

Conclusions

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

ANTONIO TIZZANO

??? 3?? ??????? 2003(1)

?????? C-387/01

**Harald Weigel ??? Ingrid Weigel**

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**Finanzgericht für Vorarlberg**

[?????? ??? Verwaltungsgerichtshof (??????)??? ??? ?????? ?????????????? ??????????]

????????? ?????????? ??? ?????????? – ?????????? ?????????? – ????? ??? ??? ?????  
????????? – ?????? ??? ?????????? ?????????? ?????????? – ?????????? ?????? – ?????  
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1. ?? ??????? ??? 20?? ??????????? 2001, ?? Verwaltungsgerichtshof (??????) ??????  
??? ???????????, ???' ?????????? ??? ?????? 234 ??, ??? ?????????? ?? ?? ??????? ??  
????????? ??? ?????? ???' ?????? ?? ?? ????? 12 ??, 23 ??, 25 ??, 39 ?? ?? 90 ?? ??  
????????? ??? ?????? ??? ?????? ?????????????? ????? (???) ?????????? ??? ??????  
????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????????? ??? ??????  
????????? ???, ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??????, ??????? ??  
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I – ?????? ???????

? – ? – ? ?????????? ??????????

1. ?? ??????? ??? ??????? ??

2. ?? ?????? 12 ?? ???????, ?? ??????, ?????? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????????? ??? ??????. ? ??? ?????? ?????? ?????????? ??????????  
????????? ?? ?? ?????? 39 ??, ??? ?? ?????? ?????? ?????????? ?????????? ??? ?????????? ???  
??? ?????????? ?????????? ??? ?????????? ?????? ?????????? ?????? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????, ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???  
????? ???????.

3. ??? ?????? ?????? ??????, ?? ?????? 23 ?? ?? 25 ??, ?? ?????? ?????? ?? ??????????  
??? ?????????? ??????, ??????????, ??? ?????? ?????? ?????? ?????? ??????, ???  
????????? ?????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ??????????.

4. ??? ?????????? ??? ?????????? ??? ?????? 90, ??? ?????? ???, ??? ?????? ??? ??????  
????????? ?????? ?????? ?????????? ??????, ?????????? ??? ?????????? ??? ?????????? ???  
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2. ?? ??????? ???

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

5. ???? ?????? ??? ?????? 2 ??? ????? ?????? 77/388/??? (2) , ??? ????? ?????????????????

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

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

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

2. ?? ?????? ?????? ??????».

6. ?? ????? 33, ?????????? 1, ??? ????? ?????? ??? ?????? ?? ?????? ?? ???:

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

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

????????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? μ????? ?????????? ?? ????????

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

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

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

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

????????? ????? μ????, ?? ?????????? ??? ?????????? μ? ?? ?????????? ??????»

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

7. ? ?????? 83/183/??? ??? ??????????, ??? 28? ?????? 1983, ??????? ?? ???

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

????????? ??? ??? ?????? ?? ?????? (3) , ?????? ??? ?????????? ????????

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????? 1 ??? ?????? ?????? ?????? ?? ?????? ?????????? ??? ?? ???:

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

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

2. ? ?????? ?????? ??? ?????? ?????? ?????? /??? ??? ?????? ?????????? ????????????????

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

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? – ? – ? ?????? ????????

8. ? Normverbrauchsabgabegesetz [????? ???? ??? Normverbrauchsabgabe (????? ??? ???

????? ?????????? ?? ??????), ??? ????: NoVAG] (4) ??????? ???

Normverbrauchsabgabe, ??? ???? ??? ?? ?????? ?????????? ?????????? ??? ?????????? ??

????? (??? ????: NoVA). ? NoVA ?????????? ??? ?????? ?????????? ?????????? ??

????? ?????????? ??? ?????? ?????? (????? 1, ?????????? 1, ??? NoVAG), ???

??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? (????? 1, ?????????? 2, ??? NoVAG)

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

????????? (????? 1, ?????????? 3, ??? NoVAG).

9. ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ? ? ?????????? ?? ????????????

????? ? ?????????? ??? ?????? ?????? (????? 4, ?????????? 1, ??? NoVAG)- ??

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

????? ??? ?????? ?????? ??? ?????? ?????????? ?? ?????? (????? 4, ?????????? 2, ???

NoVAG).

10. ? ??? ?????? ??? ?????? ?????????? ??? ?????? 5 ??? NoVAG ??? ??????????

????? ??? ?????? ?????????? ?????????? ??? ?????? 4 ??? Umsatzsteuergesetz 1972

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

11. ?? ??? ?????? ??? ?????? ?????????? ???, ? ??? ?????? ?????? ??? ?????? ?????????? ??? ?? ???

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

????????? ???' ????, ?????????? ??? ?????? ?????????? ?????? ?????????? ???, ?? ?????? ????

????????? ?????? Eurotax (5) : ?????????? ???????, ???' ??????, ??? ?? ??? ?????? ????

??? ?????? ??????? ??? ??????? (?? ?????????????????? ??? ??? ??? ??? NoVA) ???  
?????????? ??? ?????? ??? ??? ??? ?? ?????????? ?? ?????????? ??? ??? ??? ?????? ???  
?????????? ??? ?????????? ?? ??? ??? ?????? ??? ??? ?????? ??????????.

12. ? ??????? ??? ???????, ??? ?????? ??? ??????? ??? ?????? ??? NoVA, ?????? ??  
????? ??? ??? ??? ????? Eurotax, ?????????? ??? ??? ??? ?????? ??? ?????? ?????????? ???  
????????? ??? ??? ??? ??????, ??? ?????????? ??? ?????????? ??? ?????????? ???, ???  
????????? ??? ??? ?????? ??? ???????.

