

Conclusions

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

CHRISTINE STIX-HACKL

??? 4?? ??????? 2004(1)

?????? C-365/02

**Marie Lindfors**

(?????? ??? Korkein Hallinto-oikeus [?????????] ??? ?? ?????? ?????????????? ????????????)

????????? ??? ?????? 1, ?????????? 1 ??? 2, ??? ?????? 83/183/EOK, ??? 28?? M?????? 1983, ??????? ?? ?? ?????????????? ?????????? ??? ?????????????? ??? ?????????????? ????????????, ??? ?????? ?????, ?????????? ??? ?????? ?? ?????? ?? ?????? – ??? ?????? («autovero») – ??? ?????????????? ? ?????? ?????? ?????? ?????????????? ?????? – ??? ?????? – ??? ?????????????? – ?????? ????????????

## I – ????????

1. ?? ??? ??????? ?????? ?????????? ?????????????? ????????????, ?? Korkein hallinto-oikeus (?????????) ????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? 1 ??? ?????? 83/183/E?? ??? ??????????, ??? 28?? ?????? 1983, ?????? ?? ?? ?????????? ?????????? ??? ????????????, ??? ?????????? ?????, ?????????? ?????? ??? ?????? ??? ?????? ?????? (2). ????????, ??????????, ??? ?? ?????? ?? ? ?????? ????????, ??? ?????????? ?????? autoverolaki (????? 1482/1994 ??? ?? ?????????? ?????????) ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ????????????, ?????? ??? ????????????????, ?????? ??? ????????????????, ?????? ??? ????????????????.

## II – ?????? ???????

? – ? – ?????? ???????

2. ?????? ?? ?? ??? 1 ??? ????? autoverolaki (1482/1994), ??? 29?? ?????????? 1994, ??? ?????? ?? 1999 (??? ????: ????? AVL), ?????????? ????? (??? ????: ????? autovero) ??? ??? ??? ?????????? ? ?? ??? ?? ?????????? ??? ??????.

3. ?? ??? ??? «????? ?? ??????????» ?????? ? ??? ?? ?????????? ??? ?????? ??? ?????? (????? 2 ??? ????? AVL).

4. ?????? ?? ?? ?????? ?????? ??? ?? ?????????? (?? ?????? 4, ?????????? 1, ??? ????? AVL), ?????????? ?? ?????????? ??? ????? autovero ?????? ??? ? ?????????? ??? ?????????? ??? ??????.

5. ??? ?????????? ??? ?????? 5 ??? ????? AVL, ? ?????????? ??? ?????? ??? ?????? ??? ????? autovero, ?? ?????????? ??? ?????? ?? ?????????? ??? ?????????????? ??? ?????? ??? ????? autovero, ??

????? ??? ???????? ???? arvonlisäverolaki (????? 1501/93 ??? ????? ??????????????)  
?????).

6. To ??? ??? autovero ??????????, ??????? ?? ?? ????? 6, ?????????? 1, ??? ???  
AVL, ?? ?? ?????????? ??? ????? ?????? ????? 4 600 FIM (?? 770 ???), ???  
??? ?????? ?? ??? ????? ?????? 50 % ??? ?????????? ??? ?? ??????????.

7. ??? ?? ??? 7, ?????????? 1, ??? ????? AVL, ??? ?????????? ??????????????  
?????????, ?????????? ?????? ????? ?????????? ?????????? ?? ?????????? ?? ??  
????????? ?????????? ??? ?????????? (????????????? ?? ???). ?? ??????????  
???? ??? ?????????? ?????? ???????, ??????? ?? ??? ????? 11, ?????????? 1 ??? 2,  
??? ????? AVL, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
????, ?????? ? ?????????? ??? ??.

8. ?????? ?? ?? 25, ?????????? 1, ??? ????? AVL, ? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???  
????? 80 000 FIM (?? 13 450 ???), ?????? ?????? ?? ?????????? ???  
????????.

? – ? – ?????????? ??????

9. ?????? ??? ?????? ??????, ?????? ?? ??? ?????????? ???, ? ??????????  
??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
?? ?????? ?????? ?? ?????: «

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

III – ?? ?????????? ??????????, ? ?????????? ??? ?????? ?????? ??? ??  
????????? ??????

