?????? ??????????. ???????, ??? ??????  
????????? ??? ?????? ?? ?????? ? ?????????? ??? ? ?? ?????? ??? ???????, ? ??????  
????????? ??? ?? ?????????? ??? ??????????????, ??????? ??? ?????????? ??? ???????  
?????? ??? ??? ?????? ??? ?? ?????????? ???, ??????? ??? ?????? ??? "?????????  
?????????", ??? ???? ?????????????? ??? ??? 13, ??????? ?, ?????????? ?, ??? ??????  
??????, ??? ?????????? ??? ?????????????? ?????? ?????? [...] . ???????, ??? ?????? ?? ????  
????????? ??? ?????????? ??? ?????? ??? ??? ??? ??? ??????» .

17. ????? ??????????, ?? ?????? ??????????? ?????????? ?????????? ?????????? ?? ??? ??????????  
??? ?????????? ??? ?????? ?? ?????? ?????? ?? ?? ?? ?????? ?? ?????????? ??????????????  
????????? ??? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????????. ???????, ??? ??  
?????????, ??? ?????? ??? High Court ??? ?????? ??? ????????????, ?????????? ?? ???  
????????? ???, ?????????? ??? ??? ??? ??? ?????? ?????? ?????????? ?????????? ??????????????  
?????????????.

18. ????????????, ??? ?????? ??? ??? ??? ?????? Lubbock Fine ??????? ?? ????????  
???????????, ??????? ?? ??? ??? ?????? ??? ?????????? ???, ??? ??? ?????? ?????????? ??  
???????????, ?????????? ?? ??? ??? ?????? ??? ?????????? ??? ?? ?? ?????????? ??  
????????? ??? ?????????? High Court, ??? ?????? ??? ?????? ??? ?????? ??????????

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

19. ??? ?? ?????? ???, ?? ?????? ?????????? ?????? ?? ?????? ? ?????????? ?????? ???  
?????? ?????????????? ??????????, ??? ?? ?????????? ?? ??? ?? ??? ????? ?????? ??????  
??? ?????????? ?????????? ??? ????? ?????????? ?? ?????? 13, ?, ??????? ?\_, ??? ?????  
??????. ?????????? ?????? ??? ?????? ? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ???, ??? ?????????? ?? ??????????, ? ?????????????????? ?????? ??? ??????  
???????? «????????? ?????????? ?????????? ?????????? ?? ?? ?????????? ??? ?????? ???  
"????????? ??????"» .

20. ?????????? ??? ?????? ?? ?????????? ?????? ?? ?????????? ?????? ?? ?????????? ??  
??? ?? ?????? ?????????? ?????? ?? ?????????? ??? ?? ??? ?????? ?????? ??????????  
?????? ?? ??? ?????? ??? ?????? ?? ?????? ?? ?????????????? ??? ?????? ?????? ??????  
????????????? ??????????. ??? ?? ??? ?????? ?? ?????????? ?????????????? ?????? ??????  
??????????, ??? ?????????? ?????? ?? ?????????? ?????????? ?????????? ??????????  
?????????? ?????? ??? ?????? ?? ?????????? ?????? ?????????? ?????????? ?????? ??????  
??????????, ?? ?????????? ?????????? ??? «[...] ?? ??? ?? ??? ?????????????? ???  
??? ?? ?????????? ??? ?????? 13 ??? ?????? ?????? ?????? ?? ?????????? ?????? ???,  
????????? ??? ?? ?????????? ?????? ?????????? ?????????? ?????? ?? ?????? ??? ?? ?  
????? ?????? ?????????? ?????????? ?? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?????????? ??? [...]» .

21. ?????? ?????? ?????? ?? ?????????? ??? «?? ?????????? ??? ?????????????? ??? ??  
????? ?????? ?????????? ?????????? ??? ?????? ?? ?????????? ?????? ??? ?????? ???  
????????? ?? ?????????? ?????????? ?????????? ?????? ?? ?????? «?? ?????????? ???  
????? ?????????? ??? ?? ?????? ??? ?????????? ?????? ?? ?????? ?????? ???», ???  
????????? ??? ?? ?????? ??? ?????? 13, ?, ??????? ?\_, ?????????? ???, ??? ??  
«?? ?? ?????????? ??? ?? ?????? ??????, ? ?????? ?????? ?????????? [...]?, ? ??? ?? ???  
????????, ?? ?????? ?????? ??????, ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?? ???  
????????? ??? ?????? ??? ?????? ???» .

