

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

CHRISTINE STIX-HACKL

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

????????? C-181/04, C-182/04 ??? C-183/04

????? NE

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

«????? ?????????????? ??? – ?????????? ????? – ?????????? ??? ?????????? ???
???????? – ??? ?????????»

I – ????????

1. ??? ??? ?????? ?????????? ?????????? ?????????? ?????????????? ??????????, ?? ?????????? ???
????????????? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? 15 ??? ?????? ??????
77/388/??? ??? ?????????? (2) (??? ????: ??? ?????), ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ??????, ??? ?????????? ??? ?????? ??? ?????? ??? ???
????????? ??? ??????, ?? ?????? ?? ?????? ??? ?????????? ??? ?????????? ?????????????? ??? ???
????????? ??? ?????? ??? ??????. ???????, ?? ?????? ??? ?????????? ??? ??????, ??? ???
????????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ? ?????????? ???
????????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ?????????????? ??? ?????? ?? ???
????? ??? ?????????? ??? ?????????????? ??? ?????? ?????????????? ??? ?????????????? ??? ?????? ?? ???
????? ??? ?????????? ??? ?????????????? ??? ?????? ?????????????? ??? ?????????????? ??? ?????? ?? ???
????? ??? ?????????? ??? ?????? ?????????????? ??? ?????? ?????????????? ??? ?????? ?? ???
????? ??? ?????????? ??? ?????? ?????????????? ??? ?????? ?????????????? ??? ?????? ?? ???.

II – ?????? ???????

? – ?? ?????????? ??????

2. ?? ????? 15 ??? ????? ?????? ???, ?????????????? ?? ???:

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

[...]

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

) ??? ?????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????.

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

[...]

5. ??? ??????????, ??????????, ??????????????, ?????????? ??????????????, ?????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??????, ?????????? ?????? ?????? ?????? ?????? 4, ??? ?? ??? ?, ?????? ??? ??? ?????????? ??????.

[...]

8. ??? ?????? ??????????, ??? ?????? ?????????????? ??? ?????? ?????? 5, ?? ?????? ?????????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? [...]».

? – ?? ?????? ??????

3. ?? ????? 22 ??? ????? 1642/1986, ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

«1) ?????????????? ??? ??? ????:

) ? ?????????? ??? ? ?????????? ??? ?????? ??? ?????????????? ?? ?????????????? ??? ?????????? ??????.

[...]

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

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

?????????? ??????, ??? ?????????????? ??? ??????? ? ??????????. ? ??????? ??????????????
?????????? ?????? ??? ?. 438/1976 (?? 256 ?1) ????????????, ?????? ??? ??????????????
???? ?? ?????????????? ??? ?????? ??? ?? ??????? ?????? ?????? ?????? [...]?. ?? ??????????
???? ?? ?????????? ??? ??????? ??? ?????? ??? ?. 438/1976 ??????????? ??? ??? ??
???? ??????????? ??? [...]».

III – ? ??????? ?? ?????? ?????? ??? ?? ?????????????? ?? ??????????

4. ? ??????? ?????? ??? ?? ?????????????? ?????????? ?? ?????????????? ??????????
?????????????, ?? ?? ????? ?????? ?????? ?????????? ?????????????? ?? ?????????? ?? ?????
?? ?????????? ?????? ??????-????? ?? ????? ??????.

5. ????? ?? ?????????????? ??????? ??? ?????????????? ??????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ???
?????? ????? ??? ??????? 1994, 1995 ??? 1996, ?? ?????????? ??????? ??? ?????????????? ??? ?????????????? ???
?????? ??? ?????????-????????????? ??? ?? ??? ????? ?????????? ?????????????? ??? ? ?????? ???
???? ?????? ????????? Oceanic International Bunkering SA, ?? ?????????? ?????????? ???
????????? ?????????????? ?????????? ??? ?????????? . ?? ?????????? ??? ??????????????,
??????, ??? ? ??????? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ?? ??? ??? ??? ?????????? ?????????? ??? ?????? ??? ??????????
????????????? ?????????? (?????????), ?? ?????? ?????????????? ??? ??? ?????????? ??? ?????? ???
??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ??? ?????????? ??????????, ??? ??? ??? ??? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???.

