

@import url(../../../../css/generic.css); EUR-Lex - 62000C0287 - EL

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/

62000C0287

????????? ??? ?????? ?????????? Jacobs ??? 13?? ?????????? 2001. - ???????? ???
????????? ?????????? ??? ?????????? ????? ?????????? ?????? ??? ??????????. - ???????
????? ?????? - ??? ?????? ??? - ????? 2, ?????? 1, ??? 13, ?, ?????????? 1, ???????
?? - ?????????? ?????????????? ??? ?????????? ?????????? ?????????????? ?????????? ??
????????????? ??? ?????? ?????? - ???????. - ?????? C-287/00.

????? ??? ?????????? ??? ?????????? 2002 ?????? I-05811

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

1. ?? ??? ?????? ??????, ?????????? ???' ?????????? ??? ?????? 226 ??, ? ???????
????? ?? ?????????? ??? ? ?????????? ?????? ??? ?????????? ??? ?????????? ?????? ??
????????? ??? ?????? ??? ?? ?????? 2 ??? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????????? ??
?? ?? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ?? ?????? ?????? ?????????? ???.

? ??? ??????

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

3. ?? ?????? 4, ?????? ?????? ?????? ??????, ??? ?? ???:

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

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

[...]

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

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

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

[...]]»

4. ?? ?????? 13, A, ??????????? 1, ???????? ?_, ??? ?????? ??????? ?????????? ?? ????:
«????????? ?? ??????? ???

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

[...]

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

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

5. ?? ?????? 4, ??????????? 1, ???????? 21a, ??? ?????????? ?????? ??? ?????? ?????? ?????
????????? (Umsatzsteuergesetz, ??? ????: Ustg) ?????????? ??? ??? ???? ??? ?????? ?????? ??????
??? ?????????????? ?? ??????? ???????? ???????? ?????????? ?????????????? ??? ?????? ???
????????? ??????????????.

6. ?? ?????? 48 ??? ?????? ?????????? ???? ??? ?????????? ?????????????? ?????????? ??? ??
????????? ?????????? ?????????????? ????????????, ???? ?????? ??????, ???? ?? ?????? ??????.

7. ?? ?????????? ??? ?????????????? ??? ?????? ?? ??????? ? ? ??????? ??????????????.

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

8. ????? 6 ?????????? 1998, ? ???????? ?????????? ??? ?????????? ??????????, ???' ??????????
??? ?????? 169 ??? ??????? ?? (??? ?????? 226 ??), ?????? ?????? ??? ?? ?????? ?
????????? ??? ??? ?? ??? ?????????????? ?????????????????? ??? ?????????????????? ?? ??????????
????????????? ??? ?????????? ??? ?? ?????? 2, ?????? 1, ??? ????? ??????. ?? ?????? ???
????????? ??????????.

9. ????? 26 ?????????? 1999, ???' ?????????? ??? ?????? 226 ??, ? ?????????? ?????????? ???
????????????? ?????????? ??? ?????????? ?????????????? ?????? ?? ??? ?????? ?????? ??
????? ?? ??? ?????? ??? ?????? ?? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ??
????? ?????? ??? ?????? ?????????? ?????? ?????????? ?? ??????.

10. ??????? 4 ?????????? 2000 ?????????? ??? ? ?????????? ?????????? ?????????? ?????????? ???
????????? ??? ?????? ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
????????? ???' ?????? ?????????? ???, ?????????? ??? ?? ?????????? ??? ?????? ??????????
????? ?? ??? ?????????? ??? ?????????? ?? ??????? ??????????, ? ?? ??? ??????????
????????? ?? ?????????? ??? ?????? 13, A, ?????????? 1, ???????? ?, ?? ?????? ??????. ??
????????? ??????? ???, ??? ?????? ??? ? ?????????? ??? ?????????? ?????????? ?????????? ???
???????????, ??????? ?? ?????????? ??? ?????? 13, ?, ?????????? 2, ??? ?????? ??????, ?
????? ?????????? ??? ?????? ??? ?? ?????????? ?? ?????????? ?? ????????????, ?????? ???
????????? ???????, ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ???
????????? ??? ?????? 13, ?, ?????????? 1, ???????? ?, ?? ??? ??? ?????? ??? ?
????????????? ?????????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ??? ? ?????????? ??? ?
????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ? ?????????? ??? .

