

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

POIARES MADURO

??? 27?? ?????????? 2005 (1)

?????? C-452/03

RAL (Channel Islands) Ltd

RAL Ltd

RAL Services Ltd

RAL Machines Ltd

???

Commissioners of Customs & Excise

[?????? ?? High Court of Justice of England and Wales (Chancery Division) (?????? ?? ???????) ?? ?? ?????? ?????????????? ??????????] [REDACTED]

1. ?? High Court of Justice of England and Wales (Chancery Division) (???????? ??????????)
(???? ?????: High Court) ??????? ??????? ?????????????? ?????????? ??? ?????????? ???
????????? ??????????, ??????? ??? ??????? ??? ?????? ?????? 77/388/??? ???
?????????, ??? 17?? ????? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???,
??? ??????? ?? ??? ????? ?????? ?????? ?????? – ????? ?????? ?????? ?????? ??????????????
?????: ?????????? ?????????? ??? (??? ????: ??? ?????), ??? ????? ?????????? (2),
????? ??? ?? ??????? ??????? ??? ?????? ??? ?????? ?????? ?????? 86/560/??? ??? ??????????, ???
17?? ??????? 1986, ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????
?? ??? ?????? ?????? ?????? – ?????? ?????????? ??? ?????? ?????? ?????????????? ???
????? ?????????????? ??? ?????? ??? ??? ?????? ?????????????? ??? ?????? ??? ??????????
(??? ????: ?????? ??? ??????) (3).

| – ?? ?????????? ??????????? ?? ???????, ?? ?????????? ?????? ?? ??
?????????? ?? ?? ?????????? ???????

3. ? RAL (Channel Islands) Ltd (??? ????: CI) ????? ?????? ??????????? ??? Guernsey. ?? RAL Ltd (??? ????: RAL), RAL Services Ltd (??? ????: Services) ??? RAL Machines Ltd (??? ????: Machines) ????? ??????? ??????????? ??? ??????? ????????. ?? ?? ??? ????? ??????? ??????? ????? ??????? ??? RAL Holdings Ltd (??? ????: Holdings), ? ????? ??????? ??????? ??? ?????? ??????? ??????? ?? CI, RAL, Services, Machines ??? Holdings ??????????? ??? ??????? ??????????? ?? ??????? ??????????? ??? «????? RAL». ? ?????? RAL ??????????????? ??? ??????????? ??????? ????????????. ? ?????? ??????????????? ??? ??????????? ??? ??????????? ??? ??????????? ???????.

4. ?????? ??? ???????? ??? 2000, ? RAL ??????? ??????? ?????????? ?? ??????? ???????
?????????? ?? ??????????? ??? ??????? ? ??? ? ??????? ??? ??????? ??????????. ???
?????????? ??? ??????? ??? ?????????????????? ??? ??????? ??? «????????? ??????????
?????????» ??? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ???????
??? ??? ??? ??????. ??????????? ??? ???????, ??????? ?????????? ?????????? ??????????
????????? ??? ??????????? ??? ???????????, ??? ??????? ??? ??? ?? ?????? ??? ???
??? ??????? ??????? ??????????.

5. ?????????????? ??? ???????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????????? ??????????????
??? ?????????? ?????? ?????????? ?????????? ?????? ?????? RAL ?? ?????? ?? ???
????????? ?????? ?????????? ??? ?????????????? ? RAL ?? ?????? ?????? ??????????. ? ??????
????????? ?????? ??? ?????? ?????? ???, ??? ?????? ?????? ??? ???, ? ?????? ?????? ???
????????? ?? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????????? ???, ??? ?????? ?????? ???, ? ?????? RAL ?? ? ? ?????? ?????? ??????????
????????? ??? ??? ??? ??? ?????????? ?? ?????? ?????? ?????? ?????????? ??? ?? ?????????? ??
????????? ??? ??? ??? ??? ??????. ??? ??????, ?????????? ? CI ??? ??? ?????? ??????????
?? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????. ? CI ?????????? ?? ??????
????????? ??? Alderney. ?? ?????? ?????????? ??? ?????????? ??? Guernsey
??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?? ??????????
????? ??? ??? ?????????? ?? ?????? ?????????? . ??? ?????? ??? ?????? ???????????????,
????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????: ?? Machines
??? Services. ??????????, ?? CI, Services, Machines, RAL ?? Holdings ?????? ???
?????????.

6. ??????? ? ?? ??????? ??????????, ? RAL ?????? ?????????? ?????????? ?????????? ??
????????? ?????? ??? ?????? ?????????????? ?? ?????? ?????? ?????????? ??? ??????
????????? ??? ?????? ??? ??? ?????????????? ??? ?????????? ??? ?????????? ?????????? . ? RAL
????????? ??? CI ?????? ?????????????? ??? ?????????????? ??? ?????????? ??? ??????
????????? ??? ?? ??? ????? ??????????. ???????, ??????? ??? ?????????? ??? ?????? ???
????????? ??? ??? ??? ????? ?????????? ??? ??????? ??? ??? ??????????, ?? ???????, ??
????????? ??? ??? ?????? ????. ? Machines ?????? ?? ?????? ??? ?????? ??????????
?????????, ??? ?????????????? ???????, ?????? ??? ??? ?????????? ??? ??????????????
??? ?????????? ? ?????? RAL. ??? ?????? ?????? ??? ?????????? ??? ??? ??????????

???? ??????? ?????? ??????. ??????? ?????????? ?????????? ??? ?????? ?? ?? CI, ? Machines
?????? ?? ?????????? ??? CI ?????? ??? ?? ?????????? ??? ??? ????? ??????????
?????????? ???.

7. ? ?????????????? ??? CI ?????????? ??? ?? ??????? ??? ?????? ?? ?????????? ??
????????????? ??? ?????? ??? ?? ?????????? ? Machines ??? ?????????? ??? ?????? ??
????????? ??? ? RAL. ? CI ?????? ??? ?????? ?????????????? ?????????????? ??? Services, ???
????? ?????????? ??? Holdings, ?? ?????? ?????? ??? ?????????? ??????????, ??? ???
????????? ??? ?? ?????????????? ??????????????????. ???????? ??? ??????????
????????????? ??? ?????? RAL, ? ?? ??? ?????? ?????? ??? ? ?????????? ??? ?????????? ??
????????? ??? ?????? RAL ??? ?????????? ?????????? ??? ?????????? ??? ??????????
????????? ??????????, ??? ?????? ?????? ?????????? ??????????. ?? ?????????????? ???
????????????? ??? ??? ?? CI ???????, ??? ??? ?????????? ??? ??? ?????????? ??
????? ??? ?????? ?????????? ?????????????? ??? ?????????? ??? ??? Guernsey, ??????????????
???' ?????? ??? ?????????? ??? ??? ?????????????? ??? ??? ?????? ??? ?????????? ???
?????????.

8. ??????? ?? ?????????????????? ??????????????, ? CI ???????????, ???????????
?????? 2, 4 ??? 9 ??? ????? ???????, ??? ????? ??? ??????? ??? ??????????? ?? ???
?????? ??????? ?????????? ?????????? ??? Guernsey ??? ??, ???????????, ??? ???
?????? ??????? ??? ??? ??? ??????? ????????. ?????? ?????? ??? ?????????? ??
????????????? ??? ??? ??? ??????? ??? ??? ?????????? ??? ??? ????? ?????? ??
????????? ??? ????? RAL, ??????? ?? ?? ????? 1 ??? 2 ??? ??????? ?????? ???????.