7. ??? ?????????????? ???, ??? ??????????????, ??? 1?? ?????????????? 1993, ???
????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????
????????????????? ???????????, ?? ?????????? ??? ?????????????????? ?????????????? ??? ????
??? ??? ???? ?????????? ??? ?????????? ??? ?????, ? ?????? ?????????? ??? ???? ???? ????
???? ???????????????, ?? ?????? ?????????? ??? 5?? ?????????? 1997, ??? ?????????? ??? ????
??????, ??? ??? ???? ?????????? ??? 1?? ?????????? ??? 31 ?????????? 1994 (C?183/04), ???
1?? ?????????? ??? 31 ?????????? 1995 (C?182/04) ??? ??? 1?? ?????????? ??? 31
????????? 1996 (C?181/04), ?? ?????? ??? ??? ?????????? ?????? ???, ?????????? ???
???? ?????????? ??? ?????? ??? ??? ?????? ??? ?????????? ?????? ???, ?????? ??? ??????

8. ?????????? ?????? ?????????? ??? ?? ??? ????? ?????????? ?????????? ??? ??????????????
????????????? ??????. ??????? ??? ?????????? ??? ?????????? ??? ??? ?? ??????????
???????????, ? ?????? ?????? ?????? ?????? ??????? ??? ?????????????? ??????????, ?? ??????
????????? ?? ?????? ??? ??????? ??? ???????????. ????? ?????? ?????? ???, ?????? ??
???????????, ??? ??????????, ?????????? ?? ?????? ??????????, ?????????????? ??
???????????, ??? ?????? ?????? ?????? ????????????????, ??? ?????? ?????? ??????, ??????????
??? ??? ????????, ???, ?? ??????? ?????? ?? ??? ??? ?????????? ??? ?????? ???????????,
??? ???????????, ? ?????????????? ??? ?????? ??? ?????????? ??????, ?? ?????? ?????? ??
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ??????. ??????????, ?
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????, ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????, ??

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

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

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

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

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

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

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

?? ?????????? ??? ?????????? ??????????, ?? ?????? ??? 3?? ?????? 2004, ? ??????

????????? ??? ?????????? ??? ?????????? ??? 19 ?????? 2004, ??? ??????

????????? ??? ?????????? ??? ??? ?????????? ??? ??????????:

1) ? ?????????? ?? ??? ?????????? 4 ??? ?????? 15 ??? ?????? ??????? ??? ??????????,

?? 17?? ??? 1977, ??? ?????????????? ??? ?????????? ??? ???????, ??? ?????????? ???

?? ??? ?????? ?????? ?????? (?????? 77/388/???) ??? ?????? ??????? ??? ?????? 15,

????????? 5, ??? ?????? ?????? ?????? ???????????, ??? ?????? ?????? ??? ?????? ???????

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

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

????????? ??????? ??? ?????, ????, ??? ?????? ??? ?????????, ? ???? ?? ??? 22,

????????? 1, ?????????? ?, ??? ?. 1642/1986 ?????? ?????????? ?????????, ?? ??? ???

????????? ??? ?????? ??? ?????? ??? ??????, ?????????? ??? ???????;

2) ??? ??? ?????? ??? ?????, ??? ?????? ??? ?????? ??? ?????? 15, ?????????? 8, ???

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

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

??? ?????????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? 5 ??? ???

????? ???????, ?????? ??? ??? ??? ?????????? ?? ??? ?? ??? ?????????? 4 ??? ??????

????? ??????;

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

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

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

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

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

????????? ??? ?????????? ??? ?????????? ???;

IV – ??? ??? ?????? ??????????

10. ??? ???? ?????????? ?? ?? ?????????? ?????? ??? ?????????? ?????????? ?????????? ???

????????? ?????? ??? ?????????? ?? ?????? 15, ?????? 5 ? 8, ??? ?????? ??????, ??

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

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

????????? ?? ??? ?????? 4 ??? ?????? 15 ??? ?????? ?????? –??? ?????? ??????????

????????? ?? ?????????????? ?????? 5 ??? 8–????? ?????? ?????? ?? ?????? ???