13. ? ??? ?????? ??? ?????????? ??? ??????? ?? ?????????? ?????????????? ?? ?????????? ???  
??? ??? ?????? ?????????? ? NoVA, ?? ??? ?????? ?????????? ??? 20 % ??? ??? ???  
????? Eurotax. ?? ?????? ??? ??????????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ??????????, ??? ?????????? ??? ?????? ?????????? ?? 20 % ??? ?? ???  
????? ??????.

14. ?????? ??? ?????? 6, ?????????? 2, ??? NoVAG, ? ?????????? ?????????? ??? ??  
????????? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ?? ??? ?????? ??? ?????? ??? 3 ??? (?? ?????????? ?????????? ??  
????????????????, ??? 2 ????) ??? ?????????????? ??? ?? 2. ?????? ??? ?????? 6,  
????????? 3, ??? NoVAG, ? ?????????? ??? ?????? ?????? ?? ?????????? ?? 16 % ???  
????? ?????? ??? ??????.

15. ?????? ??? ?????? 6, ?????????? 6, ??? NoVAG, ?? ?????????? ??? ?? ??????????  
??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ??? ??? ?????? ??? –??  
????? ??? ??? ??? ?????????????? ??? ?????? ?????? ??? NoVA – ? ?????? ??????????????  
????? ??? ??? ??? 20 % ??? ?????? ???.

16. ??????, ???' ??????, ? NoVA ?????????? ??? ??? ?????? ??? (?? ????: ??????  
NoVA) ??? ??? ??? ?????????? ??? (?? ????: ?????? NoVA), ? ?????? ??????????  
????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ???, ??? ??? ??? ??????, ?? ?????????? ??? ???, ?????? ??? ?????? ???  
????????? ??? ?????? ???.

**II – ?????????? ?????????? ??? ??????????**

17. ?? ?????? Weigel, ??????? ??????? ?? ?????? ?????????? ?????? ??? ???????,  
????????? ??? ?? ?????????? ??? 1996 ?? ?????? ??? ???????, ??? ???????, ??? ??????? ???  
Vorarlberg. ? ??????? ??? ?????? ?????? ??? ?????? ??? H. Weigel ?? ?????????? ???  
Vorarlberger Landesbibliothek (????????? ??? ?????? ?????? ??? Vorarlberg).

18. ??? ?? ??????? ???, ??????? ??? ?????? ??? ?????? ?????????? ?????? ??? ???????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
Finanzamt Feldkirch ??? 2? 1996, ?????????? ??? ?????? ?????? Weigel NoVA ???  
????? ??? ?? ?????????? ???, ?????????? ???, ??? ?? ??? ?? ??? ?? ??? ?? ??? ?? ???  
????????? ??? ??? ?????? ?????????? ??? ?????? ?????????? (????? 1, ?????????? 3, ???  
NoVAG).

19. ? ?????????? ??? H. Weigel ??? ?????? «Mitsubishi Space Wagon  
GLXi», ??? ?????? 1995. ? ??? ?????? ??? ?????? ?????????? ?? 187 000  
????????? ??? (ATS), ?????? ?? ??? ?????????? ?????? ??? ?????? Eurotax.  
????? ?????? ??? 14 %, ? NoVA ?????????? ?? 26 180 ATS. ??????  
?? ?????? 6, ?????????? 6, ??? NoVAG, ?????????? ??? ?????? ?????????? NoVA ??????????  
?? 20 % ??? ?????? ???, ??? ?? 5 236 ATS. ??????, ?? ?????????? ??? ??? ???, ???  
????? ?????????? ??? ?????? NoVA ??? ? ?????????? NoVA ?????????? ?? 31 416  
ATS.

20. ? ?????????? ??? I. Weigel ??? ?????? ??? ?????????? «Nissan Sunny Y10 L2»,  
????? ?????????? 1993. ? ??? ?????? ??? ?????? ?????????? ?? 71 000 ATS, ??? ???  
????? ?? ??? ?????????? Eurotax. ?????? ?????????? ??? ?????? 9 %,  
????????? NoVA ??? 6 390 ATS, ? ?????? ?????????? ?? ?????? NoVA ??? 1  
278 ATS, ??? ?????????? ??? 7 668 ATS.

21. ?? ?????? Weigel ?????? ?????? ??? Verfassungsgerichtshof (?????????)

?????????????? ????????????, ?? ?????? ??????? ?? ??????? ??? ??????????? ???, ???????  
?????????? ??? ????????????, ?????????? ?? ??????????? ??? ??????? ???????????  
??????????, ?? Verwaltungsgerichtshof, ??????? ??? ??????? ?? ??????????????? ??????????? ??  
?????????? ??? ??????????????? ??????????? ??? ??????????? ??? ??????????? ???????.  
22. ?????????? ??? ??????? ??? ??????? ??? ??????? ??????????? ??? ??????? ??? ???????  
??????, ?? ?????????? ?????????? ??? ??????? ??? ??????? ??? ?????????? ??? ?????????? ??????????  
?????????:

«1)?????? ?? ????? 39 ?? (????????? ??????????? ??? ???????????) ? ?? ????? 12 ??  
(????????? ??? ???????????) ?? ??????????? ??? ??? ????? ??? ??????????? ??? ???????  
????? ??? ??? ????? ??????????? ?? ?????? (“Normverbrauchsabgabe”) (????????? ???  
??? ????????????) ?? ????? ?? ????? ?????????? ??? ??????????? ??? ??????????? ???  
????????? ??? ??? ????? ?????? ??? ????? ?????????? ??? ??????? ??? ?????????? ???  
????????? ??? ????? ?????? ??? ????? ??????????;  
2)?????????? ?? ????? 90 ?? [...] ? ?? ????? 23 [...] ??? 25 ?? [...] ??? ??????? ???  
????????????? ??? ????? ??????????? ??? ?????? ??? ?????? ??? ?????? ??? ????? ??????????? ??  
???????? (????????? ??? ?????? ??? ???????????);  
3) ??????? ?? ??? ????? 77/388/??? ??? ???????????, ??? 17?? ????? 1977, ???  
????????????? ??? ??????????? ??? ?????? ??? ?????? ??? ??????????? ?? ??? ????? ???????????  
???????? – ??? ????? ?????? ??? ?????????????? ??? ?????: ?????????? ?????????? ???, ???  
????????? ??? ?????????? ??? ?????????? 91/680/??? ??? ???????????, ??? 16??  
?????????? 1991, ??? ?? ??????????? ??? ?????? ??? ?????????? ??? ????? ?????????????? ???  
??? ?? ???????????, ??? ?????? ??? ??????????? ??? ?????????? ??? ?????, ??? ??????  
77/388 (?? L 376, ?. 1), ? ??????? ??? ??????????? ??? ??????????? ?? ????? ???  
????????????? ??? ????? ??????????? ??? ?????? ??? ?????? ??? ????? ??????????? ??  
??????;»