11. ??? ?????? ??? 2000, ? ??????? ?????? ??? ?????? ?????? ?????? . ?????? ??? ??
????????? ?? ?????????? ??? ? ?????????? ?????? ?????????? ??? ?????????? ?????? ???
????????? ??? ?????? ??? ?? ?????? 2 ??? ?????? ?????? ?????? ?????? ?????????? ??? ??
???? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ??
????????? ??????????. ?? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????????? ??? ? ?????? ?????? ?????? ?????? ?????? 2, ?????? 1, ???
????? ??????. ?????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ? ?????????? ??? ?????? ??? ?
????????? ?????????? ??? ?????? ??? ?????? 13, ?, ?????????? 1, ?????? ?, ?, ??? ??????
13, ?, ?????????? 2, ??? ?????? ??????.

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

12. ? ?????????????? ?????????? ??? ?????????? ?????????????? ??? ? ?????????? ??? ??????????
????? ?????????? ??? ??? ?????.

14. ????????, ? ??????????? ?????????? ?????????? ??? ?????????? ?????????? ??? ? ????????
?????? ???? ???? ????? ?????????? ?? ?????????? ??? ?????????, ??? ?????????? ??? ????
??? ?????????? ?????? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ????
?????????, ? ??? ??? ??????? ??????? ??? ?????????? ?????????? : ??? ?? ???
????????????? ??? ????? ?????????? ??? ????? ?????????? ??? ?????? 2 ??? ????? ???????, ???
????????? ?????? ?????? ?????????? ??? ?????? 13, ?, ??? ?????? ??????. ?? ?????????? ???
????????? ??? ?????????? ??? ?????? 13, ?, ?????????? ?????? ?????? ???
????????????? ??? . ?? ?????? 2 ?????????? ?????????? ??? ??? ?????? ?????? ??? ?????
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???' ?????? ??
????????? ??? ?. ??????, ??? ?????????? ?????? ??? ?? ?????? 2 ??? ?? ??????????????
??? ?????????? ?' ??? ?????????? ?????? ????: ??? ?????? ??? ?????? ???
?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? 13 ???. ????????, ? ?????? ? ??
???? ?? ??? ?????????????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ????.

15. ??????? ??????? ?????????? ??? ?? ?????????? ??? ??????? ?? ?????? ? ?????? ???????
?????? ??????? ???????? ???' ?????????? ??? ?????? 226 ?? . ?????? ?????? ??? ??? ??
??? ?????? ??? ?????????? ?????????? ??? ?? ?????????? ??? ?????????????? ??? ??????
????? ? ??????????. ??????, ?? ?????????? ??? ?????? ?????????? ??? ?????????? ???

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

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

17. ??? ?????? ??, ?? ??????? ???????, ?? ??????? ??????? ?? ?????????? ??? 6??
????????? ???, ?? ??????? ??????? ?? ?????? ?? ?????? ?? ?????????? ???
????????? ???, ?? ??????? ??????? ?? ?????? ?? ?????? ??, ?? ?????????? ???
????? ??? ?????? 4, ??????? 21a, ??? UStG ?? ?????????? ?????????????? ???
????????? ?? ?????? ?????????? ?????????? ?????????? ??? ?? ?? . ?? ??????
????????? ??? i) ??? ?????? ?????? ?????????? ??? ?? ?????? ?????????? ??????????
????????? ??? ?? ?? ?????? ??? ?? ?????? ?? ?????? ???, ??? ?????? ?????? ???
?? ?????? ??????, ??? ii) ?? ?????????? ?????????? ??? ?????? ?????????? ???
????????? ?????????? ??????, ??? ??? ?????????? ?????, ??? ??? ?????? ???
????, ??? ?????? ?? ?????? 2, ?????? 1, ??? ?????? ?????? ?????????? ??? «??
????????? ??? ?? ?????? ?? ?????? ?????? ???, ??? ?????????? ??? ?? ?????? ???
?? ?????????? ??? ?? ?????? ?? ?????? ???, ??? ?????? ??? ?? ?????? ???
????», ??? ?????? ?? ?????? ???, ??? ?????? ???, ??? ?????? ??? ?? -
?? ?????????? ??? ?? ?????? ???, ??? ?????? 13 ??? ?????? ??? -, ? ?????????? ?????????? ???
?? ? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? 2, ?????? 1, ??? ???
????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????????? ?????????? ???
????????? ???, ?? ?????? ??? .

18. ?? ?????????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ? ???????, ???
????? 226 ??, ?? ?????????? ??? ?????????? ???, ????? «?? ?????? ???
????? ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?????????? ???
????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? . ??? ?????????? ??? ? ?????????? ??? ?????? ?????????? ???
?? ?????????? , ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? » .