22. ??? ?? ?????????????? ?????, ?????? ??? ?????? ???' ????, ?????? ??? ?????? ???  
?? ??? ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??  
????????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????????? ??? ??????  
????????????? ??????. ?????? ?????? ??? ?????? ?? ?????????? ??? «?????» ?????? ???  
??????, ?, ?? ?????? ??????, ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?? ???  
????????? ?????? ??? ?????? ???.

23. ??? ?? ?????? ???, ?????? ?? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???  
Darmon ??? «?? ?????????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ???  
?????????, ?????? ??????????, ?????? ?????? ?????????? ??? ?????? ??????, ??? ?? ??? ??????  
????????, ??? ?? ?????? ?????? ?????????? ?????????? ??? ?????? ?????? ?????????? . ?? ??? ??  
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?? ?????????? ???  
????????? ?? ?????????? ?? ??? ?????????????? ??? ?????? ?????? ?????? ??? ?? ??? ??????, ???  
«?? ?????? ?? ?????????????? [????? ?????? ??? ??????] ?????????? ???  
????????????? [...] ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????, ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ????» .

24. ?????????????? ??? ???? ?????? ???, ? ??????? ??? ?? ??????? ??????? ??? ??  
?????? ?????? ??? ?????? ??????? ??????? ??? ?? ??????? ??? ??????? ??? ???????  
???????????. ??? ??? ?????? ??? ??????? ???, ?????? ?? ?????????????? ??  
?????????? ??? ??? ?????? ??? ?????? ??? ??????? ??? ?? ?????????????? ???.

25. ??? ??? ?????? ???, ?????? ??? ?????????? ?????????? ?????????? ?????????? ??? ??  
????????? ??? ?????? ?????????? Jacobs ??? ??? ?????? Stockholm Lindöpark, ???  
????????? ?????????? ?? ?????? ???, ??? ?? ?????? ?? ?????? ??? ?????????? ??? ???  
????????? ?? ????? 13, ?, ?????? ?\_, ??? ?????? ??????, ??? ?????? ?????? ???  
????????? «?? ?????? ?????????????? ??? ??????????, ??? ?????????? ??? ??????  
??? ?????????? ?????? ?????????? ?????????? ? ?????????? ?????????, ?? ??? ??????????  
??? ??? ??????, ??? ?????????? ?????? ??????, ?????? ??? ?????????? ?????? ???  
????? ?????????? ?????? ?? ?????? ??? ?????? ?????, ?????? ??? ?????????? ??????  
????? ?????????? ??? ?????????? ?????? ?? ?????? ??? ?????? ?????, ?????????? ?? ??????  
????? ?????????? ??? ?????????? - ?? ?????????? ?????? ?????, ?????????? ?? ??????  
????? ??? ?????? .

26. ??????????????, ? ??????? ??? ?????? ??? ?????? ?? ?????????????? ??? ?????????? ???  
????? ??????? ?? ??????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ??????????  
????????? ??? ??????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? . ? ????????  
????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ??????????  
??????, ?? ??? ?????? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????????? ??????????  
????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
????? ??????, ??? ?????? ?????????, ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
Jacobs ?????????? ??? ?????? ?? ?????? «?? ? ?????? ?????? ?? ?????????? ?????? ??????  
? ?????? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?? ???  
????? ??????????» . ?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????  
????????? Alber ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??????  
????????????????? ??? ??? ?????????????? ?????? ??? ?????? ??? ?????? ?????? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????  
????? ???.