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

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

????????? ?????????? ???;

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

11. ? ?????????? ?????????? ??? ?? ?????????? ??? ?????? 15, ?????? 4, ?????????? ??, ???

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

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

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

13. ? ??????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ??? ? ??????? ?????? ???
15, ?????? 4, ??????? ??, ??? ???? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ???
????????? ?????? ?? ???????, ??????, ?????? ??? ?????????????? ??? ?????? ??? ??????????
????????? ??????? ??? ??? ??????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ???????,
????? ??? ?????????????? ??? ??? ?????? ??????????, ?????????????? ? ?????????? ??? ??????????
?????????????????.

? – ???????

14. ??? ? ??????? ??????? ??? ??? ?????????? ???, ? ??????????? ??? ??? ???
????????? ?????? ??? ?????? 15, ?????? 4, ??????? ??, ??? ????? ????
????????????? ???, ??????? ?? ?? ?????? ???, ?????????????? ??? ?????? ??? ?????? ???
????? ?? ?????? ??? ?????????????? ??? ?????? ?????????? ?????? ??? ?????????????? ???
??? ??????? ?????????? ?????????? ???????, ??? ???????, ?????????? ?????? ??? ??????????
????????????? ???, ?????? ?????? ??????????, ??????? ?????, ??? ??? ?????????? ???
????? ?? ?????????? ?????????? ?????? ?????? ?????? ?????? ??? ?????????????? ???
????????? ?????? ??? ?? ?????????? ??? ?? ?????? ?????????? ?????????, ??? ? ??????????
??? ??????? ?????????? ??????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
????? ?? ??????? ??? ?????? ??????????.

15. ?? ??????? ??? ? ?????? ??? ?????????? ?????????? (3) ??????????, ??????????, ???
??? ?? ??????? ??? ?????????????? ??? ?????? ?????? ?????? ??? ?? ??? ????
??? ?????????? ??? ?? ??????.

16. ??????, ?????? ?????????? ?? ?????????? ???, ??? ???? 15, ?????? 4, ??????? ??,
??? ?????? ??????, ?????????? ?????????? ?????????? ?????????? ??? ?????? ?? ?????
????????????? ??? ?? ?????? ??????. ??? ?????? ?????? ?????? ? ?????? ? ??????????
? ?????? ??? ?? ?????? ?????? ?? ?? ?????? ??? ?????? ?????????????? «???? ????
?????» ??????? ?????????????? ?????? ??? ?????? ?????? ?????? ?????? ???, ???????,
??? ?? ?????? ?? ?????? ?????????????? ??? ?? ?????? ??? ?????????? ??? ?????? ???
????? 15, ?????? 4, ??????? ??, ??? ??? ???.

17. ???????, ? ??????? ?????? ??? ?????????????? ??? ?????? ??? ?? ?????? ??? ??????
??????????. ??? ?? ?????? ??? ?????? 15 («????????? ??? ?????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ?????? ??? ??? ?????? ??????????») ??????? ??????
??? ?? ?????? ??? ?????? 15 ??? ?????? ?????? ?????????? ?? ?????? ??? ?????? ???
??? ?? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????????? ??? ?????? ?????????? (4).

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

19. ??? ???????, ?????? ?? ??? ?????? ?? ?????? 15, ?????? 4, ??????? ??, ??? ??
?????????? ?????? ??? ?????? ?? ?????????????????? ??? ?????? ???????, ??? ?? ???
????????? ???????, ??? ?? ??? ?????? ??, ?? ??? ?????? ??????????, ??????? ?? ??? ??
????????? ??? ?? ??? ?????? ?? ?????????????? ???, ??????? ?? ??? ?? ?????? ??
????????? ??? ?? ??? ?????? ?????? ???, ??????? ?? ??? ?? ?????? ??? ??????????, ??? ??
???? ?????????????? ?????? ?????? ??????, ??????? ?? ??? ?? ?????? ??? ??????????, ??? ??
???? ?????????????? ?????? ?????? ??????, ??????? ?? ??? ?? ?????? ??? ?????? ?????? (5).