10. ? Lindfors, ??? ??? ???? ??? ?????? ??? ?????? ?????? ??????????, ?????????????? ???  
???, ??? ?????? ???, ?????? 4 ?????? 1999 ??? ??? ?????? ??? ??  
????????? ?????? ??? Audi ?6 Avant. ? Lindfors ??? ?????? ??? ?? ??  
????????? ??? ?????? ??? 20 ?????? 1995 ??? ?? ??? ?????? ?? ?????????? ???  
????? ??? ??? 5 ?????? 1995.

11. ?? ??? ?? 4 ?????? 1999 ?????? ?????? ???, ?? ?????????? ??? Hanko (Hangon  
tullikamari) ?????? ??? Lindfors ?????? ?????? 80 000 FIM ??? ?? ?????? ???  
autovero ?????? 16 556 FIM, ?????????? ?? ??? ?????? 3 642 FIM, ??? ?????? ???  
????? 20 198 FIM.

12. ? Lindfors ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? (Helsingin hallinto-oikeus), ?????? ??? ?????? ???  
?? ?????? ??? ?????? ?????? ??? ?????? autovero ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? 1, ?????????? 1, ??? ??????, ? ?????? ???  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????.

13. ?? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ???, ?????????? ???  
????? autovero ?????????? ?? ??? ?????????? ?????????? ??? ?????? ???  
?? ?????? ?????? ??? ?????? ???, ??????, ?????????? ??? ?????? ???  
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 1,  
????????? 2, ??? ?????? 83/183, ?????? ??? ?????????? ??? ?????? ?????????? ???  
14. ? Lindfors ??????, ?????? ??? ?????????? ?????????? (Korkein hallinto-  
oikeus), ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ???  
????? ??? ?? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??

15. ?? ??????? ?????????? ?????????? ?????????? ?? ??????? 10?? ?????????? 2002,  
?? ??????? ?? ???? ?????????? ?????????? ?? ??????? ?? ???? ??????? ?? ???????  
????????????? ??????:

«????? ?? ?????? 1 ??? ?????? 83/183 [...] ??? ?????? ??? ???? ?????? ?????????? (autovero), ???  
??? ?????? ??? ?????? ??? [?????????] ?????????? (autoverolaki), ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? [?????????] ???  
?????????] ??? ?????????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? 1,  
????????? 1, ??? ??????, ? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ??????  
????? ??? ?????? ??? ??????, ??? ??? ?????? ??? ?????? 1, ?????????? 2;»

#### IV – ?? ?????????? ??????

A – ?????????????? ??????????????

16. ?????? ??? ????? ?????????????? ????, ??? ??? ?????? ??????????????, ???????,  
????????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? (3) , ? ?????????? ???  
????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? (4) .

17. ?? ???? ???? ?? ?????? ??? ?????????? ?? ?????? ???? ???? ?? ?????????? ??????????  
?????????, ????????, ?????? ??? –??? ?????? ?????????– ??? ?????? ??? ?????? ???  
????? ???? ??? ?????? ?????????? ??? ?????????? ?????? ??? (5) . ?????????? ???  
????? ?????? ??? ?????? ??? ?????????? ?? ?????? ???? ???? ???? ????. ???????,  
????????? ?? ?????? ????????, ?????? ?? ?????????? ???? ? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ???, ?????? ?? ?????????? ???? ? ?????? ???  
????????? ??? ?????? ??? ?????????? ???, ?????? ???? ?? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???? ??? ??????????  
?????, ??? ??? ?????? ??? ?????? ??? ?????? ???? ?? ?????? ??? ?????? ??? ??????  
????? ?????? ??? ?????? ??????????.

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

19. ?????? ?????? ?????? ??? ?????? ??? ?????????????? ????, ??? ??????????????  
«????? ??????????» ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ? ??????????  
????????? ??? ?? ?????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ..

20. ??????, ?????????? ? ?????? ?????? ?????????????? ?????? ?????????????? ?????? ?? ???  
????? ?? ?????? ???, ??? ?????? ?????? ?????????? ?????? ?????? ?????? ???  
?????, ??? ?????????? ?, ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? (Kraftfahrzeugsteuer).