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

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

29. ???????, ??????? ?? ? ???? ?????? ?????????? ?????????? ??? ???? ??????????  
????????? ??? ???? ?????? ?????????? ?????????? . ??? ???? , ?. ???? ??????????  
?? ???? ?????? ?????????? Alber ??? ?????????? ?????????? ?????????? ?? ???? ????  
????????? «? ??????? ?????? ??? ?????? (????? ??? ??????????)» ??? ??  
????????? ?? ? ???? ?????? ??? ?????????? ??? ???? ?????? ??? ???? ?????? ???  
????????? ? ?????????? ?????? . ??? ?????????? ??? ???? ?????? ??? ???? ??????  
????? , ?? ?????????? ?????? ?????? ?????????? ?????? ??? ???? ?????? ???  
????????? ??? ?? ?????????? ??? . ?????? ?????? ??? ???? ?????? ??? ???? ??????  
????????? ??? ???? ?????? ??? , ??? ???? ?????? ??? ?????????? ?????? , ?? ??????????  
?? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? .

30. ?? ??????? ??????? ?????????? ??? ? ???? ?????? ??? ???? ?????? Henriksen , ??  
?? ???? ?????????? ??? «? ?????? ??? "????????? ??????", ? ???? ?????? ??  
????????? ??? ?????????? ??? ?????????? ??? ???? ???? 13, ?, ?????? ?\_, ??? ????  
????? , ?????????? ???' ?????? , ?????? ??? ?????????? ??? ???? ???? ???? ?????????? ??  
????? ?????????? ??? ?? ???? ?????? , ??? ?? ?????? ??? ???? ?????? ??? ???? ???? ??  
????????? . ?????? , ??? ?????? ?? ?????????? ??? ???? ????' ?????? ??? ????  
????????? ?????? ? ?????? ?????? ?????? ?????? ?????????? , ?????? ? ?????? ???  
????????? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???? ???? ??  
????? , ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ???? ???? ???? ??  
????? , ??? ???? ?????? ??? ???? ?????? ?????? ?????? ?????? ?????? ???? » .

31. ??? ???? ?????? ?????????? ?????? , ??? ???? ?????? ??? , ? ?????? Lubbock Fine,  
??? ???? ?????? ??? ?????? ??? ?????? ?????? ?????? . ??? ?????????? ???????,  
?? ?????????? ?????? , ??? ?????? ??? , ??? ?????? ??? «????????? ??????» ???  
????????? ??? ???? 13, ?, ?????? ?\_, ??? ?????? ?????? , ??? ?????????? ??? ???? ????  
? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ???? ???? ???? , ??????  
????????? , ??? ?????? ?????? ??? ???? ?????? ?????? ???? ???? ???? ???? . ?  
????????? ??? ?????????? ??? ???? , ?????? ???? ?????? ?????? ?????? ?????? ???  
????????? ??? ???? ?????? ?????? , ?????? ???? ?????? ?????? , ??? ???? ???? ??  
????????? ??? ???? ?????? ?????? ?????? ?????? ?????? ???? ???? ???? ??  
????????? ??? ???? ?????? ?????? .

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

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

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

34. ?? ?????? ??????????? ?????? ?? ??? ????? ? ????? ?????????????: 1) ??? ??????  
????????? ?????? ??? ?????????? ?????????? ???/? 2) ??? ?????? ??? ?????????? ???  
????? ??? ???????? ??? ?? ?????? ?????????? ?????? ??? ?? ?????? ??? ?????????? ???  
????????? ??? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ???.

35. ??????? ?? ?? ???? ??????? ?? ??? ?? High Court, ??????? ?? ? ?? ?????? ??????????? ?? ??  
?? ??????? ????????, ?? ?????? ??????? ?? ??????? ??????????? ?? ??????????? ?? ???????????,  
?????? ?? ?? ??????????? ??????? ????????????, ?? ??????????? ??????????? ??????????? ??????????.  
?????? ?? ?? ??????????? ?? ??????? ?? ??????????? ?? ??????? ?? ??????????? ??  
??????????, ??? ?? ?? ?? ??????? ?? ??????????? ?? ??????? ?? ??????? ?? ??????????? ??  
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36. ????????????, ??? ?????? ??? ????? ??, ?? ??????????, ?? ??? ?????????? ?????? ??  
????????? ?? ??? ?????? ??????, ?????????????? ?????? ??? ?????? ?????? ?????? ??? ??????  
????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ??????. ???  
??? ????, ??? ?????? ??? ?????? ?? ?????????? ??? ??? ?????? ?????????? ???.

