

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

JULIANE KOKOTT

??? 15?? ?????????? 2009 (1)

?????? C?357/07

The Queen, ??????? ?????????? ???:

TNT Post UK Ltd

???

The Commissioners of Her Majesty's Revenue & Customs

[?????? ?? High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court), ??? ?? ?????? ?????????????? ??????????] [REDACTED]

«???? ??????? ??? – ?????????????????? ??????? – ??????? ??? ??? “????????? ??????????????
?????????” – ??????? ??????? – ??? ??? ?????????????? ??? ???»

| - ? ? ? ? ? ? ?

1. ????? ??????? ??????? ?? High Court of Justice of England and Wales (Administrative Court) ????? ?? ??????? ?? ??????????? ?? ?????? 13, ?, ??????????? 1, ????????? ??, ??? ?????? ??????? ?? (2), ?? ????? ??????????? ?? ?????????? ??????????? ?????????? ?? ?????? ?????????????????? ?? ??? «????????? ?????????????? ??????????». ??? ?? ???? ?? ?????? ?? ?????? ?????????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????????? ?? ?????????? ??.

2. ??? ??????? ??? ?????? ????, ? TNT Post UK Limited (??? ????: TNT) ?????? ????
??? ??? ??? ?? ??????? ?????????????? ?????????? ??? ?????????????? ? Royal Mail Group
Limited (??? ????: Royal Mail), ? ?????? ??????? ??? ?????????? ?????????? ??? ??????
??????????, ?????????????? ??? ??? ???, ??? ? ??????? ??? ?????? ??? ?????????? ???
?????????????. ??? ???? ?????? ??? ??????????????, ??? ?????? ?????????????? ??? ???? ?
????????? ?????????? ??? ?????? ?????? «???????? ?????????????? ??????????», ??????? ?
????????? ??? ?????? ?????? ?? ??????????????. ??, ??????????, ??????? ??? ? ???????
????????? ?? ?????????????? ??? ?????? ?????? ?????? ??? ?????????? ??????????, ??????? ??
????????? ?? ?????? ?? ?????????????? ??? ?????? ?????? ?????? ?????????? ??????? ???, ?? ?????? ??
????????????? ???????, ?????? ?????? ?????.

3. ?? ??????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?? ??????. ??' ?????? ?? ??????????, ?? ?????????? ?? ?????????? ??

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

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

II – ?????????? ??????

? – ? ?????????? ??????

5. ?? ??? 13, ?, ??? ??? ?????? «????????? ?????????? ?????????????? ?????????????? ????»
?????? ?????????? ??????, ?????? ?????, ?? ???:

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

?) ??? ?????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????????
??????, ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ???????,
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? [...]». (4)

6. ? ?????? 97/67/E? (5) (??? ????: ?????? ??? ?????????? ??????) ??????
?????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ??????. ? ?????? ???,
????? ????, ??? ?????? ?????? ??? ?????????? ?????? ?????????? ??????.

7. ?? ??? 2 ??? ?????? ??? ??? ?????????? ?????? ?????????? ?????????? ??????????, ????
?????, ??? ?????????? ??????:

«2) ?????? ?????????? ??????: ?? ?????? ??? ?????????? ??? ??? ?????? ??? ?????? ???
??? ?????????? ? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???:

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

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

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

[...]

13) ?????? ?????? ?????????? ??????????: ? ?????? ? ?????????? ?????? ??? ??????
????????? ?????????? ?????? ? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??? ??? ??????
? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? 4 [...].

8. ? ?????????? ??? ?????? ?????? ?? ??????? ?????????? ?????????? ?????????? ??????????, ??????
?????, ??? ?? ????? 3 ??? ?????? 97/67/E?, ?? ?????? ?????? ?? ???:

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

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

3. ?? ?????? ?? ?? ?????????? ?? ?? ? ??????? ? ?? ?? ?????? ??????? ?????????? ?????????? ??
?? ?????????? ???' ?? ?? ?? ?????????? ?? ??, ?????????? ?? ?? ?? ?????? ?? ?? ??????,
????? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????????? ??
?????? ?? ?? ?? ?? ??????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ??:

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

– ??? ??????? ???' ????? ?? ?? ???? ?????? ? ?????? ??????? ?, ????, ?????????????? ????
??? ??? ?????????????? ??? ?????? ? ?????????????? ????, ?? ?????????????? ?????????????? [...].