20. ?????? ??? ?????, ??????? ?? ??? ?????? ??? ?????? ?????????????? ??????? ??
????????? ??? ?? ??? 15, ?????? 4, ??????? ??, ??? ?????? ???????, ??? ??
????????? ?? ??? 15, ?????? 5, ??? ?? ??? ?????, ?????????????? ??? ?? ???
????????????????? ??? ?? ?????? ???????, ?? ??? ?????? ?????????????? ??? ?? ???
????????? ???????, ??? ?? ??? ?????? ???????, ?????????????? ??? ?? ??? ???????
????????? ????????.

21. ???????????, ?? ?????????? ?????? ??? ?? ?????? ?????????? ???????????, ??? ??
??? ?? ??? ???????, ?? ??????? ?? ???? ?????? ??? ?????????? ??????? ?? ??? ??
??? ???????, ?? ?????? ?????? ???????, ?????????????? ??? ?? ??? ??????? ??
????? ???????.

V – ??? ?? ??????? ??????????

22. ?? ?? ?????? ?????????? ???????, ?? ?????? ?????????? ?????? ???' ?????? ?? ?
?????????? ??? ?? ??? 15, ?????? 8, ??? ?????? ??????? ?????????? ??????????
????????? ??? ?? ??????? ?????????? ??? ?? ??? ?????? ?????????? ?????????? ??????
????????? ??????? ? ?? ? ??????? ?????? ?? ?????? ??? ?????????? ??? ?? ??? ??
????????? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????????? ??? ?? ??? ??????.

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

23. ? ???????, ? ??????? ?????????? ??? ? ??????? ?????????? ??????? ??,
?????????? ?? ??????? ??????? ??? ?? ???, ??? ?? ??? 15, ?????? 8, ??? ??
??????, ??????? ?? ??? ?????????? ??????? ?? ?????? ?? ??? ?? ? ?????? ? ???????.

? – ???????

24. ??????, ?????? ?? ?????????? ? ??????? ??? ?? ?????????? ?????? ??? ??
??????????, ?????? ? ??????? ??? ??????? ?????? ??????? ??? ?? ?????????? ??????? ??
??? ?? ??? ??? ??????? ??? ?????????? -????????????? ??????? Oceanic International
Bunkering, ? ?????? ??? ?? ??????? ?????? ?????? ?????????? ??? ??????? ??????. ???????, ?
????? ??? ?????? ??? ??????? ??? ??????? ?????? ?????? ?????????? ?????, ??? ?? ??? ???????-
??????????, ? ?????? ??????? ?? ??????? ??? ?????? ?????? ?????????? ?????????? ??? ?? ??? ??
????????? ?????? ?????????? ??????? ?? ??? ?? 15, ?????? 4, ??????? ??, ??? ??
????????? ??? ?? ?????????? ??' ??? ?? ???????.

25. ??? ??????? ?? ?????????? ??? ?? ??? ??, ?? ?????????? ?????????? ??? ??
Velker ??? ? ?????????? ??? ?? ??? 15, ?????? 4, ??????? ??, ??? ?????????? ??????? ??
????? ?????????? ??? ?? ??????? ?????? ?????? ?? ?????? ?? ?????????? ??????? ?? ??
??? ?? ??? ?? ?????? ??? ?? ?????????? ?????? ?? ?????? ?? ?????????? ???????, ? ??????
????????????? ?? ?????? ??? ?? ?????? ?????? ?????????? ??? ?????, ??? ?????????? ??? ??
????????? ?? ?????????? ?????? ??? ?????????? ?????? ?? ?????????? ??????? ?? ??
????????? (6).

26. ??? ???????? ??? ???????? ??????, ?? ?????????? ?????????? ???' ?????? ??? ??????
????????? ??? ?????????? ?????? ?? ?????? ?? ?????????? ??? ?????? ??? ??????, ?? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? «??? ?????? ??? ??????» (7). ???????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? 15, ?????? 4, ?????? ?????????? ??? ?????? ??? ?????? ??????????
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? 15, ?????? 1, ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (8).