21. ????, ???? ??? ?????????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ? ??????  
????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??? (????? ??????????????).

22. ?????? ?? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ??  
????????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ????  
?????????.

23. ???? ??? ?????? ?? AVL, ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
??? ?????????? ??? ?? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ??? ??  
????????? ??? ?? ??? ?????? ??? ?? ?????????? ??? ?????? ???, ??? ?????????? ???  
autovero, ?????????? ? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
arvonlisäverolaki.

24. ????????, ?????? ?????? ?????? ?????????? ?????????????? ????, ?? ?????? ???,  
????? ????????, ???? ?????? ?????? ?? ?? ?????? ??? ?????? ?????? : ? ajoneuvovero  
(????????? ??? «?????») ??? ? moottoriajoneuvovero (??? ?????? ?? ?????? ??  
????? Diesel).

25. ????, ???? ??? ?????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ? ??????  
????? ?????????? ??? ?? ?????? ?????????? ??? ?????? (????? ??????????).

26. ? ?????? ?????? ?????? ??? ?????? ??? ?????? autovero ?? ??? ?????? ?????????? ??  
????????? ??? ?????? ??? ?????? ?????? Siilin, ??? ?????? ?????? ?????? ?????? (6) .

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

28. ?? ?????? ?????????? ?????? ???' ?????? ?? ? ?????? ??? ? ?????????? ??? ? ?????????? ??? ????  
??? 1 ?????? ?????? ??? ?????? ??? ?????? ??? ????.

29. ?? ??????, ????, ?? ?????? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ? ?????? ??????  
?? ?????? ??? ?????? ??? ??????o?? ?????? ??? ?????????? ??? ?????????? C-387/01,  
????? ??? ?????? ??? ?????????? «Normverbrauchsabgabe» ? «NoVA» ?????????? ???, ??? ??????  
????????????? ??? ?????????? ?? ?? ?????? 23 ??, 25 ?? ??? 39 ??, ?????? ??? ?? ??? ?? ??? ??  
????? ??? ??? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? Tizzano,  
??? ?????? ??? ?????? ??? ?????? ??? ?????? (7).

B – ?? ?????? ?????????? ??? ??????????????

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

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

31. ? Lindfors ??????????, ?????? ???, ???, ??? ?????????? ??? ???? ?????? ??? ???? ??????????  
??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? autovero  
????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????? ??? ?????? ??? ?????? 1, ?????????? 1, ??? ?????? ?????? ?????? ??? ?????? ???  
Lindfors, ??? ?? ?????? ?????? ??? ?????? 83/183/??? ??? ?????????? ??? 28?? ??????  
1983, ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ?????? (??? ????: ?????? ??? ?????? (9).

32. ? ?????? ??? ?????? ??? ?? ?????? 1, ?????????? 1, ??? ?????? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ? ?????? ??? ?????? ???, ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? . ??? ?? . ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

33. ? ?????????? ??? ???????, ?? ?????? ??? ?????? ??? ?????? ??? ? ?????? ?????? ??????????  
????????? ??? ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?  
autovero ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 1, ?????????? 1, ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? Tizzano ???  
????? Weigel (10). ?? ?? ?????? ??? ?????? ??? ?????? ???' ?????? ??? ? ?????? autovero  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????.  
?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «?????  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? 1, ?????????? 2, ??? ?????? ???, ?? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ??????.