7. ? ?????????? ?????????? ??? ?????????? ??? ?????? ??????, ?????????????? ??? ?????? ?????? ???
??? ?????????????? ??? ??????».

9. ?????? ??? ?????? ??????, ??? 27 ??????????? 2008, ??? ?????? 2008/6/E? (6) ??
????? 7, ?????????? 1, ??? ?????? 97/67 ?????? ?? ???:

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

10. ?????????? ??? ??????? ?????????????? ?????????? ??? ?????? ?????????? ? ???
?????? ???????????? ??? ??????? ?????????? ?? ?? ?????? 31, ?????????? 1, ?? ?????????? ??
?? ?????????? 9, ????? 3, ?????? 1 ??? 2, ??? Value Added Tax Act 1994 (????? ??? ???? ???
1994), ??? ?????????????? ?? ??? ??? 2000. ??????? ??? ?????????? ????, ??????????
?? ??? ??? ? ?????? ?????????? ?????????? ??? Post Office Company (?????????
?? ??????????), ????? ??? ?? ?????????? ??? ?? ?????? ?????????? ??????????
????????? ?????? ?????? ?????????? ??? Post Office Company.

11. ? Post Office Company ?????? ? Royal Mail Holdings plc, ? ??????, ?? ??????? ????????
??????????????, ??? ???????? ????? ??????? ??????????. ????????, ??? ??????? ??
????? ??????????. ? ??????? ??? ?? Post Office Company ??? ????? ??????? ? ????

????? ??? ???? 1994, ??? ??????????????? ?? 2000, ??????????? ??? ???? ??????? ?? ??? ????
????????? ??? ??????????? ??? 100 % ??? ?? Royal Mail Holdings plc, ?????? ???????????
?? ??? ?????? ??????????? ???????????.

12. ? ?????? ??? «????????? ?????????????? ?????????» ??????? ?? ?? ????? 4 ??? ????
???? ?????? ?????????????? ?????????? ??? 2000 ??? ?????????????? ?????????????? ??????????
?? ????????, ???' ????, ??? ?? ?????? ??? ?????????? ??? ??????? ?? ?????????? ??? ???????????, ???
?? ????????, ????, ?????, ?????????? ??? ?????? ??? ??????? ????? ?????? ??? ?????????? ???
????? ????????, ???, ????????, ?????????? ??? ?????? ??? ?????????? ?????????????? ??????????????
??? ?? ?????? ?????????? ??? ?????? ?????????????? ??? ??? ?????? ??? ?????????? ??? ??????????
????????? ?????????? ???????, ????????, ?? ?????????????? ?????? ?????? ???, ? ?????????? ??? ??
???? ?????????????? ?????????? ??? ?????? ??? ?? ???, ?????? ??? ?? ?????????? ??? ?? ?????? ??????????
??????, ???? ? ????????, ? ????????, ? ???????? ??? ? ??????? ?????? ??? ?? ?????? ??????????????
?? ????????, ???? ??? ?????????? ??? ?????????????? ??? ?????? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ??????????.

13. ?? ?????? ??????? ??? ?????????? ??? ?????????? ??? ??????? ?? ?????? ??? ?????? ??? ?????? ??????
????????????? ?????????? ??? 2000 ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????.

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

14. ? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? 1?
????????? 2006. ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
?? ?????? ?????? ?????????? ??? ?????????? ??? ??????.

15. ??????, ? Royal Mail ?????? ? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ???
???? ?????????? ??? ?????? ??????. ?????? ??? ?????? ???, ? Royal Mail
????????? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ???, ????, ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
?? ?????? ??? ?????? ???.

16. ?? ?????????? ??? ?????????? ??? ?????????? ?? ?????? ? Royal Mail ??????????????
????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????? ??? ?????? ??? ?????? ??? ?????? ???.