23. ??? ?? ??????? ??? ??????????? ??? ???????????, ??????? ??????????? ??? ??????? ??  
?????? Weigel, ? ???????, ? ??????? ??? ? ?????? ?????????? ??? ????? ?? ???????  
??? ??????? ??? ???????.

### III – ?????? ???????

? – ? – ??? ?? ?????? ?????????????? ???????????  
24. ?? ?? ?????? ?? ???????, ?? ?????? ??????????? ???' ?????? ?? ?? ???????????  
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??? ?????????? ??? ?? ?????? 12 ?? ??????????? ??? ?????? ??? NoVA ?? ??? ???????????  
?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ???????????  
??????, ?????????? ??? ??, ??? ?? ?????????? ???, ?? ?????????? ????. ??? ??????, ???????  
??? ??????????? ??? ??????????? ??? ??????????? ??? ?????? ??? ???????????, ???????????, ???  
?? ??????, ?? ?? ??????????? ? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????? ???  
????????? ??? ?????? ??? ?????? ??? ???????????, ??? ?? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? 83/183, ?? ??????  
????????? ???' ?????? ??? ?????.

25. ?? ?????? ?? ???????????, ???' ?????, ??? ?? ??????? ??? ??? ?????? ??????? ??? ??????,  
??????, ??????????? ??? ?????????? ??? ?????? ??? ?????? NoVA ??? ??? ?????? ???  
????????? NoVA (?. ??????? ??? 15 ?? 16). ?? ??? ?????? NoVA ?? ???????,  
????????? ??? ??????????? ??? ?????, ??? ?? ?????? ??? ?????????? ??? ?????????? ???,  
????????, ??? ?? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? NoVA. ???????,  
?? ???????, ??? ?????, ?? ?????????? ??? ?????? NoVA ??? ?? ????? 39 ?? ??? ???  
??? ?????? 83/183.

1. ? NoVA ??? ? ?????????? ?????????? ??? ???????????

26. ??? ?? ?????? ??? ?????? Weigel, ?? ??????? ?????????? ??? ?????????????? ??? ??  
????? 39 ??, ?????????? ??? ??????????? ??? ?????? ??? ?????? ??? ?????????? ???  
?????????? ??? ?????? ??? ?????? ????. ???????????, ??? ?? ??????????? ???  
?????????? ??? ?????????? ??? NoVA ??? ?? ?????? ?????????? ???, ??? ???

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

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

28. ?????????????? ???' ?????? ???, ???? ?? ?????????? ??? ?????????????, ?? ??????????  
????????? ?????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????????????? ?? ???  
????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????????????? ??? ??????????  
(6) . ??????, ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????? ?????????? ??  
????? ??? ??????.

29. ??????, ? NoVA ?????? ?? ?????????? ?? ??? ?????? ?????? ?????????????? ?????????? ???  
????????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ??? ?????? ??????????????  
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????????? ?????????? ?????????? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ??????????  
??? ?????? ??????.

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

31. ??????, ?????????? ??? ?????????? ???' ?????? ??? ?????? ?????? ??????????????  
?????????, ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???, ???  
?? ??????, ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ? ?????????? ??? ?????????? ?????? , ? ?????? ?????? ??? ? ?????????? ???  
????????? ??? ?????????? ??? ?????? ?????? ???, ?? ?????? ?????? ??? ?????? ??? ?????? ?? ??????  
????????? ??? ? ??? 39 ??.

32. ? ?????????? ?????????? ???? ?????? ?????????????? ?? ?? ?????????? ??? NoVA ??? ??  
????? 39 ??, ?????????? ???, ???? ?? ?????? ???, ? ?????? ?????? ?????? ???' ?????? ??  
????????? ??? ?? ?????? ??? ?????? 83/183.

33. ??????????, ???? ??? ?????? ??? ?????????, ?????????? ??? ? NoVA ???  
????????? ???? ??? ?????? ???, ?????? ?????? ?????? ??? ?????????? ??? ?????? ?????? ???  
??? ?????????? ?????? ??? ?????? ?????? , ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?? ? NoVA ?????????? ???? ?? ?????? 39 ??, ?????? ??, ?????? ???, ?? ??????  
????? ???? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
34. ??? ?????? ??????, ??????, ? NoVA ??? ?????????, ???? ?? ?????? ???, ??? ??????  
39 ??, ??????????, ???? ??? ?????? ???? ?? ?????? ?????? ?????? ?????? ???  
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???, ???? ? ??????????  
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ???, ??????, ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? (7) .

35. ???, ?????????? ???? ?? ?????? ?????????? ?????? ??? ?????????? ?????? ???  
????????, ? ?????? ?????? ???? ?? ?????? ???, ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? 83/183, ??? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ???  
12 ??.

36. ?????????? ?? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ?????????????? ???, ??  
????? ?? ?????????? ???' ?????? ???, ???? ?????? ?????? «?? ?????? 7 ??? 48 [???,  
????????? ?????????? , ???? 12 ?? ??? 39 ??], ?????????? ??? ?????? ??? ?????? ???  
????????? , ???? ??? ?????? ?????? ??? ?????? , ?????????? ??? ?????? ??? ?????? ???  
????????? , ??? ?????? ??? ?????? ?????? ??? ?????? , ?????????? ??? ?????? ??? ??????