9. ?? ??????? ?? 28?? ?????????? 2001, ?? Commissioners of Customs and Excise (???)
?????: Commissioners) ?????????? ?? ?????????? ?? CI, ?????????? ?? ? ?????????? ???????
???? ?? ?? ?????? ????????. ????????????, ?? Commissioners ??????? ?? ?
????????????? ?? ?? ??? ????? RAL ??? ?????? ?? ?????????? ??? ?? ?? ?????????? ??
????????? ???????????. ????????, ? ?????? ?????????? ?? ??????? ?????? ?????????
????????????? ?? ?????????????????? ?? Holdings ??? ?????? ???????.

10. ?? CI, RAL, Machines ??? Services (??? ????: ??????????? ??? ?????? ????)
????????????? ??? ?????? ?????? ?????? ??? VAT and Duties Tribunal ??? ??????. ??
????????? ?????? ??? CI ?????? ??? ?????????? ?? ?????? ?????? ?????? ?????????? ???
????? ?????????? ??? ?????? ??????, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? 9, ??????????
1, ??? ?????? ??????. ??????, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ???
????????? ?????? ??? Commissioners ?? ?? ?????????? ??? ?? ?????????? ?????? ?????? ?????? .?
?? ?? CI ??? ?? ? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? .?
CI ?????? ??? ?????? ??? ?????????? ??? VAT Tribunal ?????? ??? High Court, ??? ??
Commissioners ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??
????? ?? ?? ??? Tribunal ?????? ??? ?????? ??? ?????? ??? ??.

12. ?? ?????? 2, ??????????? 1, ??? ?????? ???????? ?????? ??? ??????????? ???? ???
?????????????? ???? «?? ?????????? ?????? ???? ?? ??????? ?????????? ???
????????????????? ?? ??????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ??? ??????? ??? ?? ?????????? ??? ?????? ??? ?????? »..

13. ???? ?? ?????? 4 ??? ?????? ????????, ?????????? ?? «????????????? ????? ??»
«????????????? ?????, ??? ?????? ?????????? ???????, ??? ?? ?????????????? ???, ??? ??? ??

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

14. ?? ???? 4, ??????? 2, ?????? ?????? ??? «[?]????????? ??????????????, ???
??? ?????? ??? ?????????? 1, ??? ???? ???? ???? ?????????????? ??? ??????????, ??? ?????? ?
??? ?????????? ?????????? [...]».

15. ??? ???? ??? ?????????? ??? ???? ?????????? ??? ???? ?????????? ??? ???? ????
???????, ?? ???? 9 ??? ???? ?????? ??????:

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

2. ????????:

[...]

?) ??? ???? ?????? ?????????? ??? ???? ?? ??????????:

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

[...]

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

16. ?????? , ?????? ?? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??????
??? ?????? ?????????? ?? ?????????? , ??? ?? ?????? 1 ?????? ??? ??????:

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

1) ?? “????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????????? ??? ?????? ???
????????? , ? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? 4, ?????????? 1 ???
[?????] ?????? [...] ? ?????? , ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? 3,
????????? 1, ??? ?????? ??? ?????? , ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???
????????? ?????????? ??? , ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? , ??? , ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? , ??? ?????? ???
?? ?????? , ??? , ??? ???? , ??? ???? ?????? ??? ?????? ??? ?????? ?????? , ??? ?????? ???
????????? ?????? ?????? ?????? ???? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? 2 [...]».

2) ?? ?????? ??? ?????????? , ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
77/377/??».

17. ?? ???? 2, ?????????? 1, ??? ?????? ?????? ?????? ?????? :

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

????? ?????? ??? ?? ?????? ??? ?? ??????????? ?????? ?????????????????? ??? ?? ???? ?????? ???
?????? ?? ??????????? ??? ?? ?????? 17, ?????????? 3, ?????????? ?? ?? ?? ?? [?????]
?????? [...] ? ?? ???? ?????? ?????????? ??? ?????????? ??? ?? ?????? 1, ?????? 1, ??????? ??,
?? ?????? ??????.

18. ??? ?? ??????????? ????, ?? High Court ?????????? ?? ?????????? ??????????? ??
????????? ?? ?????????? ?? ?????????? ?????????? ??????????:

«??? ?? ??????????? ?? ?????????? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????
[...], ?????????? ?? ?? ?????? 2, 4 ?? 9 ?????, ????? ?? ?? ?????? ?????? ?????? ?????? [...],
????????? ?? ?? ?????? 1 ?? 2 ?????, ????? ?? ?? ?????? ?????? ?????? ?? ?????? ??????????
?????:

1) ??? ?????? ?? ?????????? ???? “?????? ??????????” ??? ?????? 9 ??? ?????;
??????;

2) ????? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????? ??? ?? ?????? ??? ?? ?????????? ??? ??
????? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?? ?????????? ?? ?????? ?????? ??????
?? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? CI ? ?? ?? ?? ??????
????????? ?? ?? ?????? ?????? CI ?????? ?? ???;

3) ??????????:

?) ??? ? ?????????? ?????? ?????????? ??? ?????? (A) ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
(B), ??? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
?????????, ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????? ??? ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???:
??

i) ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ?? ??????
????????? ??? ?????????? ??? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???
?? ?? ?????????? ?????????? ??? ??????????;

ii) ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????????? ??? ?????????? ?? ??
?? ?????????? ??? ?????? ?????? ??? ?? ?????? ?????????? ? ?????? ?? ?????? ???
????????? ??? ?? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???;

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

i) ?????? ?? ?????????? ?????? ??? B ??? ?? ?????????? ?????? ??? ?????? ???
????? (?, ? ??? ?) ?? ?????????? , ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ??? ?????? ??? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ???- ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,

ii) ????? ?????????? ?????? ?? ??????? ?????? ??? ????? ?????????? ??? ?????????? ???
????????? ??? ?????????? ?? ??????? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??
?????????;

4) ?) ?????? ?? ?????????? ???? ?????? ??? ?????????? ?????????? ?????? (?????????)
??? ??? ?????????? ??? ?? ?????? ??? ?????? ?????? ???) ?????? ?? ?????????? ??
????????? ?????? ?????????? ?? ?????? ??? ? ??????;

) ?? ?????????? ?????????? ??????????, ??? ?????????? ???? ?????? ??? ??????????
????? ?? ?? ??????????;

5) ?) ??? ??????, ?? ?????????? ?????????, ?????? ?? ?????????? ??? ?????????? ???
A, ? ??? ? ??? ?????? ?????????? ??? B ??? ? ? ??? ?????? ??? A, ? ??? ? ??? ? ??
????? ??? ? ??????????;

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

19. ?? ??? ?????, ?? High Court ?????? ??? ?????????? ??? ???????????. ?? ?????? ???
????? ??? ?? ?????? ??? CI, ? ??? ??? ?????????? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? (4), ? ??? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? «????? ??????» ???
?? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 2, ??? ?????? ????. ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? «????? ??????» ???
?? ?????? ??? 9, ?????????? 2, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
???? «????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????» ? ?,
?????????, ?? ?????????? ?????? ?????? ??? ?????? «? ?????? ??? ? ??????
????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???».

20. ?? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ???
????? ? ?????? ??? ? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ??????????
????????? ????. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? CI ??? RAL,
Services ??? Machines, ??????????, ?????? ??? ?????? ??? «?????»
????????? ??? ?????? «?????» ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??????, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? CI, ??????, ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (5).

II – ??????

21. ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? 9 ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

22. ??????? ?? ???? ?????? ?????????? ?? ???? ?????? ?? ???? ?????? ?????? ?????????? ?? ???? ???? 9,
????????? 2, ??? ???? ??????, ? ?????? ??? ?????????? ?? ???? ?????????? ?? ???? ???? 1 ??? 2 ???
?????? 9 ?????? ?? ???? ?????? ?????????? ?? ???? ?????? ?? «[...] ?????? ?? ???? ???? ??????????
????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????????? ?? ???? ?????? ?? ???? ???? ???? ??
?????? ?????????? ?????? ?? ???? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ???? ??
????????????, ??? ???? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?????? ?? ???? ???? ??
????????? ?? ???? ?????? ?? ???? ?????? » (7).