27. ?????, ?????? ?? ????? ???????? ??? ?????? ?????? ?????????? ??? ??????????
????? ?? ??? ?????: «? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? ??????, ?? ?????? ??? ?????,
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 15 ??? ???
?????..» (9)

28. ??? ?? ??? ???, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 15, ?????? 8.
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

29. ???????, ??? ?? ??? ??? ?????? Velker, ??? ?? ??? ???, ???' ?????? ??? ??
????????? ??? ?? ??? 15, ?????? 4, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? 15, ?????? 8.

30. ?????? ??? ?????, ?????? ??? ?????? ??? ?????? ?????????? ?????? ?? ??? ??
????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? 15, ?????? 8, ??? ???
????? ?????? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

VI – ??? ??? ?????? ??????????

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

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

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

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

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

34. ??? ?? ?????? ?????????? ??????????, ?????????????? ??? ?? ??? ?????????? ??? ?? ???
????????? ??? ?????? ?????? Gemeente Leusden (10), ? ?????????? ?????????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????????? ?????? ??? ?? ?????????????? ?????????????? ???,
??????, ??? ?? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ??,
????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ???, ??? ?????????? ?????? ?????????? ?? ??
????? ??? ?? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?? ???,
????? ??? ?? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?? ???.

? – ???????

35. ??????????, ??? ?? ?????????? ??? ? ?????????? ?????? ?????????? ?????????? ???
?? ?????????? ??? ?? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ??????, ???
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????,
????????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? (11).

36. ??? ?????? ?????? ??? ?? ?????????? ??? ?? ?????? ?????????? ??? ?? ??? ?????? ??????????????
????? ??? ?? ?????? ????. ? ??? ?????? ??? ?? ?????? ?????? ?????????????? ??? ?? ???
????????? ??? ?? ??? ?????? ?????????? ???, ??? ?????? ?????????? ??? ?? ??? ?????? ??? ??
????????? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?? ??? ??
????? ?????????? ??? ?? ?????????? ???, ??? ?????????? ?????? ?????????? ??? ?? ??? ??
????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?? ?????????? ??? ?? ??? ?????????? ??
????????? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ??? ?????? ??? ?? ??? ??.

37. ???' ?????? ?????????????? ???, ??? ?????? ?????????? ??? ?? ??? ?????????? ??? ?? ???
????? ??? ?????????? ??? ?? ?????????????? ??? ?????????? ??? ?????????? ??? ?? ???
????????? ??? ??, ??? ??????, ??? ?? ?????????? ??? ?????? ??? ?? ??? ?? ??? ?????? ??? –??
????????????? ??? ?? ?????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? –
????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??? ?????? (12).

38. ?? ?????, ?????, ?? ?????????? ?????????? ??? ?? ?????? ?? ?????????? ???
????????? ?????? ???, ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?? ?????? ??? ??????????
????????? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? (13).

39. ????????, ????, ?? ?????? ?????????? ???, ?? ?????????? ?????? ?????? ????, ????
?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ????, ????
????????? ?? ?????? ?? ??? ?????? ??? ?????????? ??? ?????????????? ?????? ??????
??? ?????????? ?????? (14).

40. ??? ????????????, ??? ????????????, ??? ? ????????, ??? ?????????? ??? ?????????? ????, ????
? ????????, ??? ????????????, ??? ?????? ??? ?????? ?? ?????????? ????????????, ????
????????? ??? ?????? ?? ????????????????, ??? ?????? ?? ?????? ?????????? ??? ?????? ???
????????? ??? ????????????????, ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???, ????
????????? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???
(15).

41. ??? ????????, ????, ??? ????????, ??? ????????, ??? ????????, ??? ????????, ??? ????????, ??? ???????,
????????? ??? ????????, ??? ????????, ??? ????????, ??? ????????, ??? ????????, ??? ????????, ??? ???????,
????????? ??? ?????? ??? ?????? ??? ?????????? (16). ??? ?????? ??? ?????? ?????????? ??? ??????
????? ?? ????????, ?? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ??????
?? ?????????? ??? ?????? ??????????.