17. ?? ?????????? ??? ?????????? ???, ?? ?????? ?????? ??? ?????? ??? ?????? ???
?? ? ?????????? ??? ?????? ??? ?????? ??? ? Royal Mail, ?????????? ??? ??? ?????? ???
????????? ??? 27 ?????????? ???????????, 113 000 ??????????????, 14 200
????????? ??? 90 000 ?????????? ?????????? . ? Royal Mail ?????????? ?????? 185 000
????? ??? ?????? ??? ?????? ???.

18. ????? ????? ???? ?????????? ??? ?????????????? ?????? ??? ?????????????? ?????????? ???
?????????????, ??????? ?? 90 % ??? ?????? ?????????????? ?????????? ??? ?? Royal Mail
????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? Royal Mail ??? ??
????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????????? ??? ??????
?????????.

19. ? TNT ????? ??? ?????????? 2002 ????? ?????? ?????????? ?????????? ???, ???
??? ??????????, ??????? ?? ??????????, ??? ??? ? Royal Mail, ??? ??? ??????????????
????? ??? ?????? ?????????? ?????? ???????????. ??????, ??? ?????? ?????? ??? ??
????????? «????????? ?????????? ??????» (upstream services), ?? ??????
????????????? ?? ???????, ??? ?????????????? ?????? ??? ?????? ?? ???? ?????????? ??????????
????????? ?? ?? ???, ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?? ??????????
????? ?? ?????????? ?????? ?????????? ?? ?????? ?????????? ?????? Royal Mail.

20. ? Royal Mail ??? ? TNT ?????????? ?? ?????????? ?????? ??? ?????? ?????? ?? ??
????? ??????? ????. ??? ?? ????, ???????, ?? ?????????? ??? ?????????? ??
????? ??? ??? ??? ?????? ?????????? ?????????? ?????????? ??? ?????????? ??
????????? ??????. ?????????? ?, ? Royal Mail ?????????? ?? ?????????? ?????????? ??? ??
????? ??? ?????? ??? ?????, ?? ??????????, ??? ?????? ?????? ??? ?????? ??? ?????????? ??
????????? ??? ??????, ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ??
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ???.

21. ??????, ? Royal Mail ??????????, ?????? ??? ?????? ???, ?? ?????? ??? ?? ??
????????? «????????? ?????????? ??????» (downstream services), ?? ??????
????????????? ?? ??????? ??? ?? ?????????? ?????? ?????????? ??? ??????????????
????????????? ??? ??? ?????? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????????? ???,
????????? ??? ?????? ?????????? ??? Royal Mail.

22. ??? ? ?????? ??? ?? 1994, ??? ?????? ??????, ?????????? ??? ?????????? ???
Royal Mail ??? ?? ??, ??? ?? ?????????? ?????????? ??? ??????????, ?? ?????????? ???
????????? ?????????? ??? ??????????, ??? ?? ???, ?????????? ?????????? ??? ?????????? ???
17,5 % ??? ?? ??? ?????? ??? ?????????? ??? ??????????.

23. ??? ???? ?????????? ??? TNT, ?? ?????? ?????????? ?????????? ???
????????? ?????? ?? 85 % ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ??
????????? ???, ?? 40 % ?????? ??? ?????? ?????????? ??? ??? ?????? ?? ?????????? ??
??? ??? ?????? ??? ?????? ??????????, ??? ?????? ?????????? ?????? ??? ??
????????????? ?????? ??? ?????? ?????? ?????????? ??? ??? ??? ?? ?????????? ??? ??
??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ???, ??? ?????? ??? ??
????????? ??? TNT ?? ?????????? ??? ?? ??? ??? ?? ?? ?????? ??? ?????? ?? ??????
????? ?????????? ??? ?????? ???.