34. ??? ??????? ????, ??????????? ????, ?????????? ???, ??? ?????????? ??? ??????? ???, ???  
83/182, ??????????, ??? ????? ?? ??????? ??? ?????? ??? ?????? ?????????? ??? ???????, ??  
????????? ?????? ??? ?????? ??? Lindfors ??? ??? ?????? ??????. ?????????? ???, ???????, ???  
?? ?????? ?????? ?????? ??? ?????? autovero ??? ?????? ?????? ?????? ?????? ??????? ??  
????????? ??? ?????? ???, ???????, ?????? ?? ?????? ?????? ???????, ?? ??????? ???  
????????? ??? ?????? ???, ?? ?????? ?????? ?????? ?????? ?????? ???????, ?? ?????? ???  
????????? ??? ?????? ???, ?? ?????? ?????? ?????? «????? ??? ?????? ?????? ?????? ???, ???  
????????? ??? ?????? » ?????? ???????, ?????? ?????? ?????? ?????? ???, ???, ???  
????? 1, ?????? 2, ??? ??????, ?????? ?? ?????? ?????? ??? ?????? ??? ?? ??????  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? autovero.  
35. ??? ? ?????? ??? ? Lindfors ????????, ??????, ??? ?????? ??? ?????? 1,  
????????? 2, ??? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ??????? ???  
????? ?????? ???, ??? ???????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ???, ???  
??? ? ?????? ??? ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???, ???  
????? «droits»?? «fees».  
36. ?? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
????? ??? ???? ?????? ?????? ??? ?????? . ?????????? ?, ?????? ???, ??? ?  
????? ??? ???? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ??  
????? ???, ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???, ???  
?- ??????  
37. ?????? ?? ?? 1, ?????????? 1, ??? ??????, ?? ?????? ?????? ???  
????????? ??? ?????? ?????? - «????[?] ?????? ??????», «????? ???  
????????? ??? [...] ?????? ?????? ??????», ?? ?????? «?????» ??????????  
«????? ??? ?????? ?????? ???, ??? ??????, ?????? ?????? ?????? ?????? ?????? ???  
?????». ?????? ?????? ?????? ?????? ?????? ???, ?????? ?? ?? 1, ?????????? 2,  
?? «????? [?] /?/? [...] ?????? ?????? ?????? [?] ???[?] ??? ???? ?? ?????? ??  
????? ??? ?? ??????», ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, «????? ??  
????? ???, ?? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ???, ???  
????? ???, ??? ?????? ».  
38. ?????? ?????? ??? ???? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
??? ?????? ??? ?????? (?????????) ??? ?????? ??? ?????? ???  
????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
39. ? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
????? ???, ?????? ???, ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??  
????? ???, ????.  
40. ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????.  
41. ??????, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ???  
????? 1, ?????????? 1, ??? ?????? ??? ?????? ???, ??? ?????? ???, ?? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?? 23 ?? ?? 25 ??, ?????? ??? ?? ?????? ???  
????? ??? ?????? ??? ?????? ???, ?????? ?? ?? ?????? ???, ??? ?????? ??? ?????? ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? (11) . ?????? ??? ??  
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???, ?? ??? ?????? ???, ??? ??  
????? ?????? ?????? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??? ?????? ??? ?????? ??? ?????? ??? 99 ??, ?????? ?????? ??? ?????? ??? ?????? ???  
42. ?????? ??? ?????? 1, ?????????? 1, ??? ?????? ?????? ??? ?????? ??? ?????? ???  
-?? ?? ?????? ??? ??? ?????? 90 ??- ? ??? ?????? ??? ? -????????- ????

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

43. ???????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ??????????????

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

????????? 1993 ?????????????? ??? ?????????? ?????? ?????? ??? ?????? ?????????? ??? ?? ??????????

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

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

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

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

????????? ??? ?????????????? (12) .

44. ??? ?????? ??? ?????? ?????????????? ??????, ? ?????? 91/680/??? (13) ?????????? ???

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

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

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

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

45. ?? ?????? ??? ?????? ?????????? ??????, ?????? ??? ?????? 33 ??? ?????? ?????? ??? ?? ???

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

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

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

????????? ??? ?????? ?????????? ??? (14) . ??? ?????? ?????? ?????? ??? ?? ??????

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

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

? ?? ?????? 3, ?????????? 3, ?? ?????? 92/12/??? (15) , ?? ?????????? ??? ?? ?????? ??

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

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

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

??? ?????? ?????? de facto ?????????? ?????????? , ??? ?? ?????????? ?????? ????????

(16) .

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

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

autovero ?????? ??? ?????? ??? ?????? ??? ?????? ? ??????.

47. ?????? ?? ??? ??? AVL, ? ?????? autovero ?????????? ??? ?????????? ?????? ??

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

48. ? ?????? ??? ? Lindfors ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???