23. ??? ?????? ?? ???? ?????????? ?? ???? ?????? ?? ???? ?????????? 1 ??? 2 ??? ?????? 9, ??
????????? ?? «[...] ? ?????????? 2 ??? ?????? 9 ?????????? ?? ???? ????
????????????? ?????? ??????, ??? ???? ?????? 1 ?????? ?????? ?????? ?????? ??????
?????. ?????? ?? ???? ?????? –????? ?????? ?? ???? ?????? 3 ??? ?????? 9,
???? ???? ?? ???? ?????????? –????? ???? ??????, ?????? ???, ???
????????? ?????? ??????, ??? ???? ?? ???? ?????? ?? ???? ?????? ??????, ?????? ??, ??? ??
????????? » (8).

24. ??????, ?? ???? 9, ?????????? 1, ?????? «????????? ??????????» (9) ?????? ??
????????? ?? ???? 9, ?????????? 2, ?????? ??????, ?????????? in fine
????? ?????? ?????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????????? (10) ??? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ??
????????? ?? ???? ?????? ?? ???? ?????? ?????? ?????? (11). ?????????? ?? ???? ?
????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?
????? ?????? ? ??????????. ??????, ??? ?????? ?????? ?? ???? ???? (?????????????)
????? ??? 26? ?????? 1996, Dudda, ?? ?????????? ?????? ?? «[...] ??? ?????? ??
????????? ?? ???? 9, ? ?????????? 1 ?????? ?????? ?? ???? ?????? ?? ???? 2 ??
????????? ?? ???? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ????
????????? ?? ???? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ????
????????? ?? ???? ?????? ?? ???? ??????, ? ?????? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 1» (12).
??????, ??? ?????????? ?? ???? ?????? ?????? Fennelly ?? ??? ?????? ?? ???? ?? ?
????????? Linthorst, Pouwels en Scheres, ????? ?????? ?? ???? ?????????? ?? «??
????? ?????????? ?? ???? 9, ?????????? 2, ?????? ?? ???? ?????? ?? ???? ?? ???? ??????
?? ?????? ?? ???? » (13).

25. ?????? ?? ???? ??????????, ?? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ??
????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? , ?????????? ??
????????? ??????, ?????????? ?? ???? 9, ?????????? 2, ?????? ?? . ?????? ?? ???? ??????
????????? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 9, ?????????? 1.

? ?????? ?? «????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 9,
????????? 2, ?????? ??.

26. ?? ???? 9, ?????????? 2, ?????? ?? , ?????? ?? «????? ?????? ?????????? ?? ???? ???? ?????????? ??
????? ?? ??????????: [...] ?????????? ?? ???? ?????? ?? ???? ?????????? ?? ,
????????????? ?? ???? ?????? ?? ???? [...] ?????? ?? ???? ?????? ??
????????? ?? ???? ?????? ?? ???? ». ?? ??? ?????? ?????????? ?? ???? , ? ??????????
????????? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ??

???????????? ???? ?? ????? ?????????? ??? ?????????? ?? ?????????? ????? ?? ?????? ?? ???? ??????? ???? ?????, ?????????? ?? ???? ?? ?????????????? ?????? ?????? ?? ?????? 9, ?????????? 1.

27. ????? ?? ?????????? ????????????, ????. ??????????????? ?? ?????????????????? ?? ???????????????
??? ?????? ????. ??? ?????????????? ??? ?????????????? ?????? ?????????????? ??? ?????????? ?? ?????
????????????? ???, ?????????????????? ?????? ?????? ?????????????? ??? ?????????? ?? ?????????? ?? ?????
????????? ??????????? ?? ????????????, ????. ??? ?????? ????. ??? ?????? 9, ?????????? 2, ??????????
??.. ??? ?? ??????????? ?? ???????????, ????. ??? ?????? ????. ??? ?????? ???, ?? ?????? ?????? ??????????
????????? ?? ??????????? ?? ???????????, ????. ??? ?????? ????. ??? ?????? ??????, ?? ?????? ?? ?????? ?? ?? ???
?????, ??? ?????? ????. ??? ??????. ???????, ?????? ? ?????? ?????? ?????? ?????? ?????? ??????
?????????? ?? ?????????? ??????????? ??????????? ?? ?????? ?????? ???????????. ??? ?? ??? ??????
????, ??? ?? ??????????? ?? ?????? ????. ???, ? ?????? ?????????????? ?????? ????.
????????????? ?? ??????? ?? ?????? ????. ??? ?????? ??????????? ?? ?????? ?????? ?? ?? ??? ?????? ???
????????? ????????. ????????, ?????? ? ?????? ????. ?????? ?? ?????????????? ?????? ??????
???. ?????? ????????. ?????????????? ?? ?????? ??????. ?????? ?? ?????????????? ?? ?? ??? ??
????????? ?? ??????????? ?? ?????? ????. ??? ?????? ?????? ???????????, ????. ??
?????????? ?? ??? ?? CI ????. ?????? ?????? ?????????? ?????????? ??? ?????? ?????? ???????????, ???
???. ?????? ?? «?????????? ?? ?????????? ?????????? ??????????», ????. ??? ?????? ?????? ??? ??????
9, ?????????? 2, ??????? ??.

28. ??????????, ??? ?????????? ??? ???? ?? ???? ?????? ?????????????? ??? ??? ??? ???? ??
????????? ?????????? ? ??????? ??? ?????????? ?????????????? ??????????, ??? ??? ??? ???? Berkholz,
??? ??????? ??? ?????? ?? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????? ??????????
???? ??????? ?????? ?????????? ??? ?????????, ?????? ??? ?? ?????????? ??? ??
????????????? ?????? ?????? ?????????? «????????? ??? ?????????? ??? ??????»
(14) ??? ?????? ??????, ?? ?????? ?????? ??????????, ?? ?????? ??????????
????? «????? ?????? ?????????? ?? ?????????? ??????», ?????? ?? «????? ?????? ??????????
????????? ??????????», ??? ?????? ??? ??? ??????, ? ?????? ?????? ?????? ??? ??????
?? ?????? ???.

29. ????? ??? ??????? ??, ?? ?????? ?????????????? ??? ?????????????? ?????? ?? ?????? ?
????????????? ?????????? ??? ?????? ?? ?????? ?????? ?????????????? ?? ??????????????
????????????? ?????????????? ?? «?????????» ??? ?????? ?????? ??? ?????? 9, ?????????? 2,
????????? ?? (15). ????, ????, ????, ?????????? ?? ?????? ?????? ?????????? ?????? ???
????????? ?? ?????? ?? ?????????? ?????? ?? ?????? ?????????? ?????? ?????? ???
????? ?????? ?????????? ?? ??????; ?? ?????????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ?????? ?? ?????? ?????????? ??' ??? (16). ?? ?????? ?????? ?????? ??????
??? ?????? ?????? ?? ?????? ?????????? ??? ?? ?????????? ?????? ?????? ?? ??????
?? ????. ??????, ? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????, ? ?????? ?????? ???
????????? ?? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? (17). ?????? ?? ?????? ??????, ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
?????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 9.

30. ????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????
????????? ??? ?? ?????? ?????? ??? ?????? 9, ?????? 2, ?????? ?? (18). ???
??? ? ??????, ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?? 9, ?????? 2, ?????? ??, ?? ?????? ?????? ??? ?????? ?????? ?????? ??????
??????, ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????
????? 9, ?????? 2, ?????? ??, ??? ?????? ?????? ?????? ?? ?????? ?????? ??? ??
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ??? ?????? ?????? ?????? ?????? ?? ?????? (19). ? ?????? ??? ?????? ?????? ???
????? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ?????? ??? ? ??? ?????? ?? ?????? ?????? ?????? ??? ??????
(20). ??? ?????? ??? ? ?????? ?????? ??? ?????? ?????? ?????? ?????? (?? ??????)
?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? 9,
????????? 1 (21).