19. ??? ?????????????? ??? ?????? ?????????? ? ?????????????????? ???
????????? . ???, ?????????? ??? ? ?????? ??? ?????? ??? ?????? ???
????????? ??, ??? ?????????? ??? ?????? ??? ?????? 4, ??????? 21a, ??? UStG
?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ???, ??? ?????? ?????? ??? ?????? ??? ??
????? ?? ?????? ??? «?? ?????? ??? ?????? ??? ?? ?????? ??? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????, ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ». ???, ??? i) ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
??? ?????? ?? ?????? ???, ??? ?????? ?????? ??? ?? ?????? ???, ii) ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ??? ??? ?????????? ???, ??? ??? ?????? ???, ??? iii) ?
????????? ??? ?? ?????? ??? ?????? 2 ??? ?????? ?????? ???
?? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ???' ?????? ???
226 ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
1998, ??? ?? ?????? ??? ?????? ???, ??? ?? ??? ?????? ??? ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? .

20. ??? ?????????????? ??????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??????????, ?
????????? ?? ??? ???? ?? ?????????????? ??? ?????????????? ??? ?????????????? ?????????????? ?? ??
????????????? ??? ?????????????? ?? ??? ?????????? ??? . ?????? ? ?????????????? ??? ?????????????? ??? ??
????????????? ??? ?????? ??? ?????? ??? ?????, ? ?????????????? ??? ?????? ?????????????? ??? ??
?????????????, ?? ?????????????? ?? ??? ?????? ??? ?????, ?? ?????????????? ??? ?????? ?????????? ??? ?????.
????? ??? ? ?????????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??????.
????? ?????????? ?? ?????????????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? 13, ?, ??? ??????
??????.

21. ?? ?????????? ????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ?????????? ??? ?????? ???, ?????????? ???' ?????? ??? ?????, ??? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? . ???' ???,
????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 13, ?, ??? ?????? ?????? ??? ??????
?????????, ? ?????????? ?????????? ?? ?????????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ?
????????? ?????? ?????????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???.

22. ? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
????????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????, ??? ?????? ??? ??? ?????? ??? ?????, ?????????? ??? ?????? ?? . ?? ?????? 13, ?, ???
????? ?????? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? . ???
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 2 ???
????? ??? ?????????? ??? ???' ?????? ?????? ??? ?? . ? ?????????????? ??? ?????? ??? ??????????
????????? ??? ??? ?? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 2, ?????? 1, ???,
??????, ?????? ?? ?????????? ??? ?? . ??? ?????, ?????, ??? ? ?????? ?????? ??????????
????????? ??? ?????????? ?????? ??? ?????, ? ?????? ?????? ?????? ??? ??? ? ?????????? ??????????
????????? ??? ?????????? ?????? ??? ?????? 2, ?????? 1, ??? ?????? ?????? ???' ???, ?
????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??? ????
????????? ???.

23. ??????, ??? ?? ?????? ??? ? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ???
???? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ??????
????? ?????? ??? ?????? ?????? ??? ? ?????? ??? - ?????? ??? ?? ?????? ?????? ?????? ???,
???' ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? , ?????? ?? ??????
????????? ?? ??? ?????????? ?????? ??? - ?????? ??? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ???.

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

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

25. ? ?????? ?????? ?????? ???, ?????? ?? ?? ??? 4, ?????????? 2, ??? ?????? ??????,
???? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ?????????? ?????????? ?????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? , ??? ?????? ?
????? ?????? ?????? . ?????? ??? ?????? ?????? ?????????? ?????????? ?????? ?????? ?????? ?
????? ??? ?????? ?????? ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? , ??????????
????????? ???, ?? ?? ??????, ?????????? ??? ?????? ???' ?????????? ??? ?????? 4 ??? ????
????? . ??? ?????? ??? ?? ?????? 2, ?????? 1, ?????? ?????? ??? ?????? ?????? ??? ??
????????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???,

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

26. ? ?????????????? ?????????? ??? ?????????? ?????????????? ??? ????? ?????????????? ??? ?????? ???.

27. ?????, ?????????? ??? ? ??????? ??? ?????????? ????? ?????? ?????? ??? ?????? 2 ???
??????? ??? ?????????? ??? ???????????, ??? ?????? ?????????????? ?? ??? ????? ???????
??? ????? ???, ?? ??????, ??? ?????? ?? ??????????.