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

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

????????? ? ?? ??? ?? ?????????? ??? ?????? , ? ?????? autovero ?????? ?? ??????.

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

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

????? ??? ?????? , ??? ?????????? ??? ?????? ?????? ?? ?? ?????? autovero ? ?? ??? ????????

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

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

????????? ? Lindfors ?????? ??? ?????????? ??? ?????? ?????? . ???????, ??? ???

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

????? ??? ? autovero ?????? ?????? ?????????? ??? ?? ??????.

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

????? ? autovero, ??? ?????? ?????????? ?? ??? ?????????? ? ?? ??? ?????? ?? ?????????? ???

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

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

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

?????????.

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

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

? ???????-, ??? ???? ?????? ??? ? autovero ??? ??????? ?????????????? «????????????» ???  
????????????? ?????????????? ??? ???? ???????, ????, ??? ? ?????????? ??? ???? ??  
??????????, ??? ?????????????? ??? ???? ???, ?????????? ??? ???? ?? ?????????? ??? ???? ??  
????? ??? ???? ?????????? ??? ???? ???????.

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

53. ?? ???????????, ?? ?????????? ???????, ?? ?????????? ??????? ?? ???????, ??? ??????? ??  
????????? 391/85, ?? ?????????? ??? ?????????? ??? ???? ?????????????? ??? ???? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ???? ??????????????  
?????. ?? ?????????? ??? ??????? ??? ?????????? ??? ???????????, ?????? ???, ??? ???? ??  
????????? ?????? ??? ?????? ???? ?????????? ??? ?????? ??? ?????? ??? ?????????? (??????, ?  
????????? ???, ???????, ? ??????????) (17).

54. ?? ?????????? ?????????? ??? «????? ? ?????? ??? ?? ?????????? ?? ?????? ?????? ???  
????? ?? ?? ??? ?????? ??? ?????????? ?????????? ???? ???? ??? ????». ?????????? ???  
????????????? ??? ?????????? ??? ?????????? ?????????? ???, ?? ??? ?????????? ???, ???  
????????????? ?????????, ?????? ?????? ?????????? ?????? ??? ?????? ?????????????? ??? ??  
????? ?????????????? ???, ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ???  
????????? ?????? ??? ?????????????? ??? ?????? ??? ?????? (18).

55. ?? ??????????, ???, ??? ?????????? ??????? ??????? ?????? ?????????? ?????? ???  
????? autovero ??? ?????? ?????? ?????????????? ?????? ?????????????? ??? ???? ??  
?? ?????? ???, ?????? ??? ? ?????? ?????? ??? ?????? ??? ???? ???? autovero ??? ???  
????? ?????????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ???? ??  
????? ??? ???? ?????? ??? ?????? ?????? ???' ?????????? ??? ?????? 1, ?????????? 1,  
??? ??????.

56. ??????, ??????? ??? ???? autovero ??? ??????? ??? ???? ?? ?????? ??? ???????  
????????? ??? ?????? ???????, ?????? ??? ???? ?????????????? ?????? ??? ?????? ???  
??? ?????? 1, ?????????? 1, ??? ??????. ??? ??? ?????? ?????? ?????????? ?????????? ???  
?? ?? ??? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ??? ?? ?????? ??? ?????? ???  
????? ?????????? ?????? ?????????? ???, ? ??? ? ?????? ??? ?????? ??? ?????????? ???  
??, ??? ???????, ??' ??????, ?? ?????????? ?? ?????????? ?????? ?????? ?????? ???  
????? ?????????? ?????????? ??? ?????? ??? ??????.

57. ??? ?????? ???, ?????? ??? ?????? ??? ?? ?????????? ?????????? ??? ?????? ???  
1, ?????????? 2, ??? ??????. ??? ??? ?????????????? ?????? ??? ?????? ???  
????????? ??? ???? ?????? ???, ? ??? ???? ??? ?????????????? ?????? ??? ?????? ???  
?????????, ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ?? ?????? ???  
????? ?????????? ?????? ?????? (19). ? ?? ??? ?????? ?????? ?????????? ??? ?????? ???  
?? «????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???  
??, ?????? ?? ???? ?????????? ???, ?? ?????????? ???, ?????? ???, ?????? ??????????  
????? ?????? ??? ?????? ??? ?????? ??? ?????? autovero.