42. ??? ?? ????????, ???' ??????, ????????, ??? ?????? ??? ?????????? ?? ????????, ??? ????????, ??? ???????,
????????? ?? ????????????, ??? ????????????, ??? ?????? ??? ????????????, ??? ????????, ??? ???????????,
????????? ?? ????????, ??? ????????????, ??? ?????? ??? ????????????, ??? ????????, ??? ???????????,
????????? ??? ????????, ??? ????????????, ??? ?????? ??? ????????????, ??? ????????, ??? ???????????, (17), ??? ?????? ??
????????? ??? ????????????, ??? ????????????, ??? ?????? ??? ????????????, ??? ?????? ??? ???????????, ??? ??????
????????? ?? ????????????, ??? ????????????, ??? ?????? ??? ????????????, ??? ?????? ??? ???????????, ??? ??????
????????? ?? ????????????, ??? ????????????, ??? ?????? ??? ????????????, ??? ?????? ??? ???????????, ??? ??????
?? ????????????, ??? ????????????, ??? ?????? ??? ????????????, ?? ???' ?????? ???????????, ??? ?????? ??? ???????????,
????? ?? ????????????, ??? ????????????????, ??? ????????????????. ?? ?????? ??? ???????????, ??? ???????????,
????????? ??? ????????????????, ??? ????????????????, ??? ????????????????, ??? ???????????????,
????????? ??? ????????????

43. ??? ?? ????????, ?? ????????????, ??? ????????????, ?? ?????? ??? ????????, ?? ??????
?????? ????????, ??? ????????, ?? «????????? ???????, ??? ?????? ??? ?????????? ??? ?????? ??? ???????,
????????? ??? ???????, ??? ????????????, ?? ?????? ??? ????????????????, ??? ???????????????, ??? ???????????????, ??? ???
????????? ??? ???????, ??? ?????? ??? ????????????????, ??? ???????????????, ??? ??????????????» (19).

44. ??????, ??? ?? ????????, ??? ?????? ?? ????????????, ??? ?????? ??? ?????? ?? ?????????? ??? ??
??? ?????????? ??? ?? ????????????, ??? ?????? ?? ?????????? ??? ?????? ?? ?????????? ???????????????, ??? ???????????????, ??? ??
?????? ?? ????????????.

45. ? ?????????? ??? ?????????? ?????????? ?????? ??? ?????? ??? ?????????? ?????????
?????? ? ????? ?????????? ?? «????? ?????? ??? ?????????? ??????» (20) ???
????????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ??????????????????
????????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??????????????
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????????? ?? ??????
???? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ??????
?????????, ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ?? ??? ??????????
???? ?????????? ??? ??? ????? ?????????? ??? ?????? ?????????? ?????????? ??????????. ?????? ?????,
????????? ?????????? ??? ?????? ??? ?????????????????? ?????????????? ?? ?????????? ?? ??????
???? ?? ?????????? ??? ??? ?????????? ??? ?? ?????????? ?????? ?????????? ?????????? ??? ???
????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ?????????? ???.

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

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

48. ?????? ?? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ??????????, ??????????, ??? ?? ?????????? ??? ?????????? ??? ?????? ???
? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? (21).

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

50. ??? ?????? ?? ?????? ??? ??????????? ?????????????? ??? ?????????? ??? ????????????,
????????? ??? ?????? ?????? ?? ??????????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?? ?????????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ?? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 88 ??
?????????. ?? ?????? ?????? ?????? ?? ?????? «????? ?????? ??????», ?
????? ?????? «????? ?? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ??
(22). ??????, ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????, ?? ?????? ?????? ?????? ?????? ??????, ?? ??????, ?? ?????? ?????? ?????? ?????? ??????
«?????» (23).

51. ??? ?????? ?? ?????? ?????? ?????? ?? ?????????? ??? ? ?????? ?????? ?????? ??????,
????? ?????????? ?????? ??? ?????? ?????? ??? ???? ?????? ?????? ?????? ?????? ?????? ??????,
????????? ?????? ?????? ?????? ??? ???? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????????, ???? ?? ?????? ???, ??? ?????? ??? «?????», ??? ? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??????
??? ?????????? ??? ?????? ?????? ??????.

52. ??? ?????? ?????? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
???????, ??? ?????? ?????? ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ??? ?????? ??? ???? ??? ??????, ??? ?????? ?????? ?????? ?????? ???
????????? ?? ? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ???? ??? ??
????????? ?????? ?????? ??? ??? ?????? ?????? (24).