28. ???????, ?????????? ??? ? ??????? ??? ?????????? ????? ?????????????? ?????????????? ???
????????????? ?? ??? ?????? ?????????? ?????????????? ?????? ??? ?????? 13, ?,
????????? 1, ??????? ?_, ??? ????? ??????.

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

29. ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ?????????????? ??? ?????????? ???
????? 2 ??? ??????? ??? ?????????? ?????? ??? ?????? ??? . ? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? . ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? 2
???? ?????? ?????????? ?????????? ??? ??? ?? ?????????? ?????? ??? ?????? ?? ?????? ???
????????? ?? ?????????? ?? ?? ?????????? ?????? , ??? ?????? ???, «?????? ??
?? ???????, ?????? ??? ?????? ??? ?? ??? ?????????? ??? ?? ?????? 2 ??? ?????? ???
??? ?????? ?????? ???, ?? ?????????? ?? ??? ?????????? ??? ?? ?????? ?????? ??? ?????? ???
????? [...]» ??? ??? «????? ?????? ?????????? ?????????????? "?? ?????? ??????", ??? ???
????? ??? ?????? 2, ?????? 1, ??? ????? ??????, ??? ?????? ?????? ?????? ?????????? [...].

?? ????? 13, ?, ?????????? 1, ??????? ?_, ??? ????? ??????

30. ? ?????????????? ?????????? ??? ?????????? ?????????????? ??? ?? ??????????????
????????????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? 13, ?, ?????????? 1, ??????? ?_, ??? ?????? ??????. ?? ??????????
?? ?????????? ?? ??? ?????? ?????????? ?????? ?? ??? ?????????? ?????? ?????????? ??
????????? ?????????????? ??? ? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??
?????????.

31. ?? ????? 13, ?, ?????????? 1, ??????? ?_, ?????????? ??? ?????? ??? ?? ??????????
?? ??? ?? «??? ?????????????? ?????????? [...], ??? ??? ?????? ?????????? ?? ???
????? ?????????? ??? ?????????? ??????, ??? ?????????????? ??? ?????????? ???
????? ?????? [...]».

32. ????? ?????????? ? ???????, ? ?????? ??? ?????? ??? ?????????? ??? ??????????
????????????? ??? ?????????????? ?? ?????? ?????????? . ??? ?????? ??????????, ??
???? ??? ?????????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? 13 ??? ???
????? ?????? ?????? ??????, ?????????? ??? ?????? ?????? ?????????? ??? ?? ??????
????? ??? ? ?????? ?????? ?????? ?????????? ?? ??? ?????? ?????? ?????????? ???
????????????? ?? ?????????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ???, ??? ?????? ???
????? 13, ?, ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??? ?? ?????????? ??????????????
????? ?????????????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ??? ???
??? ?????????????? ?????? ??????, ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ???
????????? ?????? . ?????????? ??? ?? ?????????? ?????????? ?????? ??? ?????????? ???
????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? 13, ?, ?????????? 1, ??????
?_, ??? ?????????? ??? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? «?????????
?????» ?? ??? ?????????????? ??????.

33. ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????????? «??? ??????????
?????» ?? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 13, ?,

? ?????????? 1, ??????? ?_, ??? ????? ???????, ??? ?????????? ??? ?????? ??? ???? ?
????????? ??? ?? «?? ?????????? ??? ?????? ???????, ?????? ??? ?? ???? ???? ????
????????? ?? ?????? ???????, ?? ?????? ?????????? ??? ?????????? ??????? ??????? ????
[...]. ??? ?????? ???, ? ?????? ?????? ??? ?????????? ??? ?????? ?????? ???????,
????????? ?? ??? ?? ????' ??????? ?????? ??? ??? ?????? ??????? ??????? ???
?????? ???????, ?????? ?? ?????? ????. ?? ?????????? ?????? ??? ???? ???? ????
????????? «??? ?????????? ???» ?? ?? ?????????? ??? ?????? ?????? ??????? ??? ???? ????
????????? «????????? ????, ?????? ?????? ???, ?????? ?????? ??? ?????????? ??? ???? ???? ????
????? ?????????? ?? ?? ?????????? ??? ?????? ?????? ??????? ??????? ??? ???? ???? ????
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??????? ??????? ???, ? ?? ??????????
????? ?? ?????, ?? ?????????? ??? ?, ??? ?? ?????????? ??????? ??? ?????? ??? ?????? ???
????????? «????????? ». ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
Fennelly, ??? ?????? ??? «????? ?? ?????? ?? ?????? ?????????? ?????? ??? ?????? ?? ???
????? ?????????? ??? ?????? ?????????? ??????????, ?????????? ??? ?? ?????? ???, ??????
?? ?????????? ?? ?????????? ??? ??? ?????? ».