31. ? ?????? ??? ?????? 9, ?????? 2, ?????? ??, ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? 9, ?????? 1, ??? ??
????????? ??? ?????? ?? ?????? ?????? . ? ?????? ?????? ??? ?????? ?????? , ??? ??????
?? ??????, ?????? ?????? ?????? (?? ?????? ??????) ?? ??? ?? ? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??
????????? ?????? , ?? ? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?
????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???

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

32. ?????????? ??? ? ?????????? ?? ??????????? ??? ?????? ??? ?????? ??? ?????????????????? ???
?????????? ?????????? ?? ?????????? ?????????????? ?????????????? ?????????? ??? ?????? ??? ?????????
??? ?????????????? ??? ?????????????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????????
????????????? ??? ?? ??? ????? ?????????? ?????????? (22). ????????, ??? ?? ??? ??????????
????????? ?????????? ?? ?????????? ?????????????? ?????? ?????? ?????? ???
????????????? ???, ?? ?? ??? ????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ??
????????? ??? ?????????? ??????????. ?????? ?? ?????????? ?????????? ??? ?????? ??? ??????????????
????????? ?????????? ?? ?????????? ??? ?????? ??? ?????????????? ?????????????????? ??? ??
????? ?????? ???????????. ??????, ?? ?????????? ?????????? ??? ?????? ??? ??????????????
?? ?????????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?????????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ??????????.

34. ????????????, ??? ???? ?????? ???? ? CI ??????? ?????????? ?? ??????? ???????
?????????? ?? ?????????? ?????? ?????? ???????, ??????? ?? ??? ?????????????? ??????
??? ??????? ?????? ??? ???????, ?????? ?? ?????????? ??? ?????????????? ??????
?????????? ?????? ??? ?????? ??? ?????? ???????, ??? ??? ?? ?????? ??? ?????? 9,
?????????? 2, ??????? ??, ??? ????? ??????. ?????? ??? ??? ?????? ?????????? ?????????? ??
????? ?? ????? ?????? ?????? ??? ??????? ??? ?????????????? ?????????? ??? ?????? 9,
????????? 1.

? ?????????? ??? ??????? 9, ??????????? 1

35. ????? ?????????? ????? ?? ?????? ?? ?????????????? ??????? ??? ?? ?????? 9, ?????????????? 2,
????????? ??, ??? ?????????? ??????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????, ????
????????? ? ?????????? ??? ?????????? ??? ?????????? 9, ?????????????? 1, ?????????? ?? ?? ?????? ??
????? ??? ?????????? ?????????? ? ?????? ??? ? ?????????? ?????????? ?????????????? ??? ?????? ???
????????????? ?????????????? ??? ? ? ?????? ?????????? ??? ??? ?????? ??????????.

36. ?? ??????? ?? ?????? 9, ??????????? 1, ????? ?????????? ?? ?????????????? ?? ????
??????????, ??? ?????????????? «??? ?????? ??????????????» ??? «??? ?????? ??? ? ??????
??? ?????????? ?????????? ??? ??? ??? ?????????? ?????????????? ???» (25). ?? ???

? ???????????, ?? ??? 9, ?????????? 1, ??????? ?????? ?????? ?? ??? ???? ????
?????????? ??? ?????? ??? ?????? ??? ??? ?????? ?????? ?????? ??? ???????????
????? ??? ??? ?????? ??? ?????? ??? ??? ?????? ?????? ?????? ??????????? ???
????? ??? ??? ?????? ?????? ?????? ??? ?????? ??????????? ??? ?????? ???
?????????? ??? ?????? ??? ???????????, ??? ?????? ??????????? ??? ???????.

37. ? ??????????? ??? ?????? ??? ?????? ???????, ?? ???, ??????? ?? ???? ???? ??
????? 9, ?????????? 1, ?????????? ??????? ?? ??? ??, ?????????????? ??? ??
????????? ??? ??????????. ??? ?????????????? ?????????????? ??? ? ?????? ???
????? 9 «[...] ??? ?????????? ??? ??? ?????????? 3 ??? ?????? 9, ??? ??? ???
????? ???????????, ?????? ? ???????, ?????? ???, ??? ???????????
??????????, ?????? ?? ?????????? ?? ??????? ???????, ?????????? ?? ??? ??
?????» (26) ?? ?????????? ?????????? ??? «????? ?? ?????? 9, ?????????? 1, ?? ???
????????? ??? ?????? ?????? ?????????????? ? ?????? ?????? ?????? ?????? ???
?????????? ??? ??? ?????? ?????????????? ???, ??? ??? ?????? ?????? ??? ??
?????????? ??? ?????? ?????? ???????????, ??? ??? ?????? ?????????????? ?
?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????
??? ?????? ?? ??? ?????? ??????????? ?????? ?????? ?????? ?????????? ?????????? ??
????? ?????? ??????» (27).

38. ? ?????????? ???, ??????? ?? ??? ?????? «????? ??????????» ?????????? ???
????????????? ??? ??????? ?? ??? ?????? ?????????? ?????? ?????? ??? «?????
??? ?????????? ?????? ??????», ?????????? ?????? ??? ?? ?????????? ?? ???
????????? ??? 2?? ?????? 1996 (28), ??? 17?? ?????? 1997 (29) ??? ??? 20?? ??????????
1997 (30).

39. ??? ?????? ??? ?????? ??? ?????? ??? «????? ??? ? ?????? ?????? ?????????? ???????????
??? ??? ??? ?????????? ?????????????? ???», ??? ??? ?????? ?????????? ??????????
(31). ?? ??? ?????? ??? ??? ?????? ??? ??? ?????? ?????? ??? ?????? ??????????
????? ?????????? ?? ??? ??? ??? ?????? ?????????? ?????????????? ??? CI ??????????
????? ??? Guernsey, ??? ?????? ??? ?????????? ??? ?????? ??? ??????????.

? ?????? ??? «????? ?????????? ??? ??? ?????? ?????????? ?? ??????????» ??? ??
????? ??? ?????? 9, ?????????? 1, ??? ?????? ??????

40. ? ??????? ??? ?????? «????? ??????????» ??????? ??????????. ??' ??????? ???
????????? Berkholz, ?? ?????????? ??????? ?? ??????? ??? ??? ??????? ??? ???????
????????? ?????????? ?? ??????? ?????? ?????? ?????? ??? ?????? ?? ??????? ??? ???????
??? ?????? ??????????, ??? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ??
????????? ?????? «??? ?????????? ???, ?????? ?????? ?????? ?????? ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? (32). ?????? ???, ?? ?????????? ?????? ??? «? ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????????
????? ?? ??? ?????? ?????? ???, ??? ?????? ?? ?????? ??? ?????? ?????? ???
????? ?? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ?????? ??? «?????
?????????», ??? ??? ?????? ??? ?????? 9, ?????????? 1.

41. ?? ??? ??????????, ?? ?????????? ?? ??? ??? ?????? ??? ?????? ?? ?????????? ???
«????? ???» ?? ??? ??? ?????????, ?? ?????? ?????????? ??? ?????? ??
«?????» ??? ??? ?????? ??? ?????????? ??? ?? ?????? ????. ?? ?????????? ???
?? ?????????? ??? ?????????? ??? ??? ?????? ?????? ?????????? ?? ???????