37. ?????????? ?? ??????, ??? ???? ?????? ??, ?????? ?? ??????????? ?????????? ?????? ?? ?  
????????? ???????????, ??? ?????? ??, ?? ?????????????? ?? ?????? ?????? ?????????? ?????? ??  
?????? ?? ?????????? ?? ?? ?????? ??, ???????, ? ?????? ?? ?????? ??????????  
?????????? ?? ?? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??  
?? ?????? ?? ??????. ?? ?????????? ?? ?????????? ?? ?????????? ?? ???????????????, ?????? ??,  
?? ?? ?????? ?? Mirror Group ??????? ?? ?? ?????? ?????? ?? ?????????? ?? ?? ?????? ?? ?? ??????  
?????????? ?? ?????? ?? ?????????? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?? ?? ??  
?????????? ?? ?????? ?? ?????????? ?? ?????? ?????? (?? ?????? ?????????? 4), ??????  
?? ??????????? ?? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????????? ?? ?????? ??????????  
????????? ??????? ?? ?????? ?? ??????????.

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

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

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

42. ?????????? ?????? ?? ??? ?????? ??? ? ?????? ??? ?????? ?????? ??? ??? ?????????????? ??? ??????  
???? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??????????. ??? ??  
?? ?????????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ??????????, ??? ???  
????????? ??? ?? ?????????? ?? ??? ?????????? ??? ??? ?????????? ??? ??? ??????????  
?????????????, ?????? ?????? ?????????????? ??? ??? ?????? ?????????? ?????????? ???.  
???? ??????, ??? ?? ?????????? ?? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ?????????? ???  
????????? ??? ??? ??, ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??  
????????? ??? ?????? ???.

43. ??? ?? ?????? ???, ?? ?????? ??? ? Mirror Group ??????? ?? ??? ?????? ??? ?????? ??? ??  
??? ?????? ??????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ?? ??????, ??????, ??? ?? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????????? ?????????? ??? ?????????? (?? . ?????? ?????????? 4) ??? ??????  
??? ??????? ??? ?????????? ??? ?????????? ??? ? ?????????? ??? ?\_ ??? ?????? ?? ?????????? ??  
????????, ??? ?? ?? ?????? ?????????, ??? ??????????, ?? ?????????? ??? ?????? ??? ?????? ???  
????????? ?? ??? ?????????, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????, ??? ?????????, ? ?????????? ?????????? ??? ??????, ?????????? ???, ??? ??? ???  
????????? ???, ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? 13, ?, ?????????? ?, ??? ??????  
????????? ??? ?????? ??? ?????? ???????.

? ? ?????? ??? C-108/99, Cantor

44. ????? ?? ?????? ?? ?????????? ?? ??????? ??? High Court ??? ?????? Cantor, ?? ?? ???  
????????? ?? ?????????? ??? «????????? ??????» ? ?????????? ?? ??? ??? ?????? ???  
????????? ?????????? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ?? ??? ?????????? ???  
? ??????.

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

46. ??? ?????? ??? ?????? ?? ??????????? ?? ??????????? ????. ? ?? ??? ?????? ??????? ??  
?????? ?? ?????? ?????? ????, ??? ?????? ?????? ?????? ?? ?????? ???, ??? ?????? ???, ??? ?????? ???  
??? ?????? ?????????????????????? ??????? ?? ??????. ?? ??? ? ?????? ?????? ??????????  
????????? ?? ?????? ?????? ???????, ??? ?????? ?? ?????? ?????? ?????? ?????? ??????????? ??  
???? ??????????? ?? ?????? ?????? ??? ??????????? ??? ?????? ?????? ??????????: ??? ???????, ??  
?? ?????????? ?? ?????? ??? ???????, ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
?????? ?? ??????.