?????? ?????? ??? ???????? ??? ??????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
?????, ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????????? ???  
????????? ??? ?? ?????? ??? ?????????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????» (8)

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

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

39. ???????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
? ??????? NoVA ??? ?????????? ??? ?????? 39 ??.

2. ? NoVA ??? ? ?????? 83/183

40. ?? ?????? ??? ?? ?????? ??, ??? ?????????? ??, ??? ?????? ???, ??? ?????????? ??, ???  
?????? ?????? ??, ??? ???????, ?? ?????? ??? ?????? ?????? 83/183 ??? ?? ???  
?? ???? 1, ?????? 1, ???, ??? ?? ?????? ?? ?????? ??? ?????? ?????? ?????? ??, ???  
????? ?????? ???????, ??? ?????? ?????? ?????? ?????????? ??, ??? ?????? ?????? ??????  
????????? ?? ?????? ?????? ?????? ?????????? ??, ??? ?????? ?????? ???????, ??? ???????,  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???????.

41. ?? ?????? ??? ?????? ?????? ?????????? ??, ??? ?????? ?????? ?????? ?????? ???  
?? ?????? ??? ?????? ?????? ?????? ??, ??? ?????? ?????? ?????? ??, ??? ?????? ?????? ???  
????????? ?????? ??, ??? ?????? ?????? ??, ??? ?????? «??????? ??? ?????? ?????? ???  
????? ?? ?????? ??? ?????? ??? ?????? ??, ??? ?????? ?????? ??, ??? ?????? ??? ?????? ???  
????? ?? ?????? ??? ?????? ??, ??? ?????? ??? ?????? ??, ??? ?????? ??? ?????? ???  
????????, ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? » (9).

42. ???????, ??? ?? ?????? ??? ?????? Weigel, ?? ?????? 1, ?????????? 1, ??? ?? ??????  
83/183 ??? ?????? ??? ?????? NoVA, ?????????? ??? ?????? ??? ?????????? ??? ??????  
????? ??? ?? ?????? ???????.

43. ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
NoVA ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??  
????????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???.

44. ??????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
????????? ??? ?? ?????? 1, ?????????? 2, ??? ?????? 83/183, ?? ?????? ?????? ???  
????????? ??? ?? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ». ???????????, ? ?????? ??? ?????? ??? ?????? ??? ?????? 1 ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?, ??? ?????? ??? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? «????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

45. ???????, ?? ?????? ??? ?? ?????? ??? ?????? 83/183 ?????????? ???

???? ?????????? ????. ????????????, ?? ?????? ??????? ??????????? ?? «droits» («????») ??? ???

?? «taxes» («????»)- ?? ?????? ??????? ?????????????? ??? ?? «fees», ? ?????? ??????? ???

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

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

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

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

47. ????????????, ??? ? ??????????, ? ?????? ??? ? ?????????? ????????????, ?????? ???

???????????, ??? ? ?????? NoVA, ?? ?????? ?????????????? ??? ?? ?????? ??????????? ????

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

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

???????????, ??? ????????, ?????????? ??? ?????? ??????????? ??? ?????? ?????? ??????» ??? ??,

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

???????????, ?? ?????????? ?? ?????? ?????????? ?? ?????? 1, ?????????? 1, ??? ????????

83/183.

48. ????????????, ?? ?????? ?? ??????????, ??? ???? ? ?????????? ???????????, ??? ? NoVA

????????? ??????? ?????? ??? «?? ?????? ?????????????????? ??? ??

????????? ??????» ??? ?????? ????????, ??? ??? ?????? ??? ?????? 1, ?????????? 1,

??? ?????? 83/183, ??? ? ?????????? ??? ?????? ??????????? ?? ?????????? ?? ?????????? ???

???????????. ??? ?? ?????? ?????????? ?? ?????? ??? NoVA ?? ?????????? ???

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

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

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

49. ??????, ?????? ?? ??? ?????????? ?????????? ?? ?????? ?????? ??? ?? ?????? 1,

????????? 2, ??? ?????? 83/183 ????????, ??? ??? ?????????? ?????????? ??? ??

????????? ??????? ??? ?????????? ??? ?????? ??? «????? ??? ?????? ??? ?????? ???

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

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

??? ?????? ??????? ??? (????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

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

???????????, ?? «????? ?/??? ?????? ?????????? ?????????????? ??? ?? ??? ?? ?????? ???

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

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

?????????», ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 1,

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

51. ?? ?????? ?? ?????????? ??? ????????, ??? ? ?????????? ??? ? ????????????

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

???????????, ??? ?????? NoVA, ?????? ??? ?????? 1, ?????????? 1, ??? ????????

83/183, ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

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

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

??? ?? ?????????? «????? ?????? ?????? ?????????? ??? ?????? ?????????? ?/??? ?????? ???

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

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

??? ?????????? ?????????? ??? ?????? ??? ??????» (????? 1) ?????? ?????? ?????? ??? ??? ??

????????? ??? ?????????? ??? ?????? 83/183 (??????, ?????? ??? ??????).

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

????????????? ??? ?????????? ??? ?? ?????? 1, ??????????? 2, ??? ?????? 83/183, ??????????

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

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

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

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

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

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

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

54. ???? , ?????? ??? ? ?????? ??? ?????????? ????????, ?????????????? ??? ?? ??? ??

????????? ??? ?? ?????????? ?? ?????????? –????????? ???, ?????????? , ??????????

??? ?? ?????????? NoVA– ?? ?? ?????????????? ????????, ????????, ??? Cura Anlagen.

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

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

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

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

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

83/183 ???, ???, ?? ?????? 1 ??????.

55. ???? ?????? , ?????? ??? ? ?????? ?????????? ?????? ?????? NoVA ??

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

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

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

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

83/183 ???, ???, ?? ?????? 1 ??????.