24. ? TNT ????? ?????? ?????????? ??? High Court of Justice of England and
Wales (Administrative Court) ?????????? ?? ?????????? ??? ?????????? ??? Royal Mail ???
?? ??, ??? ?????? ?????????? ?? ?????? 3 ??? ?????????? 9 ??? ?????? ??? ?? ?? 1994.
??? ?????? ??? ?????????? ???, ?? High Court ?????? ??? ?????????? ?? ??????:
?? 12?? ?????? 2007, ?? ?????? ?????????? ?????????? ??????????:

«1) ?) ??? ?????? ?? ?????????? ? ?????? «????????? ?????????? ??????» ???
????????? ??? ?????? 13, ?, ?????????? 1, ?????????? ??, ??? ?????? ?????? (??????
77/388/E??) (?? ?????? 132, ?????????? 1, ?????????? ??, ??? ?????? 2006/112);

?) ??????????? ? ??????? ?? ?????????? ?????? ??? ?? ??????? ??? ??
????????????? ?????????? ?????? ?????????? ?? ??? ?????? ??????, ??? ??? ??????????
????????????? ?????? ??? ??? ?????? ??? ?????? ?????? 97/67/E? ??? ??????????, ??? ???
?????????????, ??? ??? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?? ??? ?????? ??? (????? ? Royal Mail
??? ?????? ??????);

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

i) ??? ??? ??????? ?????????? ??? ?????? ?????? ?????? ?????? (????? ?
Royal Mail ??? ?????? ??????);

ii) ??? ??? ?????? ?????? ?????????? ??? (????? ? TNT Post);

2) ??? ??? ??????? ??? ??????? ??????????, ?????? ?? ??? 13, ?, ?????????? 1,
???????, ??? ?????? ?????? ??? (????? ??? 132, ?????????? 1, ????????, ???
????? 2006/112) ?? ?????????? ??? ??? ?????? ??? ?????????? ? ?????????? ?? ???
????? ??? ??? ?????????? ??? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ???
"????????? ?????????? ??????";

3) ?? ??? ?????? ??? ?????????? ? ?????????? ?? ?????????? ??????, ??? ??
????, ??? ??? ?????????? ??? ?????????? ??? "??? ?????? ?????????? ??????????", ??
????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ???;

25. ??? ?? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ? TNT, ?
Royal Mail, ? ????????, ? ????????, ? ????????, ? ?????????? ??? ? ????????,
????? ??? ? ????????, ??? ?????????? ??? ? ????????, ??? ? ????????, ??? ? ????????,
????? ??? ? ????????, ??? ?????????? ??? ? ????????, ??? ? ????????, ??? ? ????????,
????? ??? ? ????????, ??? ?????????? ??? ? ????????, ??? ? ????????, ??? ? ????????,
????? ??? ? ????????, ??? ?????????? ??? ? ????????, ??? ? ????????, ??? ? ????????,
????? ??? ? ????????, ??? ?????????? ??? ? ????????, ??? ? ????????, ??? ? ????????,
????? ??? ? ????????, ??? ?????????? ??? ? ????????, ??? ? ????????, ??? ? ????????,
"????????? ?????????? ??????";

IV – ?????? ????????

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

26. ?? ??? ?????? ?????????? ?????? ?????????? ?????? ???, ?? ?????? ??
??????????. ?? ?????? ??? ?????? ???' ?????? ??? ?????????? ??? ??????????
????? ?????? ??? 13, ?, ?????????? 1, ????????, ??? ?????? ???,
????? ?? ?? ?????? ?? ?????? ??? ?????????? ??? ??? «??? ?????? ?????????? ???
??? ?????????? ??? ??? ?????? ??? ?????????? ??? ??????, ?? ??????
????????????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ??? ?????? ???

27. ?? High Court ??? ?? ?????????? ???, ?? ??? ?????? ?????????? ???
????? ?????????? ???, ??? ?????? ?? ?????? ??? ?????? ??? «????? ???
????????? ???» ??? ?????? ?? ?????? ??? ?????????? ???, ?? ???, ??? ???
????? ?????????? ??? ?????? ??? ?????????? ??? ??? ?????? ???

28. ? ???, ??? ??? ? ?????? ??? ? ?????? ??? ? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? L. A. Geelhoed ??? ?????? Dansk Postordreforening
(?), ?????????? ??? ? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ???, ??? ??? ?????? ??? ???' ?????????? ??? ?????????? ???
????????? ????. ????????, ? Royal Mail, ?? ?????? ??? ?????? ??? ??? ??????
????????? ??? ? ?????? ??? ?????????? ???, ??? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

- ?????????? ??? ???????? ??? ??? «????????? ?????????????? ??????????» ??? ?? ?????? ???
????????????? ?????????? ??? ??? ratio ??? ??????????