58. ??? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ? ?? ??? ?????? ???  
????????? ??? ?????????????? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????  
??? ?????? ??? ?????? ???.

59. ?????? ??? ??? ?????? ???, ?? ??????? ??? ?????? ?????????? ???, ?????? ???  
?? ??' ?????????? ???, ??? ? ??? ?????? ?????? ??? ?????? 1, ?????????? 2,  
??? ?????? ??? ?????????? ??? ?????? ??? ??????. ?????????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???, ???  
????? ??? ???? ?????? «?????» ??? «?????» ??? ?????? ?????? ??? ??????  
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? . ??? ??????

???????, ??????? ?? ??????? «Steuern» ??? «Abgaben» ?????????????????? ??????????????.  
60. ???????, ?? «???? ?? ?????????????? ??? ?? ?????? ?????? ?????? ?????????? ???  
????????? » ?????????????????? ??? ?? 1, ?????????? 2, ?? ?????? ?? ?????????? ???  
????????? ?? ?? ?????? ?????????? ??????????. ??? ?????????? ?????? ??? ??  
????????????? ??? ?? ?????? ?????????? ?????????? ??? ?? ??? ?? ?????? ?????????? ??????????  
????????? ?????????? ??????.

61. ???????, ?????????? ? ?????????? ??? ?? ?????????? ??? ?? ??? ?????????? ?????????? ??? ??  
autovero ??? ?? ??? ? ?????????? ??? (????? ?? ?? ???) ??? ?????????? ??? ??  
????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??  
????????? ??? ?? ?????????? ??? autovero ?? ?????? ?????????? ?? ?? ??? ?? ??? ??  
??? ?? ?????? ??? ??????. ?????????? ?????????? ?? ?????? ???, ?????????? ?? ?? ??? ??  
????????? 1, ?????????? 2, ?? ?????? ??? ?????? ??? ?? ??? ?????? ?????????? ??? ??  
????? ???' ?????? ?????????? (?????? ???/? ?????????? ????).

62. ??? ?? ?????????? ??? ?? ?????? ??? ?????????? ??? ?? ?????????? ?????????? ??? ??  
????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????? ??? ?? ?????????? (20). ???????, ? ?????????? ??? ?????? autovero ???????, ??  
????? ??????????, (?????) ?????????? ?????????????? ??? ?????? ?????? ??? ??  
63. ??????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????? ??? ??????????, ??? ?????? ?? ?????? 1, ?????????? 2, ?????????? ?????? ??? ??  
????????? ??? ??????.

64. ???????, ??? ?????? ?? ?????? ???, ?????? ?????????? ???????, ? ?????? ??? Lindfors  
??? ?? ??????? ??? ? ?????????? ??? ?????? ??? ?????? 83/182, ? ?????? ???  
????? ??? ?????????? ???????, ?????????? ??? ?????? ?????? ?????? ?????????? ??????  
????????? ??? ?? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ?????????? ?  
83/183, ? ?????? ??? ?????? ??? ?????????? ???????.

65. ?? ??????? (21) ?????????? ??? ?????? ??? ? ??????? ??? ?????????? ???????  
?????? ??? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??????????, ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? (?????) ???  
????????? (22). ?? ?????? ??? ???????, ??????, ?????? ?????? ??? ?????? ??? ??  
??? ?????????? ??????.

66. ?????, ?????? ?? ?????????? ?? ?????? ??? ?????????? ??? ? ?????? ?????? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??  
?????????.

67. ?? ?????? ??? ?? ?????? 83/182 ?????? ?????? ??? ?? ??? ?????? ??? ??  
?????????, ??????, ??? «?? ?????????? ??? ?????? ?????? ?? ?????????? ??? ??  
??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ??  
??? ??, ??? ?????, ??? ?????? ???, ? ?????? ??? ?????? ?????? ?????????? ??? ??  
??? ?? ?????????? ??? ? ?????? ??? ?????? ?????? ?????? ?????????? » (23).