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

????????? ?????? ?????? ?????? ?????? ?????? NoVA –? ?????? ?????????? ?????? ???

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

??? ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? –? ?????????? ???

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

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

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

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

????? ?????? ?? ?????? , ?? ?????? ?????? ? ?????? 83/183 ???, ???, ?? ?????? 1 ??????.

? – ? – ??? ?? ?????? ?????????? ?????????? ??????????

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

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

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

????????? , ??? ?? ?????? ??? ?????? 23 ?? ?? 25 ??.. ?????? , ???, ???' ?????? ,

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

????????? ?????? ?????? ???, ?????? , ?????? ?????? ??? ?????? ?? ?????? 90 ??.

1. ? NoVA ??? ?? ?????? 23 ?? ?? 25 ??

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

58. ?? ?????? Weigel ?????????? , ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ??????

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

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

59. ?????????? , ??? ?? ?????? ???, ??? ? NoVA ?????? ??? ?????????? ??? ??

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

????????? , ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? 23 ?? ??

25 ??.

60. ?? ??? ?????????? , ? NoVA ??? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ,

????????? ???, ?????? ??? ?????? 2 ??? ?????? 918/83 (12) , ?? ?????? ???? ???

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

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

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

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

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

61. ?????????? , ? ?????????? ??? ? ?????????? ?????? ?????????? , ?????? ??? ? ?????????? , ??????  
??? ? NoVA ??? ? ?????????? NoVA ?? ?????????? ?????? ? ?????????? ?????????? ??????????  
????????? ?????????? , ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????????? ??????????  
?????. ?????? , ??? ?????? ?????? ?? ??? ? ?????????? , ??? ?????? ?????? ?????? ??? ??  
????? ?????? ?????? ?????? ?????? , ?????????? ?? ?????? ?????? ?????????? ?????? ??? ??  
????????? ?????? ?????? (?? ?????????? , ??? ?????????? ?????? ??? ?????????? ).  
??????, ??? ? ???? ???? ???? ???? ?????????? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????????? ??? ?????? 23 ?? ??? 25 ?? ??? ?????? , ?????????? , ??  
????????? ??? ?????? 90 ??.

62. ?????? ?? ?????????? ?? ?????? ??? ????' ???, ? ?????????? 918/83, ??? ???  
????????? ?? ?????????? ?? ?????????? ?????? ?????? ?????? ??? ?????????? ??? ??????????  
????????? ?? ?????????? . ?????????? , ? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??????  
??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???, ??????,  
????????? ?????????? ?? ??? ?????? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ??????  
????? ??? ??????????.

63. ?? ?????? ?? ?????? ?????????? ?????? ?? ?????????? ?????? , ??? ?????????? , ?? ??  
??? ?????????? ??? ? ?????? NoVA ??? ? ?????????? NoVA ?????? ?? ?????????????? ??  
????? ? ?? ?????????? ?????????? ?????????? ?????????? , ??? ??? ?????? ???  
????? 23 ?? ??? 25 ??, ??? ?????? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ??? ??? ???  
????????? ?????? ??? ?????????? ?????????? , ??? ??? ??? ?????????? ?????????? ??? ??????????  
??? ?????????? ?????? ??? ?????? ??? ??????.

64. ?????? , ?? ?????? ?? ?????????? ???, ??? ?????? ?????????? , ? ?????????? ???  
????? ??? ???? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?? ??????  
«????????? ?????????? ?????????? ?????????? , ?????????? ??? ?????????? ??? ?????????? ??? ???»  
(13) .

65. ?????? , ?????????? ?? ?????? ?????????? ??? ?????? ?????????? , ?????? ?????????? ??  
????????? ?? ? NoVA ?????? ?????? ?????????? ?????????? ???? ?????? ?????????? ?? ??????????  
????? ??? ??? ?????? ?????????? ?? ??????.

66. ??? ??? ? ?????????? ?????????????? ?????? ??? ?????????? ??? ?????????? ??????????  
????????? ?????? ?????? ??? ? NoVA, ??? ??? ? ?????? ?????? ??? ?????? ??? ??????????  
????? ??? ???? (14) , ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? , ??? ???  
??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? , ?? ???  
????????? ??? ?????? ?????? ?????????? , ??? ?????? ?????????? ??? ??? ?????? ?????????? ???  
? ??? ??? ?????? ??? ?????????? . ?????? , ??? ?????? ?? ?????????? ??? ?????? , ???  
?? ?????????? ?????????? ?????????? ?????????? , ??? ?????? ?????? ??? ?????? 23  
?? ??? 25 ??, ??? ?????? ?? ?????? ?????????? ?? ??? ?????? ?????? ?????? ?????????? ????.  
67. ?????? , ?????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????  
????????? NoVA ??? ?????? ?????? ???? ?????? ?????? ?????? ?????? ?????? ??????  
????????? , ??? ??? ?????? ??? ?????? 23 ?? ??? 25 ??.

2. ?? ?????? ?????? ??? ?????? ??? ???? 90 ??

68. ??? ?????? ?? ?????? ???, ?? ?????? Weigel ?????????? ???' ?????? ???, ??? ??  
????????? ?????? , «??? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ?? ?????? ??? ??  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? 95 [??? ??????], ?? ???  
????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ?????? ?????? ?????? ?????? ?????? ?????? » (15) .

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

????? ??????? ????????????, ?????????? ???, ?????????? ?????????????????? ?? ?????????????????? ????  
?????????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????????????? ?????????? ?????????? ???  
????? ???, ? NoVA ?????????? ?? ?????????????? ?????????????? ??? ?????? ?? ??????????  
??????????, ?? ?????????? ??? ?????? ?????? ?????? ??????. ??? ??????, ??? ?????, ??? ?????? ????  
NoVA ?????????? ?????? ??? ?????? 90 ??.