?????????? ?? ??????? ?? ?????????????? ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????????? ??
?????? ??????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? . ??? ?? ?????? ??? ??,
????? ?????????? ?? ?? ?????? ?????????? ?????????? ??? ?? ?????? ??? ?????????????? ??? ?? ??, ???
????????? ??????????, ??? «????? ??????????», ??? ?? ?????? ??? ?????? 9,
????????? 1, ??? ?? ?????????????? ??? ?????????????? ??? ?? ?????????? ??
????????????? ???????, ??? ?????????? ?? ??? ?????????? ?????????? ARO
Lease and DFDS.

42. ????????? ARO Lease ????????? ??? ?????? ?????????????????? ?????????????????
????????? ?????????? ?????????? ?? ?????? ?????? ?????????? ?????? ?? ??????????
????????????????? ??? ??????. ? ????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ????
????????? ?????????? ?? ?????????????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?? ?????? ???
????????? ?? ??? ARO Lease. ?? ?????????? ??? ?????? ?????? ?????? ??? ?????????????? ???
?? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ??????????, ?
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????????????? ???
????? ??? ?????????? ?????????? ??? ? ARO Lease. ????????, ??? ?????????? ??
?????????, ? ?????????? ?????? leasing «??? ?????? [...] ??? ?????? ?????? ??? ????
????????? ??? ??????????» ??? ?????? (34). ??? ?????? ?????? ???, ?? ?????????? ???
??? «??? ??? ?????? leasing ??? ?????? ?? ??? ?????? ?????? ??? ?????? ?????? ??????????????
?????? ?? ?????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ????
????????? ??? ?????? ??? ?????? ??? ?? ?????? [...], ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ???» (35).

43. ??????? DFDS ?????????? ??? ????? ?????????????? ??????, ??????? ??????????????
????????????? ??? ?????????? ??????? ??? ?????????? ?? ?????? ?????? ??????????. ??? ??????????
??????, ? ?????????? ?????????? ??????? ??? ?????? ?????????? ?????????? ?????????????????? ??
????????? ?????????? ??? ?????????? ??? ?????????? ??????, ?????????? ?????? ??????????
?? ?????? ??? ?????????? ??????. ?? ?????????? ?????? ??? ? ?????????? ??????????
????????? ?????????? ?????? ?????????????? ??? ?????? ?????????? ?????? ?????????? ??? ??
????????? ??? ?????????? ???, ?? ?????????? ?????????? ??? ?????? ??? «??
????????????? ??? ?????????? ??????????, ? ?????? ??? ?? ??? ?????? ??? ?????? ??????????????,,
????????? ??? ?????? ??? ????? DFDS [????? ???? ??? ?????? ??????] ??? ?????????? ???
??? ? ?????? ??? ?????????? ?????????? ??? ?? ??????. ??????????, ??? ?? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? DFDS ??? ??????
??? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ??? ??? ??? ?????????? ??????????
????????? ??? ?????????? ?' ?????? ??? ?? ?????????? ??? ?????????? ?????????? ??? ??
????????????? ??? ?????????? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ??
?????????» (36). ??????? ????, ? ?????????? ?????????? ??????? ?????????? ??? ??
????????????? ?????????? ??? «?????? ??????????», ??????? ?? ?? ?????????? ???
????????? Berkholz, ??? ? «????????? ??? ?????????? ?????? ?????? ??? ??
????????? ??? ?? ?????????? ?????????? ??? ?????? ??????????» (37).

45. ??? ?? ??????? ??? ?????????????? ??? ????? ?? ?????????????? ??? ????????, ??????????
?????????, ??? ?????????????? ? ?????????? ?? ??? ????? ?????? ?????????????? ???, ??? ??
????????? ?? ?????????? ?? ??????? ?????? ?????????? ?????????? ??? ????? ?????????????? ???
«????????? ?????????? ??????????», ??? ??????????????, ?????????? ??? ??????

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

46. ? ?????????? ??? ?????????? ?????? ????????????, ????, ??? ?????? ?????????? ??? ???? ??????
??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? Berkholz. ?
?????? ??? ?????? ?????????? ?????????? ??? ?????????? ?????????? ?? ?????????? ???
????????????? ??? ?????? ?????????? ??? ?????? ??? CI ?????????? ?? ?????? ??????????
????????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????????
??? ?? ?? ??? ?????? ?????????? ?????????? ??? «????????? ??????????», ?????????? ???
????????? ???????. ????????, ??? ?????? ????????????, ?? ?? ??? ?????? ?????? ?????????? ??????????
??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????? ??? ?? ???,
????????? ??? ?? ?????????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ?????????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????????.

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

48. ? ?????????? ??? ? ?????????? ????????????, ???? ??? ? ??????????, ?????????? ???
????? ??? ? CI ?????????? ??????? ?????????? ??? ?????? ??????. ??????????, ? CI
????????????? ??? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ?????? ??? ?? ???
????? ??? ??? ?????? ?????? ?????????? ?, ?????? ??? ?????? ?????? ?????????? ??? ??????
????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ?????????? ?????? ?? ?? ?????? ??? ?????? ?????????? ???, ??? ?? ??????????
????? ? CI ?????? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????? ?? ?????? ?????????? ???
????? ??? ?????????? ?????? ??? ?????? ??????. ??? ?????????? ??? ?????? ??? ?????? ???.
??? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ? CI ?????????? ?? ?????????? ?????? ?????? ?????????? ??????
?? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ARO
Lease ??? DFDS.

49. ?????????? ??? ??? ?????? ARO Lease ?? ?????????? ???, ?????????? ???
????????? ??? ? ?????? ?????? ?????? «????????? ??????????» ??? ???? ?????? ???
????? 9, ?????????? 1, ??? ? «????????? ?? ??? ?????? ??? [...] ??? ?????? [?] ???
?? ?????? ?????? ??? ?? ?????? ?????? ?????? ??? ?????????? ?????????? ». ?????? ??????
????????? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ?? ???
????? ?????????? ??? CI ?????????? ?? ?????? ?????? ?????? ?? ?????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ?????????? ???, ??? ?????? ?????? ??? ?????? ???
????????? ?? ??? ?????? ?????? ?????????? ??? ??? ??? ?? ?????? ??? ?????? ?????? ???, ? ??????
«????» ?????????? ???' ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??????????.

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

??? ??????? ????????. ??? ?????? ???????, ?? ??????? ??? CI ??????? ???
????? ??????? ??? ?????????? ?????? ??????? ????????. ??????????, ?? ??????? ???
????? ??????? DFDS ??? ? ?????????? ??????? ??????????? ?? ?????? ??????????? ???
?????? ??????? ??? ??????? ???????. ? ?????? ??????? ??? ?????? ???? ??????? ???
??? ??????? ??????? ??? ??? ??????? ??? ??????????? (39). ??????, ?? ?????? ???????
??? ??????? ?? ?? ???????, ??????? ??? ??????? ??? ??????? ??? ?? ???????, ?
????? ??????? ??????? ?? ??????? ?????? ?? ??????? ??? ??????? ??? ?????? ???????
?? ??????? ??? ??????? ??????? ??? ???????, ??????? ??? ??????? ??? ??????? ???
????? ??????? ??????? ??? ????????. ?? ??????? ??? ??????? ?? ?????? ??? «?
????????????? ??? ??????? ??????? ??? ??????? ?? ?????? ??????? ??? [??????]
??????]» (40).

51. ????? ??? ?????? ???, ? ??????? ??????? ?????? ?????? ?????? ?????????? ?????????????? ?????????? ??????
???? ??????? ??? ??????? ?????????? ?????? CI ??? ?? ?????? ?????? ?????? ????. ???
?????????????, ?? ??????? ?? ?? ??????? ?????????? ??? DFDS ?????? ???
????????? ??????? ??????? ???, ? Services ??? ?? ?????????? ???, ??? ?? ? Machines
??? ????? ?????????? ??????????, ?????????? ?????????? ??? ?????? ??? ?????? ???
????? ?????? ??? ??????? ??????? ??????.