68. ??????, ??? ?????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
????? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???  
????? autovero, ?? ??????, ??? ?????????????, ?????????? ??? ?? ??? ??  
????? ?????? ??? ?? ?????? ?????????? ?????? ?????????? ??? ?????? ??? ??  
69. ??????, ? ?????????? ?????? ??????????, ??? ?????? ?????? ?????????? ?????? ???  
????????? ??? ?? ?????? ?????????? ?????? ?????????? ?????? ??? ?????? ??????????  
?????, ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????? (24), ??? ?????????? ???  
?? ??? ?? ?????? ??????????.

70. ??? ?????? ??? ?????????? ???????, ?? ?????????? ??????, ?? ??? ?????? Cura  
Anlagen, ??? ?? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ?????????? ???  
????? ??? ?? ?????? ??? ?????? ?????? «????????? ?? ?? ?????? ?????????? ??? ?????? ???

??? ??????????? ?????? ??????????????». ??? ?? ?????????? «?? ?????????? ?????? ???  
?? ?????????? ??? ?????????? [...] ??? ?? ?????????? ?????? ??? ?????????? ??? ??  
????????????? ??? ?????? ?????????? ??? ?????? ?? ??? ?????? ??? ?? ??????????????  
?????» (25).

71. ??? ????????, ??????? ?? ?? ?????? ?????????? ?????? ??? ?????? ??? ??????? ??  
??? ?????????? ??? -????? ? ????? autovero-, ?????? ?? ?????? ?????? ?? ?????????? ???  
????????? ?????????? ??? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ?????? ???  
????? ??? ?????? ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ???  
72. ??? ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????? ?????? ?????? ??? ??  
? ?????? ??? ?? ?????? 1 ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??  
????? autovero, ?????????? ??? ?????? ?????????? ??? ??? ?????? ?????? ??? ??  
????? ?????? ?????? ??????.

## V – ??????

73. ??????, ??????? ?? ?????????? ?? ?????? ??? ?????????? ?????? ??? ??????? ??  
?????:  
?? ??? 1 ??? ?????? 83/183/E?? ??? ????????, ??? 28?? ?????? 1983, ??????? ?? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ????????, ??? ?????? ???,  
????????? ??? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? autovero, ?????????? ??? ?????? ?????????? ??? ??? ?????? ?????? ??? ??  
????? ?????? ??????.

1 – ?????? ??? ??????????: ? ??????.

2 – ?? L 105, ?. 64.

3 – ?? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?? ?????? ???????, ??????? ??  
?? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??  
????????? ??? ?????? ??? ??????: ?? . ?? ?????? 28 bis ?? ?????? ?????? 77/388/E?? ??  
????????? ??? 17?? ?????? 1977, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???,  
?? ?????? ?? ??? ?????? ?????? ?????? – ?????? ?????? ?????? ?????? ??????????????  
?????: ?????????? ?????????? ??? (?? L 145, ?. 1, ??? ????: ??? ?????? ???).

4 – ?? . ?????? ??? 21?? ?????? 2002, C?451/99, Cura Anlagen (?????? 2002, ?. I?3193,  
????? 40).

5 – ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ??  
?? ?????? ??? ?? ?????????? ?????????? ??? 6?? ?????? 2002 ??????? ?? ??  
????????? ?????? ?????????? ?????????? ??? ?????? ?????? ??? – ?????????? ?? ??  
?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? 2002 [COM(2002) 431],  
?? ?????? ??? ?? ?????? ??? ?????? TIS/PT (Consultores em Transportes Inovaçao e  
Sistemas, S.A.), ??? ?????? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???,  
????????? ??? ?????? ?????? ?????? ??????????:

[http://europa.eu.int/comm/taxation\\_customs/taxation/car\\_taxes/vehicle\\_tax\\_study\\_15-02-2002.pdf](http://europa.eu.int/comm/taxation_customs/taxation/car_taxes/vehicle_tax_study_15-02-2002.pdf).

6 – ?????? ??? 25?? ?????? 2001 ??? ?????? Siilin (?????? ?? 19?? ???????????  
2002, C?101/00, Siilin, ?????? 2002, ?. I?7487).