53. ?? ?????? ?? ?????? ? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??????.

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

55. ?????? ??? ?????? ?????? ?????? ??? ?????? ? ?????? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ???? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

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

VII – ??? ??? ?????????? ??????

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

VIII – ???????

57. ?????? ??? ????? ?????????? ??? ?????????????? ??? ?????????? ?? ?????? ? ????
?????????:

1) ?? ??? 15, ?????? 4, ??????? ??, ??? ?????? ?????? 77/388/??? ??? ??????????,
????? ??? ?????? ?????????????? ????, ??? ?????? ?????????? ?? ?????? 15, ?????? 5, ??? ??
????? ???????, ?????????????? ???? ?????? ?????? ?????????????? ???? ?????? ???????, ??
????? ?????????????? ???? ??? ??????? ?????????? ???????, ??? ?? ??? ??????
?????????, ?????????????? ? ?????????? ??????????????.

2) ? ??????? ??? ??? ????? ?????? ?? ?? ?????? 15, ?????? 8, ??? ?????? ???????
????????????? ??? ? ?????????? ?????????? ???? ??? ??????.

3) ? ??? ??????, ?????????????? ??? ?? ??? ??? ?????? ??? ?????????? ???
????????????? ??? ?????????? ?????????????? ???, ?????????? ?????????? ?????? ??? ?????????? ???, ??
? ?????????? ??? ?????? ?????????? ?????????? ?????????? ?????? ?????????? ?????????? ???
????????? ??? ??? ?????????? ??? ?????? ??? ?????? ???????, ??? ?????? ??? ??? ??????
????????? ??? ?????? ?????? ??? ?????? ?????.. ??? ?????? ?????? ?????????? ?????????? ???, ?? ??
????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???,
?? ?????????? ??? ? ?????????????? ?????? ?????????? ???, ?????? ?? ?????? ?????????? ??? ?
????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ?
????? ?????????? ??? ?????? ?????????? ?????????? ???, ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ???, ?????? ?? ??? ?????? ??? ?????? ?????? ?????????? ???, ?????????? ?? ??? ??????
????????? ??? ? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ???, ?????? ?????? ??? ?????????? ???
????? ?????? ?? ?? ?????? ?????? ??? ?????????? ???, ??? ?????? ??? ?????? ?????????? ??? ?
????????? ??? ? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?
????????? ??? ?????? ??? ?????????? ???.

1 – ?????? ??? ??????????: ? ??????????.

2 – ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ?????? 1977, ??? ?????????????? ???
????????? ??? ?????? ??????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? – ????
????????? ??? ?????? ?????????????? ????: ?????????? ?????????? ?????? (?? ????. ????. 09/001, ?. 49).

3 – ?. ??? ?????????? ??? 24?? ?????????? 2000, C?434/97, ??????? ??? ??????
(?????? 2000, ?. I?1129, ??? 22), ??? ??? 27?? ?????? 1990, C–372/88, Cricket St.
Thomas (?????? 1990, ?. I?1345, ??? 19).

4 – ? ?????????? ?? ??????????? ?? ?????????????? ??????? ??? ???????????, ???????????
?????? ??????? ??? ????? ?????????????? ????? ?? ????? ??????????? ??? ???????????
??? ??? ?????????? ??????????? ??? ?????, ????? ?? ????? ?????? ??? ??????? ??????
?????????: ?. ?? ??????? ??? 23?? ?????????? 1980 ??? ?????? ??? ?????????? ??????
?? ??? ?????????? ??????? ??? ????? ?????????????? ????? ?? ??? ??
????????????? ????? ?? ??? ?????????????? ??? ????? ?????????????? ??? ?? ??? ??
?????????? ??? ?????, ??? ?? ??????? ??? ??????? ?????? ?????? ?????????? (?? C 31, ?. 10).
? ??????????? ??? ????? ?? ?????????? ??? ??????? ??? ?? ??? ????? «??? ????? 15
[????????????] ?????????? ??????? ?? ??? ?????, ??? ?????????? ??????????????, ??
?????????? ??????? ??? ??? ?????????? ??????? ??? ?????????? ????? ?? ??? ???????
????????? ?????????? ??? ?????».