70. ??????????, ??? ?????? ?????????? ??? ?? ?????????? ??????????, ? NoVA ??? ?  
????????? NoVA ?????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??????  
?????????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ?????? ?????? ?????????? ??????????  
?????????? ??? ?????? ?????? ?????? ?????? NoVA ??? ??? ?????? ?????? ?????? ?????? NoVA.  
71. ???????, ? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????????? ??? ?????? ?????????? ??? ????  
????? ??? ??????, ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???, ??? ??????  
????? ?????? ??? ??? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ??????.

72. ??? ??????, ??? ??????, ??? ?????? ??? NoVA, ?????????? ?????? ?????? ??? ?  
????? ??? ?????? ??? ?????? ??? ??????????, ?????????? ??? ?????????? ??? ?????? ??? ??????  
?? ?????? ??? ?????? NoVA ??? ??? ?????? ??? ??????????????, ??? ??????  
????????? ??????????, ??? ?????? ??? ?????? ??? ?????? ???, ?? ??? ?????? ??????????, ?  
????? ?????? ??? NoVA ??? ?????? ??????????, ??? ?????? ??? ?????????? ??? ?????? ??? ????.

73. ? ???????, ??? ?????????? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ????  
?? ?????? 90 ?? ???? ?????? ?????? ?? ?????? ?????? ??? ?????? ?? ?????? ?? ???? ??????  
????? ???????, ??????? ???????, ??? ?? ?????? ??? ?????? ?????? ?????? ??????, ??? ??????  
NoVA ??? ??? ?????? NoVA. ?????? ??? ???? NoVA ?????????? ???' ?????? ?? ??  
????? 90 ??- ? ?????????? ?????? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ??????  
????????? ?? ?? ??? ?????? ??? ?????? ??????.

74. ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.  
?) ? ?????? NoVA

75. ?????????? ?? ?????????? ??, ??? ?????? ??? ?????? ??? ?????? ??????????, ? ?? ???  
????? ??? ?????????? ?????? ??????, ?????? ?????? ?? ?????????? ???? ?????????? ???? ??????????  
?? ?????????? ??? ?????????? ?????? ?????????? ??????????, ??? ?? ?????? ??? ?????? ??? ????  
????, ?? ?????? ??? ?????? ?? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ????  
????????? ????.

76. ??????, ?????? -??? ??? ? ??????- ??? ? NoVA ?????? ?????? ????  
????????? ??? ? ?????? ??? ?????? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ????  
?????????. ???????, ?????? ?????? ??? ?????? ??? ? ?????????? ??????????????????  
????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ??? NoVA, ??????  
????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ??  
????????? ??? NoVA, ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ????  
????????? ??? ??? ??????.

77. ??????, ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????????  
????????????? ??? ?????????? ?? ?????? ??? ? NoVA ? ?????? ?????????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ?????? ??? NoVA ?? ??????  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??????  
????? ?????? ????.

78. ??? ?????? ??? ?????????? ??? ?????, ?????? ?????? ???? ??? ?????? ??? ??????????  
????????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ???? ??  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ????  
????????? ????.

79. ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ? ?????????? ??? ?????? ???  
????? ?????????? ? ?????? ?????? ?????? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ????  
????????? ??? -?? ?????????? ?? ?????? ??? ?????? Eurotax- ??? ??????????  
?? ?????????? ??? ??????, ?????? ??? ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

80. ??????, ???????, ?????? ?? ?????? ?? ?????????? ?????? ??? ?????? ?? ???????????, ?  
????? ?????????? ??? ? ?????? ?????????????? ?????????????? ??? ???? ?????????? ??? ????  
????? ?????????? ?????????????? ?????????????? ??? ???? ?????????? ??? ???? ??? ????  
????? ??????, ??? ??? ?????????? ??? ?? ?????????? ?????? ?????? ?????????????? ?? ????  
-????? ?????????? ? ?????????? ?????????- ??? ?????????? ?????? ??? ???? ??? ????  
??????????. ???????, ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ???? ??????????  
????????? ?? «?????????», ?? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????????? ??? ????  
??? ?????????? ?????????????? ??? ??? ??? ?????? ?????? ?????????????? ??????????????  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????» (16) ??? ? ??  
????? ?????????? ?? ?????? ?? ?????? ?????? ?????? ??? ???? 90 ??.

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

82. ??????, ??? ?????? ??? ?????? ?????? ?????? NoVA, ??? ?????? ?? ???  
????????? ?? ???? ?????? ?????????????? ?????????????? ?????????????? ?????????????? ?? ???? ?????? ???  
????? ??? ?????????? ?????????????? ?????????????? ??? ?? ?????? 90 ??, ??? ??? ?????????? ??? ??  
????????? ?????????? ?????????????? ??? ?? ?????? 90 ??, ??? ??? ?????????? ??? ??  
????????? ?????????? ?????????????? ??? ?? ?????? ?????? ?????? ?????????? ?????????? ??? ??  
??? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ??? ??  
????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ??  
????????? ?? ???? ?????????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ??  
????????? ?????? ?????? ?????? ?????? ??????.

? ) ? ?????????? ????? NoVA

83. ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ?????? 6, ?????????? 6, ???  
NoVAG, ?? ?????? ???' ?????? ?? ??????????, ??? ??? ? ???????, ??? ? ?????? ?????? ???  
????? ?????????? ?? ?????????? ?????????? ?? ?????? ?????? ?????? ?????????? ?  
????????????? ?????????? ?????????? ?? ?????? ?????? ??? ?????? ???' ?????????? ?? ??????  
????????? ?????? -?? ??????????, ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??????????  
??? ??? ?????? ??? ??????.

84. ??? ?????? ??????????, ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ? ?? ??????????  
?????????, ??? ??? ?????????? ?????????? ?????? ?????? ?????? ?????? ??? ?????????? ???  
????????? ??? ?????? 90 ?? (17).