52. ? ??????? ??????? ??????????? ?? ?????????? ?????????? ?????? ??? ?????????? ??????:
??????, ??????? ?? ?????? ???' ?????? ??? ?? ????? ?????????? ??? ?????????? ?????
?? ??????? ?? ?????? ?? ?????? ?? ??????? ?? ?????????? ?? ?????????? ??? ? ?????? ??????????
??? ?????????? ?? ?????? ???- ???????, ?? ????? ???, ?????????? ??????????
????????? ?????????? ?? ??? ??????????, ???? ??? ?????????? ??? ??? ?????? ??????
??? ?????????? ??????????, ??????? ?????????? ?? ?????????? ??? ? ?????? ??????????
????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????. ? ?????? ??????
????????? ?? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??????????,
????? ? ?????? ??? ?????????? ??? ??????????, ??? ?????? ??? ?????????? ??? ???
????????? ??? ??????????. ??? ?? ??? ????? ?????????? ?? ?????? ??? ??? ??????
????????? ??? ?????????? ??? ?????????? ?????????? ?? ?????? ??? ? ??????
????????? ??? ?????? ?????????? ?? ?????????? ?????? ??? ?????? ???, ??? ??? ??????
??? ?????? 9, ?????????? 1.

53. ??????????????????, ?? ?? ???????, ????? ?? ??????? ?? ?????????? ? CI, ??
???????, ? ??????? ?? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ??
????????????? ?? ??? ??????????????, ?? ?? ?????? ??? ?????? 9, ?????????? 1, ?? ??????
?? ?????????????? ?????? ??? ?????????? ?????????? ? ?? ?????? ?????? ?????????? ???
????? ?? ??????? ?? ?????????? ???????????. ?????? ?? ?????????? ??? ?????????? ???
????????????? ??? ?? ?????????? ?????? ?? ?????????? ??? ?????? ?? ?????????? ?? ?????????? ???
??? ?????? ?????????????? ?? ?? ?? ?? ??????? ?? ?? ?????????? ?? ?????????? ??? ??
????????????? ????. ???????, ?? ??????? ?? ??? ?????? ?????? ?????????? ?? ?????????????? ?? ??
? ?????????? ??? ?????????? ?????? ?????? ?????? ??????. ?????????????? ?? ?????????? ??
????????? ???????, ? ?????? ??????? ?? ?????? ?????? ?????? ?????????? ??? ?? ?????? ???
?????? ?? ?? ??? ?????????????? ???????????, ??? ?? ??? ?????? ?????????? ??? ?? ?????? ?????????? ??
????????? ?? ??? ?????? ?????????????? ??? ?????????? ?????????? ??? ?? ?????????????? ??? ??
??? ? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ?? ??????,
??????????, ??????????.

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

????????????? ??? ? ?????? ?????????? ??? ?????????????? ??? ????????, ?? ?????????? ???
????????????? ??? ????????, ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???
??????, ? ????????, ? ?????????? ??? ?????? ??????. ?? ???? ?????? ?????????????? ??? ??????
?? Services, Machines ??? ?????? ??? ?????????? ??? CI ?????? ??? ?????? ??? ??????
????????????? ?? ?????? ?? ??? ?????????? ?????????? ??? ??? ?????? ?????? ??????
????????? ?? ?????? ?????????? ??????????.

55. ???????, ??????? ?? ?????????? ??? ?????????? ?????????????? ?????????? ??? ??????????
?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????? ???
??? ??? CI (41). ?????, ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ?????????? ?????????? ??? ?????????? ?? ?????????? ?????????? ?????????? ??????
?????? ??? ?????? ??? ??? CI ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????????? ?????? CI (42). ?? ? ?????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ???
??? ?????????? ? CI ??? ???????, ??? ?? ?????? ??? ?????? ?? ?????????? ???????, ??
????????? ?? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?? ?????? ?????? ?????????? (43). ??? ?????????? ??? ??????
?????????????, ?? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ???
??? «?????? ?????? ??????» ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ???
????? ?? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? «?????? ?????? ???
?????????» ??? ?????? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????? ???
??? CI.

56. ???????, ?????? ??? ?????????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? CI, ??
????????? ?????????? ??? ?????? ?????????????? ??? Guernsey ??? ?????? ?????????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ???
????????? ??? ?????? ??? ?????, ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? CI ?????? ?????? ??? ?????, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? «????? ? ?????? ???
????? ??? ?????? ??? ??????» (44).

57. ?? ???????????, ?????? ??? ? CI, ? ?????, ??? ?????????? ??? ?????? ??? ??????
?????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????» ??? ??? ?????? ??? ?????? ??? ?????? «????? ? ?????? ???
?????????» ??? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ???.

? ??????? ? ? ????? ??????? ?????????? ?????? «??? ????? ??? ???????????
????????????? ??? ?????????? ??? ?????» ??? ?? «????????? ?????????? ??? ??
??? ??? ?????????? ?? ?????» ??? ??? ????? ??? ?????? 9, ?????????? 1, ???
????? ??????

58. ??????? ?????????? ??? ? CI ?????????? ??????? ???????????????? ??? ?????????? ??????????,
????????????? ?? ?????????????? ?? ?? ?????????????? ?????? ?????????? ?????????? ??????????
??? ?????? ??? ?????????????? ??????????????.. ???????, ?? ?????????????? ?????? ??? «????? ??
????? 9, ?????????? 1, ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????
????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????
????????????? ???, ??? ??? ?????? ??? ?? ?? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ???
??? ?????? ?????????????? ?? ??????, ??? ?????????? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
????? ? ?????????? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????» (45). ??? ?????? ???
????????? ??????????, ??? ?????????? ?????????? ?? ??? ?????? ?????? ??????. ?? ?? ??????, ??
????????? ?????????? ??? ?? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
????? ?? «????? ??? ??? ?????????? ??????» ? ???.

60. ??????? ?? ?????????? ?????? ?? ??????? ?????????????? ?? ?????????????? ?? ? ?????????? ?? ? ???????
?? ??????? ??????? ?? ?????? ?? ?????????????? ?????????????? ?????????????? ?? ?????? ?? ???????
?????????? ?? ?? ?????????? ?????? ??????? ?? ?????? ?????????????? ?????????? ?? ??????? ?? ??????????
????? ?? ?? ??????? ?? ?? ?? ?? ?? ?????? ?? ?? ?? .. ?? ??????? ?? ?? ??????????
Berkholz, ?? ??????? ?? ?? ?????????? ?????? ?? ?????????? ?????? ?? ?????????????? ?????? ?? ??????????????????
?? ?? ?????? ??????? ?? ?????? ?????????? ?????????? ?? ?? ?????????????? ?????? ?????????????? ?? ?? ??
????? ?? ?? ?????? 9, ?????????? 1.

61. ??????????, ??? ?????? ??? ???????? DFDS, ?????? ?????? ?????? ???
?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ??
????????? ??? ?????? ??? ? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???' ??????
???, ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ?????? «?
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ???, ?????????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ??? ??? ??? ?????????? ??????» (48).

62. ?? ?????????? ??? ?? ??? ?????????? ?? ?????????? ??? ?????? ??? ?? ??? ??????
Berkholz ??? ?? ?????????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ??????????
?????? ???????????, «????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???»
(49). ??? ??? ?????????? ?????????? ?? ?????????? ??? ?????? ??? ?????? Faaborg-Gelting,
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ??????. ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????? ?? ?????? ???, ??? ?????? ??? ? ?????? Berkholz, ?? ??????????
????? ??? ? ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? «????? ???, ??? ??????
????? ???????, ? ?????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??????» (50). ?? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?? ??? ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????? ??????.. ?? ??? ? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??????.