5 – ?????????? ?? 20?? ?????????? 2003, C?212/01, Unterpertinger (?????? 2003, ?. I?13859,
????? 34), ??? 10?? ?????????? 2002, C?141/00, Ambulanter Pflegedienst Kügler (??????
2002, ?. I?6833, ????? 28), ??? 5?? ?????? 1997, C?2/95, Sparekassernes Datacenter
(?????? 1997, ?. I?3017, ????? 20), ??? ??? 15?? ?????? 1989, 348/87, Stichting Uitvoering
Financiële Acties (?????? 1989, ?. 1737, ????? 13).

6 – ??????? ?? 26?? ??????? 1990, C?185/89, Velker (?????? 1990, ?. I?2561, ??????? 22
?? 30).

7 – ?. ??????? 19 ?? 20 ?? ????????.

8 – ?. ??????? 21 ?? 22 ?? ????????.

9 – ?. ????? 24 ?? ????????.

10 – ??????? ?? 29?? ??????? 2004 ??? ?????????????? ?????????? C-487/01 ??? C-
7/02, Gemeente Leusden (?????? 2004, ?. I?5337).

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316/86, Krücken (?????? 1988, ?. 2213, ????? 22), ??? 1?? ??????? 1993, ???
????????????? C?31/91 ?? C?44/91, Lageder ??. (?????? 1993, ?. I?1761,
????? 33), ??? 3?? ??????? 1998, C?381/97, Belgocodex (?????? 1998, ?. I?8153, ???
26), ??? ??? 8?? ??????? 2000, C?396/98, Schlossstraße (?????? 2000, ?. I?4279, ??? 44).

13 – ??., ?????? ?????, ??? ??????? ??? 20?? ??????? 1997, C?24/95, Alcan (?????? 1997,
?. I?1591, ??????? 24 ?? 25), ????? ?? ????? ??? ?????????????? 205/82
?? 215/82, ?????????????? ??? ??????????? 11 (?????? 30 ?? 32).

14 – ??., ?????? ?????, ??? ?????????? ??? 26?? ??????? 2005, C?376/02, Stichting „Goed
Wonen (?? ?? ?? ?????????? ????? ?? ?????, ????? 34), C?487/01 ?? C?7/02,
????????????? ??? ??????????? 10 (????? 69), C?396/98, ?????????????? ???
?????????? 12 (????? 44) ?? C?381/97, ?????????????? ??? ??????????? 12 (????? 26).

15 – ??????? ?? 8?? ??????? 2000, C?400/98, Breitsohl (?????? 2000, ?. I?4321, ??????? 34
?? 38).

16 – ???. ??????? C?396/98, ??????????????? ????. ??????????? 12 (????? 45).

17 – ???. ???????, ?????? 37.

18 – ???. ???????, ?????? 38.

19 – ???. ?????????? ????. ?????????????????? ?????????? C?31/91 ??? C?44/91,
????????????? ????. ?????????????? 12 (????? 34), ??? 16?? ?????????? 1983, 188/82, Thyssen
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C?44/91, ?????????????? ????. ?????????? 12 (????? 35), ??? 316/86, ??????????????
???? ?????????? 12 (????? 24).

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C?183/02 P ??? C?187/02 P, Daewoo Electronics ??? Territorio Histórico de Álava ???
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????????? ??? ?????????? (?????? 1990, ?. I?3437, ???? 14), ??? C?24/95, ??????????????
???? ?????????? 13 (????? 25).

23 – ?? ?????????? ??????? ???. ??? ?????????? ??????? ???. ??? ?????????? ???????
??????????, ??? ?? ??????? ???. ??? ?? ?????????? ??????? ???. ??? ?????????? ???????, ???
?? «???? ?????? ??????»: ??., ??? ??????????, ??? ?????? C?336/00, ??????????????
???? ?????????? 21 (????? 58, ?????????? ????)- ??., ??????, ??? ?????????? ??? ??????
????????? Alber ??? 14?? ?????? 2002 ??? ??? ??????, ?????? 119: «? ?????????? ???
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24 – ??., ??? ??????????, ??? ?????? C?381/97, ?????????????? ??? ?????????????? 12
(????? 26).