85. ??????, ??? ?????? ?????? ?????????? ?? ??????????, ? ?????????? ??? ??????????  
????????????? ?????? ?????????? ??? ?????? «????????[????] [...] ?? ?? ??????????  
????? [?????] ?? ?????? [?] ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??  
????????????? ?? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??  
????????? [?? ??????????] ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??  
????????? , ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ??  
????????? ?????? ?????? ???, ?? ?? ??? ?????? ???, ?????????? ??????» (18), ?????????? ??? «???  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ??  
????????? ?????? ?????? ?????? ???, ?? ?? ??? ?????? ???, ?????????? ??????» (19).

86. ?????? ??? ?????? 6, ?????????? 6, ??? NoVAG ?????????? ??? ??????????????  
????????? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ??? ??  
????????? ?????? ?????? ???, ?????? ?? ?????????? ?????? ???, ??? ??? ??????????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??  
????? ?????? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??  
87. ??????, ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? NoVA, ?  
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???, ??????,,  
????????? ??? ?? ?????? 90 ??, ?? ?????? ??? ?????????? ?????? ??? ? ??????

? ?????????? ??? ??' ?????????? ?????? ??? ???? ?????? ?????????? ?????????? ???  
????????? ?????.

88. ???????, ??????? ?? ??? ???? ??? ?????? ???????????, ?? ??? ?? ?????? ???????, ?  
?????? ??????:  
?????? ??? ??????? ?????? ? ?????????? ?????????? ?????????? ?????????? ??????????,,  
????? ??? ? NoVA ??? ?????????? ??? ????? 23 ?? ??? 25 ??.  
????? ??? ? ?????? NoVA, ??? ?????? ?? ??? ?????????? ?? ???? ?????? ?? ???? ??????  
????????????? ?????????? ?????????? ?? ?????????? ???? ?????????? ???? ?????? ??????????  
????????????? ??????, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????  
????????????? ??? ?? ??? 90 ??, ??? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ???  
????????????? ??? ?? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ???  
??? ??????? ? ?????????? ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ??? ??????  
????????? ??? ?????? ??? ?????????? ?????? ?????? ?????????? ?????????? ?????????? ???  
?? ?????? ??? ?????? ?????.. ??????, ??? ?????? ?????????? ?????????? ?? ?????? ??? ??????????  
?? ? ?????????? ?????? ??? ?????? ?????????? ???? ?????? ?????????? ?????????? ???  
????????????? ??? ?????????? ?????? ??????. ??????????, ?????????? ?????? ?????? ?????????? ???  
????? ?????? ??? 90 ?? ? ?????? NoVA, ?????? ?????????? ?????????? ??????????  
??? ?????????? ?????? ??? ?????? ???' ?????? ??? ?????? ?????????? ??? ?????? ??????.

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

89. ?? ?? ??? ?????? ?????????? ??????, ?? ??? ?????? ?????????? ?????? ???' ?????? ?? ?  
????????? ??? ?????? ??? ?????? ?????????? ?? ?????? 6, ?????????? 6, ??? NoVAG ??????????  
????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????????? ?? ???  
????? ?????? ??? ???.

90. ?????? ?? ?????? Weigel ?????????? ?? ?????? ?????? ?????? ?????????? ??? ?????? ???  
??????. ?????????? , ?????? ??? ? ?????? ?????? NoVA ?????? ?? ??????  
????? ?????????? ?????? ??? ?????? ?????? ?????? - ??? ??? ?????? ?????, ?????? ??????????  
????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ?? ?????? 33 ?????, ?? ??????  
????????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ??? ???, ?? ?????? ?????? ???  
????????? ?????? ??? ?????? ??????.

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

92. ?? ??????? ?? ??? ??? ?????? ??? ?????? ?????? ?????? ?????, ?????????? ??? ?????? ???  
????????? ??? ?????? NoVA ?? ?????? ?????????? ??? ?? ?????? 90 ??.

93. ?? ??? ?????? , ?????? ??? ??? ?????? ?? ?????????? ??? ?????? ?????? ???  
????? ?????? ?????? Weigel, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? NoVA ???  
????? ??? ?????? ?????? ??? ?????? ??? ??????.

94. ???????, ??? ?????? ???????, ?????? ??? ?????? 33 ??? ?????? ?????? ??? ??  
????? «? ?????? ??? ?????? ?????, ?????????? ???? ?????? ??? ?????? ??? ?????? ?? ?????? ??  
????????? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? . ?? ?????? ?????????? , ??????  
?? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
????????? ??? ??? ??? ???? , ?? ?????????? ??? ?? ??? ?????? ??? ?????? ?????????? ??? ??????  
????????? ??? ??? ???» (20).

95. ?????????? ?? ?????????? ?? ?????????? ???, ?? ?????????? ???  
????????? ??? ?????????? ??? «? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ?????? , ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???,  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ? ??????????  
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????? ??? ??????» (21).

96. ??? ?????? ??? ? ?????? NoVA ??? ? ?????????? ???.

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

98. ???????, ? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ?????????? (?????)  
????????? ??????, ??????, ?????????? ??? ??????????, ??? ?????????? ??????, ??? ??????  
????????????? ?????) ??? ? ??? ?????? ??? ?????????? ??? ?????????? ??? ???? ??? ???? ???  
?????????????, ??? ???? ??? ?????? ??? ?????? ??? ?????????? ???' ?????? ??? ??????  
????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ????.

99. ??? ? ? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ? ?????????? NoVA ??? ??? ??  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????? 33 ??? ???? ?????.

#### IV – ??????

100. ??? ? ? ?????? ??? ?????? ??? ??????, ?????????? ??? ?????????? ?? ?????? ???  
????????? ??? ? Verwaltungsgerichtshof ?????????? ??? ?????????? ??????????:  
«1)? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? NoVA –? ????  
????????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????  
????????– ?? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? , ? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????  
??? ?????? 39 ??.

? ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???, ?????????? ??? ?????? ???  
????? ?? ??????, ?? ?????? ?????? ? ?????? 83/183/??? ??? ?????????? , ??? 28??  
????? 1983, ?????? ?? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???, ???  
????? 1 ?????.