63. ??? ?????? ??? ?????? ??????, ??? ? ?????? ?????? ?????? ??? ?? ??? ? ??????
????????? ?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ? ??? ?????? ???, ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? DFDS
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?
????????????? ??? ?????? (CI) ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? (Guernsey).

64. ?????????? ??? ?????? ????. ??? ?????? ?????? ??????, ?? ?????? ??? ?????? ??? ??????
?? ?????? ??? ?????? DFDS, ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ?????????? ?? ?????????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???????
????????????? ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ??????.

65. ?? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ??????, ??? ??????????????????
??? ? ?????????????? ??? ??? ?????? ?????? ?????? ??????????, ??? ? ?? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ?????????????? ??
????????? ?? ?????????? ??? ?????? ??? ?????????? ?????????????? ??? ?? ?????????? ???
????????? . ?????? ??? ?? ?????????? ?? ?????? ??? ?????? ??????. ? ?????? ?????????? ???
????? ??? Cl, ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ??????, ??? ?????????????? ??
????? ??? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ?????????????? ?? ???, ??? ?????????? ??? ?????? ?????????? ?????????? ??? ??? ???
??? ? ??? ??? ?????????????? ??? ?????? ?????? ?? ??? ?????? ??? ??? ??? ?????? ???
????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????????? ???
????? ?????? ?????? ?????????? ??? ?????? ?????????? ?? ?????? ???, ??? ?????????? ?, ? Cl
??? ??? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ??????
????? ?????? ?????? ?????????? ?????? ?????? ?????????? ???.

66. ?????? ???, ?????? ??? ??????????, ?????????? ?? ??????????, ?? ?????????? ??? ?????? ???
?? 9, ?????? 2, ?????? ?, ?? ?????? ?? ??????????, ?? ?????? ???
????????? ?????? ?????? ??? ?????? ???, ?? ?????????? ?????????? ?????? ???
??? ?????? ?????? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ???, ?? ?? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ?????????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? «????? ??????» ??? ??? ?????? ??? ?????? 9, ?????? 1, ??? ???
????? . ??????, ??? ?????? ?????? ??????????, ? ?? ??? ?????? ?????? ?????? ???
????? ??? ?????? ?????? ??? ?????? ?? ??? ?????? ?????? ?????????? ???.

67. ??? ?????? ??? ??????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???.

III – ??????

68. ??????, ?????, ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????:

«????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? 9, ?????? 2, ?????? ?, ?? ??? ?????? ?????? 77/388/??
??? ?????? ??? 17? 1977, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? - ??? ?????? ??? ?????? ???
????? ?????? ?????? ????: ?????? ?????? ??? ?????? ???».

2 – ?? ??. ??? 09/001, ?. 49.

3 – ?? L 326, ?. 40.

4 – ?? ?????????????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??????????, ??? ???? ???

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

?????????? 3 ??? ?????? ?????????????? ??? ?????????? ?????????? ??? ?????????? ??? ????????????

??????????. ?? .????? 299, ?????????? 6, ?????????? ?, ?, ?????? ??? ??? «????????? ??? ???? ???

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

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

??? ??? ?????????????? ?????? ??? ??? ?????? Man» (????????? ??? ?????????????? ???

????????? ?????????? 1987, ?, ?. 25). ?? ?????? ??? ?????????? ?????????? ?????????? ???

????????? ??' ?????????? ??? ?????????? ??? ?????????? ?????????? La Pergola ???

????????????? ??? ?????????? ??? ?????????? ??? 16?? ?????? 1998, C-171/96, Pereira Roque (????????? 1998, ?. I-4607, ?????? 2 ??? 9).

5 – ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???

????????? ?????? ??? ?????????? (????????? C-255/02, Halifax, C-419/02, BUPA Hospitals, ??? C-223/03, University of Huddersfield).

6 – ?? .?? ?????????? ??? ?????????? ??? 4?? ?????? 1985, 168/84, Berkholz (?????????

1985, ?. 2251, ??? 14), ?? .?? 11?? ?????????? 2003, C-155/01, Cookies World (?????????

2003, ?. I-8785, ??? 46). ?? .????? ??? ?????????? ??? ?????????? ??? 17?? ??????????

1993, C-68/92, ?????????? ??? (????????? 1993, ?. I-5881, ??? 14), C-69/92,

????????? ??? ?????????? (????????? 1993, ?. I-5907, ??? 15), ?? .C-73/92, ??????????

??? ?????????? (????????? 1993, ?. I-5997, ??? 12).

7 – ??????? ??? ?????????? ??? 18?? ?????? 1993, C-280/91, Viessmann (????????? 1993, ?. I-971, ??? 17).

8 – ?????????????? ??? ?????? ??? ?????????? ??? 4?? ?????? 1985, Berkholz (????? 14),

?? .????????? ??? ?????????? ??? 26?? ?????????? 1996, C-327/94, Dudda (?????????

1996, ?. I-4595, ??? 20), ?? .?? 6?? ?????? 1997, C-167/95, Linthorst, Pouwels en Scheres (????????? 1997, ?. I-1195, ??? 10).

9 – ?? . Farmer ?. ?? Lyal R., *ECTaxLaw*, Clarendon Press, ???????, 1994, ?. 154.

10 – ?? .?? ?????? ??? ?????????? ??? 15?? ?????? 1989, 51/88, Hamann (?????????

1989, ?. 767, ?????? 17 ?? 18), ?????? ??? ??? ?????????????? ??????? ??? 11??

????????? 2003, Cookies World (????? 47).

11 – ?? . Terra B., *ThePlaceofSupplyinEuropeanVAT*, Kluwer Law International, ???????, 1998, ?. 54, ??? ?????????? ? ?????????? ?????? ??? ?????? ??? ?????? ?????? . ??? ??

????????? ?? .????? ?? .?? ?????? ?????????? ?????? ??? ?????? 9, ?????????? 1, ?. ??

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

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

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

12 – ????? 21 ??? ???????.

13 – ?????????? ??? ??????? ???????????? Fennelly ?????????????? ??? ?????????? ???
??????????? ??? 6?? ?????? 1997 ??? ??? ?????????????? ????????? Linthorst, Pouwels
en Scheres (?????? 9).

14 – ????? 21 ??? ?????????????????? ???????????.

15 – ???????, ??? ??? ?????????? ??? ???. ?????????????????? ??? ?????????????????? ???
????????? ???' ?????? ??? ?????? ??? ??????????, ?????????????? ??? ?????????? ???
????????? ??? ??????????????, ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ????. ???
???? ?? ??? 9, ?????????? 2, ??????? ??, ?????? ?????? ?????? ??? ?????? ???, ??? ??
????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????????????? ??????????????, ???' ?????? ??? ??
????????? ? ?????? ??? «????????? ?????? ??????????» ??? ??? ?????? ??????????
????????? ??? ?????????? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ??????
??? ?? ?????? «?????????» [????????] ??????????????.

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

17 – ??? ?????? 70(1)(2)(c) ??? ?????????? ?????? 37/1992 ??? 28?? ?????????? 1992, ?????? ?? ?????? ?????????? ??? ?????? ?????????? («juegos de azar») ??? ??? ?????? ?????????????? ?????? ?? ??????????, ?????? ?? ?? ?????? 9, ?????????? 2, ????????, ??? ?????? ??????. ?. Pérez Herrero L., *La Sexta Directiva Comunitaria del IVA*, Cedecs, ????????, 1997, ?. 137.

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

19 – ?. Hayat, M. «Discordances sur le lieu de fourniture des services en matière de TVA: le rôle de la CJCE et les conséquences de ses décisions pour l'évolution de la sixième directive», *Gazette du Palais*, 2003, ?, 33-38. ??????, ?, 33.