7 – ?????? ??? ?????? ?????????? Tizzano ??? 3?? ?????? 2003 ??? ??????  
C?101/00, Weigel (?? ?? ?????????? ??? ?????? 40 ?? 56).

8 – EE L 105, ?. 59.

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

10 – ?????????? ?????? ?????? 7.

11 – ??, ?????? ???, ?????? ??? 13?? ?????? 2003, C-383/01, De Danske Bilimportører  
(?????? 2003, ?. -6065, ??? 34).

12 – ??, ?? ??? ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?? ??????, ?? ?????? ?????? ??? ?????? ??? 3?? ?????? 1985, 249/84,  
Profant (?????? 1985, ?. 3237).

13 – ?????? 91/680/???. ??? ??????????, ??? 16?? ?????????? 1991, ??? ?? ?????????? ??

?????? ??????????? ?????? ??????????????? ?????? ??? ??????????????, ?????? ???  
?????????? ??? ??????????? ???????, ??? ??????? 77/388/?? (?? L 376, ?. 1).  
14 – ??., ?????? ????, ?????????? ??? 13?? ??????? 1989, ?????????????????? ??????????  
93/88 ??? 94/88, Wisselink (?????? 1989, ?. 2671, ??? 17) ??? ??? 8?? ??????? 1986,  
73/85, Kerrutt (?????? 1986, ?. 2219, ??? 22).  
15 – ?????? 92/12/?? ??? ???????????, ??? 25?? ??????????? 1992, ??????? ?? ?? ????  
????????, ??? ??????, ??? ?????????? ??? ??? ??????? ??? ?????????? ??? ?????????? ???  
?? ??????? ?????? ?????????? (?? L 76, ?. 1).  
16 – ??., ???????, ??? Jatzke, *Das neue Verbrauchsteuerrecht im EG-Binnenmarkt*, Steuerrecht  
1 (1993), 41 (42). ?????????? ??? ?????????? ?????? ??? ?????? ??? ???????  
????????????, ?????? ????, ??? ??? ???????, ?. ?????? ??? ??????? ??? 23??  
????????? 1997, C?375/95, ??????? ??? ?????? (?????? 1997, ?. I?5981).  
17 – ?????? ??? 4?? ?????????? 1988, 391/85, ??????? ??? ?????? (?????? 1988, ?.  
579, ?????? 14 ??? 22).  
18 – ??????????? ???????, ??? 25.  
19 – ?????????? ??????? ????. 6205/79 ??? ?????? ??????? ??? ?????????? ???  
????????????? ??????????? ??????????, ??? 23?? ??????? 1979, ?. 3, ?? ?????? ??????????  
?? ??????? ??? ?????? ??? ??????????? ???, ?????? ?????????? ?????? ??? ??????????  
20 – ??? ?? ?????? ???, ? ??? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??  
????????? ?????????? ?????????? ???, ?????????? ???, ?????????? ???, ??? ?????? ??????????, ??  
????? ??? ?????????? ?????? ??? ?????? ??? ?????? AVL, ?????? ??? ??? ?? ??????  
????? ?? ??????????, ??? ?????????? ??? ??????????, ?????? ?? ??? ??????????????.  
21 – ???. ?? ?????? 1 ?? ?????????? ?? ?? ?????????? ? ?? ?????????? ??? ??????????  
22 – ???. ??????, ??? ??? ???????, ??? ?????????? ??? ?????????? ?????????? Tizzano ????  
?????? C?387/01 (????????????? ??? ?????????? 7), ??????? 51 ??? 52.  
23 – ?????? ??? 29?? ?????? 1997, C?389/95, Klattner (?????? 1997, I?2719, ??? 25)- ??.  
??????, ?????? ????, ??? ?????? 249/84 (????????????? ??? ?????????? 12), ???  
????????? ??? 6?? ?????? 1988, 127/86, Ledoux (?????? 1988, ?. 3741, ??? 11) ??? ??  
23?? ??????? 1991, C?297/89, Ryborg (?????? 1991, I?1943, ??? 13).  
24 – ???. ??????? ????????.  
25 – ???. ?????? C?451/99 (????????????? ??? ?????????? 4), ??????. 40 ??? 41.