47. ??????? ?????? ??? ?????? ?????? ??????????????? ??? ?????????????????? ???????????????, ??  
?? ?????? ??? ???????????, ??? ?????? ?????????? ???????????, ??? ?????? ??? ?????? ??  
?????? ?????????? ?? ??????????? ? ??? ?????? ??? ?????? ??? ?????? Lubbock Fine.  
?????????? ?? ?????????? ?????????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ?? ?????? 13, ?, ??????? ?\_, ??? ?????? ??????? ?? ?????????? ?? ??? ?????? ??  
????????????? ?????????????? ???????????, ?????????? ??? ?????? ??? ??????  
????????????? (??????, ??? ??? ?????) ??????? ?? ?????? ?????????? «??? ?????? ???  
?? ?????????? ?????? ?????????? ??????????». ??? ?????????? ?????? ?? ??????  
????????? ??? ?????? ?? ?????????? ?????????????? ??? ?????? ??? ??????, ??? ??????  
????????? ??? ?????????? ?? ???????, ??? ?? ??? ???????, ?????????? ???????????, ??  
????? ???????????, ?????????????? ?????????? ???????????.

48. ?? ?????????? ??? ?????? ?? ?????????????? - ??????? ??? ?? ?????????????? ??? ??  
????????? ??? ?????? ?????????????? ??? - ??? ?? ??????? ???, ??? ???????????  
?????????, ? ?????? ?????????????? ??? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????, ??? ??? ?????????? ??? ?????????? ??? ??????? ??? ???????, ?? ???????????  
?? ?????????? ??? ?? ??????? ?????? ?????????? ??????????. ???????, ? ?????????? ???????  
?????? ?????? ??? ?????????? ??? ?? ??' ?????????? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????????? ?????????? ??? ??????. ??????????, ?????????? ??? ?  
????????? ?? ?????????? ?? ??????? ?? ?????? ?????????? ?????????? ?? ?????? ??????? ???  
?????? ? ?????????? ??? ?? ?? ?????????? (?.?, ?? ??? ?????????? ??? ????????)  
?? ?????? ??? ?? ??????? ?? ?????? ??? ?????????? «?????????????»). ? ???????  
????????? ?????? ??? ?? ??????? ?????? ??? ???????, ?? ?????? ?????????????? ??? ???  
????? ?????????? ???????????, ?? ?????? ?? ?????????? ??? ??? ?????? ?????????? ???????????.  
???????

????? ??? ?????? ???????????, ??????? ??? ?????????? ?? ?????????? ?? ??? ??  
????????? ??? High Court:

????? ?????? C-409/98, Mirror Group:

«?????? ?? ??? ?????? ??? 15?? ?????????? 1993, C-63/92, Lubbock Fine (?????? 1993, ?.?  
?-6665), ?????? ??? ?????? 13, B, ??????? ?\_, ??? ?????? ??????? 77/388/?? ??  
??????????, ??? 17?? ??\_? 1977, ??? ?????????? ??? ?????????? ??? ??????? ??? ??????? ???,  
??? ??????? ?? ??? ?????? ?????? - ?????? ?????? ??? ?????? ???????????  
????: ?????????? ?????????? ???:

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

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2) ?????????????? ??? ?? ??? ????? ? ????? ?????????? ??? ?????????????? ??? ??????????????  
????? ?????????? ?? ??????? ?? ??????, ???????, ?????? ?????????? ??? ?? ??? ??????  
?????, ??? ?????????? ??? ????? ?? ?????? ????:

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

??/?

) ????? ?? ?????????? ?? ?????????????? ??? ?????????? ?????????? ?????????????? ??????? ??  
????????? ?????????? ?????? ??? ?????? ?????? ?????????????????? ??? ?????????????????? ??? ?????  
????????? ????.»

???? ??????? C-108/99, Cantor:

«????????? ?? ??? ??????? ??? 15?? ?????????? 1993, C-63/92, Lubbock Fine (????????? 1993, ?.  
?-6665), ????? ?? ?????? 13, B, ???????? ?\_, ??? ?????? ??????? 77/388/?? ??  
??????????, ??? 17?? ??\_? 1977, ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ??????? ???,  
??? ?????????? ?? ??? ?????? ?????? ??????? - ????? ??????? ??? ?????? ?????? ??????????????  
?????: ?????????? ?????????? ???, ?????????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ??????????  
????????? ??? ?? ??????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????????? ??? ?? ??????????  
????????? ??? ?????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????.