20 – ?. ??????? ???. ??????? ???. ??????? Mancini ??? ???. ?????????????? ???.
Berkholz (?????? 2), ????. ??? ???. ??????? ???. ??? ??????? ???. La Pergola ???
?????????? ???. ??? ??????? ???. ??? ?????????? ???. 20?? ?????????? 1997, C-260/95, DFDS
(?????? 1997, ?, I-1005, ?????? 32).

21 – ?????? ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?? ??? ??
?????????? ??? ??????????, ??? ??????? ??? ?????????? Berkholz, ??? ????? 9, ??????????
2, ??????? ?? . ??????? ??? ??????? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? 9,
????????? 2, ??????? ??, ?? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
?????????, ? ?????? ?????????? Mancini ???????, ??? ?????? 2 ??? ?????????? ???,
??? «? ?????? [??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????? ?????????? ??? ??????] ??? ?????????????? ??? ?????????? ??? ?????????? ??? ??????
????????? ??? ?????? 9, ?????????? 2, ??????? ??, ????? ?????? ??? ?????? ??? ?????? ??? ??????
“?????” ??????? ????. ?????? ?????????? ??????? ??? ?? ?????? ??? ?????? ??? ??????
????????? ?????????? ?????????? ?????? ?????????? ??? ??????, ?????????? ??? ??????
??? ????????. ?? ??????? ?? ??? ?????? Berkholz, ??? ? ??????? ??? ?????? ??????????
??? ?? ???? 9, ?????????? 2, ??????? ??, ?? ?????? ??? ?????????? ??? ?????????? ??? ??????????
??? ?? ?????? ?????? ??? ?????? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ?? ??????

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

22 – ?. Terra ?, op. cit., ?. 74, ??? Hayat ?, op. cit., ?. 33.

23 – ?? ??? ??????? ?????????????? ???, ? ?????????? ?????? ?????????????? ?? ?????????? ???
?????????, ??? ?????? ?? ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????????? ??' ??????????.

24 – ? ??????????? ????

25 – ?? ??????? ?? ?? ?????????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ???
?????????? 1 (? ?????? ??? «?????????» ? ??? «????????? ?????????» ??? ?????????? ???
?????????), ?? ?????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??????????
?? ??? ?????? ???????.

26 – ?????????????? ??????? Berkholz, ????? 14, ??? ?????????????? ?? ?????? ? ??????
?????????? ??? ?????? ??? ?????? ???????, ?????? ?? ??? ?????? «? ?????????????? ??? ??????
??? ??????????? ??? ?????? ??? ?????????? ?????????????? ?????????????? ??? ?????? ??? ??????
????, ??? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????????????? ??? ?????? ??? ??????
?????????».

27 – ????? 17 ??? ???????.

28 – ?????? C-231/94, Faaborg-Gelting Linien (?????? 1996, ?. I-2395, ??? 16).

29 – ?????? C-190/95, ARO Lease (?????? 1997, ?. ?-4383, ??? 15).

30 – ?????????????? ??????? DFDS, ????? 19.

31 – ?. ??? ??????? ??? ?????? ?????????? Mancini ??? ??? ??????????????
????????? Berkholz, ?????? 2.

32 – ????? 18 ??? ???????.

33 – Ibid.

34 – ????? 27 ??? ???????.

35 – ????? 19 ??? ??????? (? ?????????? ???). ? ??? ?????????? ??????????????
?? ??? ??????? ??? ?????????? ??? 7?? ??? 1998, C-390/96, Lease Plan Luxembourg
(?????? 1998, ?. I-2553, ?????? 21 ??? 29, ?????????? ?????? 26 ??? 27).

36 – ????? 26 ??? ???????.

37 – ????? 27 ??? ???????.

38 – ????? 23 ??? ???????, ? ??? ?????????????? ??? ?????????? ??? ?????????? ???
????????? La Pergola (?????? 32).

39 – ??? ??????? ??? ??????? ?????????, ?????????? ? CI ??? ??????? ??? ??????
????????????? ??????? ? ?????????? ??? ?????????? ??? RAL, ?????????? ???
????????? ?? ??????? ?? ?????????? ??? ?????????? ??? ?????????? ? ?????????? ???
??? RAL ??????????. ??? ?? ? ??? ?????? ??? ?????????? ?? ?????????? ???,
?????????, ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ??? CI ??? ???????????

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

40 – ????? 26 ??? ???????.

41 – ??? ?????? ??? ????????? DFDS, ? ?????????? ??????? ?????????????? ?????? ???
????? ?? ???????????????, ?????? ??? ?????????? ?? ?????????? ?????????? ??? ??????????
??? ??????? ??????. ?????? ???????, ?? ?????????? ??????, ??? ??? ??????? ??? ??
????????? ?? ???????-??????, ??? ? ??????? ?????? ??? ?????? ?????????? ?????? ???
?????? ?? ??????? ??? ??????? ??????? ??? ?????? ?????????? ?? ?????? ???
????????? ??? ????????. ??? ??????? ??? ??????? ??????????, ??? ?????????? ???
????????? ?????? ??????? ??? ??????? ??? CI.

42 – ?????? ?????? ??????????? ??? ?? ?????? ?????? ??? ?????????? ?? ? ??????????? ???
?????? ??????????? ?? ?????? ?????? ??? ?????????? ?? ?????????? ad incertas personas
??????????, ??? ??? ?????? ??????? ???????????, ??? ?????????? ??? CI ? ??, ???????????,
????????? ??? ??????? ?????? ?????? ?????????????? ??? ?????????? ?????????? ???
????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??
??? ???????????, ?????? ??? ??, ??? ???????????????, ?????? ?????? ? ??????????????????
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ?????????? ???
?????????, ?????? ?????? ?? ?????????? ??? ??????????, ? ?????, ???????, ?????? ??????
??? CI ??? ??? ??????? ??? ?? ??????? ?????????????? ??? ??????.

43 – ??????? ???, ??? ??????? ??? ????????? DFDS, ?? ?????? ??? ?? ???????
????????? ??? ?????? ??????? ??? ?? ??????? ?????????? ?????????? ??? ?????? ???????
????????? ??? ?????? ?????? ?????????? ??? ??????? ??? ?????????? ??? ? ???????
????????? ?????? ?????? ?????????? ??? ??????? ??? ??????.

44 – ?????????????? ?????? ARO Lease, ????? 19.

45 – ?????????????? ?????? Berkholz, ????? 17, ??? DFDS, ????? 19.

46 – Ibidem.

47 – ?????????? ?????????? ??? ????????? DFDS, ?????? 29.

48 – ?????????? ??? DFDS, ????? 23. ??? ?????? ?????? ??? ?????????? ??? ???????????,
«what at first seemed to be a reluctance by the ECJ [in Berkholz] to refer to secondary
establishments ... was merely a means to avoid businesses escaping the Community's tax
jurisdiction by creating national establishments outside Community territory; in the final analysis ...
rational results for tax purposes count, if the result is positive taxation rather than exemption» [«?,?
?? ?????? ??? ?????? ?? ?????????????? ?? ?????? ??? ?????????? (?? ???????
?? ?????????? Berkholz) ?? ?????????? ?? ?????????????? ?????????????? ... ??? ??????
????? ?????????? ? ?????????????? ?????????????? ?? ?????????? ??? ??????????
????????????? ??? ?????????? ??? ?????? ?????????? ?????????? ?????????????? ??? ??
????????? ??? ?????? ... ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??
????????? ??? ?????? ??? ?????????? ??????, ?????? ?? ?????????? ?????????? ??
????????? ??? ??? ?? ??????» (B. Terra ??? J. Kajus, *A guide to the European VAT Directives*,
????? 1, 2004, ?. 555).

49 – ????? 18 ??? ???????.

50 – ????? 18 ??? ???????.