2)? ?????? ??? ?????? ??? ?????? ? ?????????? ??? ?????????? ??? ?????????? ???  
????????? , ??? ???? ? NoVA ??? ?????????? ??? ?????? 23 ?? ??? 25 ??.  
???? ???? ???? ? ?????? NoVA, ??? ?????? ?? ??? ?????????? ??? ???? ????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? 90 ??, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? . ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? 90 ?? ? ?????? NoVA, ?????? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ???' ?????? ??? ?????? ??? ?????? ???.

3)? ??? ???? ???? ? ?????? NoVA ??? ??? ???? ???? ?????????? ??? ?????? ??? ??  
????? ?????? ?? ?????? ?????? ? ??? ?????? 77/388/??? ??? ?????? , ??? 17??  
????? 1977, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? – ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? , ??? ?????? 77/388, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

1 – ??????? ??? ??????????: ? ??????.

2 – ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? (?? ????. ????. 09/001, ?. 49), ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 91/680/??? ??? ??????????, ??? 16?? ?????????? 1991, ??? ?? ?????????? ??? ?????? ?????????? ?????? ?????????????? ??? ?????? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? 77/388 (?? L 376, ?. 1, ??? ????: ??? ??????).

3 – ?? L 105, ?. 64.

4 – BGBl. 1991/695.

5 – ?????????? ??? ?????????? ?????????? ??? 1?? ?????????? 1995.

6 – ??????? ??? 27?? ?????????? 2000, C?190/98, Graf (?????? 2000, ?. ??493, ???? 23).

7 – ? ??????? ?????????? ??? ?????? ??? ?????????? ??? 1?? ?????????? 1996, C?177/94, Perfil (?????? 1996, ?. ??161, ??? 17), ??? ?? 14?? ?????? 1994, C?379/92, Peralta (?????? 1994, ?. ??3453, ??? 52), ????? ?? ?????????? ??? ?????? ??? 21?? ?????? 2002, C?451/99, Cura Anlagen (?????? 2002, ?. ??3193, ????? 37 ?? 47).

8 – ??., ??? ?????? ?? ????? 48 ??? ?????? (???, ?????? ???????????, ??? 39 ??), ?????????? ?? 28?? ?????? 1978, 1/78, Kenny (?????? ?????? 1978 ?. 461, ??? 18), ??? ?? 19?? ?????? 2002, C?393/99 ?? C?394/99, Hervein ?.?. (?????? 2002, ?. ??2829, ?????? 50 ?? 51). ????? ?? ?????? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ??????????, ???. ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? 7.

9 – ???. ?????????? ?? 18?? ?????? 1993, C?280/91, Viessmann (?????? 1993, ?. ??971, ????? 17), ??? ?? 11?? ?????? 1997, C?42/96, Immobiliare SIF (?????? 1997, ?. ??7089, ????? 28).

10 – ??????? ??????? ??? ?????????? ??????? ?? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??????? ?? ?? ?????????? ??????? ?? ?? ?????????? ??????? ?? ?? ?????????? ??? ?????????? ??? ?????????? ??????? ?? ?? ?????????? ??????? ?? ?? ?????????? COM (1998) 30 ?????? (?? C 108, ?. 75), ??? ?????????? ?? ?? COM (1999) 165 ?????? (?? C 145, ?. 6).

11 – ?????????????? ?????? Cura Anlagen, ????? 40.

12 – ?????????? (???) 918/83 ??? ??????????, ?? 28?? ?????? 1983, ??? ?? ?????? ??? ?????????? ?????????? ?????????? ?????????? (?? L 105, ?. 1).

13 – ??., ??? ?????? ????, ?????? ?? 23?? ?????? 2002, C?234/99, Nygård (?????? 2002, ?. ??3657, ????? 19).

14 – ??., ??? ???????????, ?? ?????? ?? ?? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? F. G. Jacobs ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 17?? ?????? 2003, C?383/01, De Danske Bilimpotører (?????? 2003, ?. I?6065, ????? 36).

15 – ???. ?????????? ?? 11?? ?????????? 1990, C?47/88, ??????? ??? ?????? (?????? 1990, ?. ??4509, ????? 9), ??? ?? 9?? ?????? 1995, C?345/93, Nunes Tadeu (?????? 1995, ?. ??479, ????? 18).

16 – ??????? ?? 22?? ?????????? 2001, C?393/98, Gomes Valente (?????? 2001, ?. ??1327, ????? 28).

17 – ?????????? ?? 7?? ????? 1987, 193/85, Cooperativa Co-Frutta (?????? 1987, ?. 2085, ??????? 11 ?? 13), ??? ?? 16?? ?????? 1992, C?343/90, Lourenço Dias (?????? 1992, ?. ??4673, ????? 53).

18 – ??????? ?? 17?? ?????? 1997, C?90/94, Haahr Petroleum (?????? 1997, ?. ??4085, ????? 29).

19 – ?????????? ?? 4?? ?????? 1986, 106/84, ??????? ??? ?????? (?????? 1986, ?. 833, ????? 21), ??? Haahr Petroleum, ?????????????, ????? 30.

20 – ???. ??????? ?? 7?? ????? 1992, C?347/90, Bozzi (?????? 1992, ?. ??2947, ????? 9).

21 – ??., ????, ??????? ?? 3?? ??????? 1988, 252/86, Bergandi (?????? 1988, ?. 1343, ?????? 15), ??? 13?? ??????? 1989, 93/88 ??? 94/88, Wisselink ?.?. (?????? 1989, ?. 2671, ?????? 18), ??? 19?? ??????? 1991, C?109/90, Giant (?????? 1991, ?. ??1385, ??????? 11 ??? 12), ??? 31?? ??????? 1992, C?200/90, Dansk Denkavit ??? Poulsen Trading (?????? 1992, ?. ??2217, ?????? 11), Bozzi, ??????????????, ?????? 12, ??? ??? 16?? ?????????? 1992, C?208/91, Beaulande (?????? 1992, ?. ??6709, ?????? 14).