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

35. ? ??????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????, ???' ???, ?? ???????
??? ?? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??????????
????? ?? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???
??? ?????????? ?????? ??? ?????? 13, ?, ?????????? 1, ??????? ?_, ??? ??????
?????.

36. ?? ?? ??????? ??? ???????????, ? ?????????? ?????? ?????????? ??? ???????
????????? ??? ?? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??
????????? - ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??????
????????? ?????????? - ?????????? ??? ?????? ??? ?????? ?????? ?????? ??????, ??? ??
??? ?????? ?????????? ??? ?????? ?????? ?? ?????? ?????? ??? ?? ?????? ?????? ???
??????. ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ???
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? (frei), ??? ?????? ???
????? ?? ?????? ??? ?????? ?????? ?????? ?????? , ??? ?????? ??? ? ??????????????
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ??? ?????? . ?????, ? ?????????? ?????? ?????? ??? ?????? ???
??, ?? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? vn ??? ??
????????? ??? ?????? ??? ?????? ??? ??, ? ?????????? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ???.

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

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38. ???????, ? ??????? ?????????????? ???, ?? ??? ???????, ??? ?? ??? ????? ???, ??
???????, ??? ?????????????? ??????????? ??? ?????????? ??? ?? ???????, ??????????? ???
???????, ??? ????? ?? ?????? ?????? ??????? ???????????, ?????? ??? ??????????????
??????????????, ?? ?????? ?????????????? ??? ?? ???' ?????????? ??? ?????? 13, ?,
????????? 1, ??????? ?_, ??? ????? ???????, ??????, ??? ??? ???????????
?????????????, ??? ?????????? ???, ??????. ??? ???????, ??? ??????? ??? ?
?????????? ?????? ?????????????? ??? ?????????? ?????????????? ?????????????? ???
????????????? ??? ?????????????? ? ?????????????? ?????????????? ??? ?????????? ?? ???
??????????, ??????? ?????? ??? ?? ?????????? ?????????? ??? ?????????? ??? ?????? ??
?????????? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??
????????? ?????? ?????????? ??? ?????????? ?????? ??? ?????????? ?? ?????????????? ???
????????? ?????????? ??? ??? ?????????? ??????.

39. ?? ?????? ?? ???????? ??? ? ???????? ??? ?????????? ?????????????? ??? ??????
?????? ?? ?????? ??????: ?????? ?????? ??? ? ???????? ??? ?? ?????????????? ???????, ??
????????? ???, ??? ?????? ?? ?????????? ??? ??? ?????????????? ??? ??? ?? ?????? ?? ?????? ??????.

40. ??? ?? ?????????? ?????????????? ??? ?????????????? ?? ?????????? ??????? ??
?????? ?????????????? ??? ??????????, ??? ??? ?????? ??????? ??????????? ??????, ??? ??????
????????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ??????????? ?????????? ?? ??? 13,
?, ?????????? 1, ??????? ?_, ??? ????? ??????, ?????? ??? ? ?????????? ?????????? ??????????
??? ?????????? ?????? ?? ?????? 2 ??? ??????. ??? ??? ?????????? ??? ?????????? ??????, ???
????????? ?? ?????????? ?? ?????????? ??? ??? ?????? ?????????? ?????????? ??? ?????????? ???
????????? ??? ? ?????????? ??? ??? ?????? ?????????? ?????????? ?????????? ?????????? ???
????????? ?????? ?????????????? ??? ?????????? ?? ?????????? ?????????? ?????????? ??????????: ???????,
? ?????????????? ?????????? ??? ?????????? ?????? ??? ?? ?????????? ??? ?????? ?????? ???????
????? ??? ?????????? ??? ??? ?????? ?????????? ??? ?????????? ?? ?????????? ?? ?????? 13, ?,
????????? 1, ??????? ?_, ??? ??????.

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

1) ? ?????????? ?????????? ??? ???????, ?????????????? ??? ?? ??? ?????? ??????
????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??????????, ?????? ???
????????? ??? ?????? ??? ?? ?????? 2 ??? ?????? ?????? 77/388/EOK ??? ??????????,
?? 17?? ??_?? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????
?? ??? ?????? ?????? - ????? ?????? ?????? ?????? ?????????????? ??? ?????? ??????????.

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