29. ?? ???????, ???' ?????, ?? ?????????????? ??? ?? ?????????? ??? ?????????????? ??? ??
13, ?, ??? ?????? ??????? ??????? ?????????????????? ?????????? ??????????????, ??? ??????????????
??? ??? ??? ????? ??? ??????????. ?????? ??? ??? ?????? ?????????????? ??????????????,
??????????????, ??????? ??? ?????????? ??? ??????? ?, ?? ??????? ??? ??????????? ?? ???
????????? ??????? ??? ???????, ?????? ??? ?? ??????? ??? ??????? ?? ??? ???????, ???
??????????, ??? ??????? ??? ?? ???????.

30. ?? ?????? ??????? ?????? ??? ??????? ?????? ??? ?????????????? ??????? ?????? ?????? ???????
 ??? ?????????? ??? ?????????????????? ?????? ??? ?????????? ?? ?????????????? ??????????????
 ?????????. ?????? ??? ?????? ??? ?????? ??????, ? ?????????? ?????????? ??? 1977 ???
 ????????? ??? ??? ??? ?????? ?????????????? ??????????. ?????? ?? ?????? ?????? ?????? ???
 ????????????? ??? ?????????? ?????? ?? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ??
 ?? (8).

31. ??? ??? ?????????? ??? ??????? ?? ?????? ?????????????? ??? ??? ?????? ???
?????? 13 ??? ?????? ???????, ? ?????????? ???????, ??????, ?????? ?????? ??? ????????
??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??????? ??? ??????. ???????,
?????????? ?? ?????????? ??? ?????? ??? ???????, ?????????? ??? ????????
?????????? ??? ?? ?????? ??? ?????? ?? ??? ?????? ???? ?????????? ?? ??? ?????? ???
????????? ??? ?????????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? (9).

32. ?????????? ??? ?????????? ??????????????, ?? ?????????? ?????????? ??????? ??
????????????? ??? (10). ?? ????? 13, ?, ??? ????? ?????????? ??? ?????????? ??? ??
???? ?? ?????????????? ?????? ?????????? ??????????, ??? ????? ?????? ?????? ??? ?????? ?????
??? ?????????? ?????????????? (11). ??????????, ??? ??? ?????????? ??? ?? ??? ??
????????????? ??? ??? ?????????? ??? ????? ?????? ??? ?? ??? ?????? 13 ??? ???
?????? ??? ??? ?? ?????????? ??? ????? ?????? ??? ?? ?????????????? ??
????????? ?? (12).

33. ??? ??? ?????????? ?????????? ????, ?????? ?????????? ?????????????? ??? ?? ????
????????????????? ??? ?????????????? ?????? ? ?????????????? ??????. ?? ????
????????? ???????????, ??? ???????????, ?????????????? ?????? ?? ?????????????? ???
????????????? ?????? ?????????? (????? 13, ?, ?????????? 1, ?????????? ??, ??? ??????
?????) (13).

34. ?????????? ?????? ?????????????? ?????????????? ?????? ?? ?? ?????????? ???????
????????????????? ??? ?????????????? ?????? ?????? ???? ??????????????????
????????????? ?????????????????? ??? ?? ?????? (?? . ?????? 13, ?, ?????????? ??, ??, ??, ??, ??,
??, ??, ??, ??, ??, ??, ??). ?? ?????????? ?????? ?????????????? ????? ?????????? ??? ?????? ??
????? ?? ?????? ??? ?????? ?????????? ?????????? ??? ?????????????????? ??? ?????? ??? ??????
????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??????????. ????????, ?
????????? ?????? ??? ?????? ?? ?????????????, ?????, ??? ?????????? ??? ?????????? ??? ?? ??????
?? ?????? ???.

35. ?? ?????? ?? ??? ??????????? ?? ??????????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? 13,
?, ?????????? 1, ??????? ??, ??? ????? ???????, ?? ?????????? ?? ?????? ???????????, ?? ?????????? ??
?????? ??????? ??????? ????? ?????????? (14), ??? ? ? ? ????? ??????? ?????? ??? ?????? ?? ?????????? ??
????????????????????? ?? ??????????????? ????? ?????????? ?? ?????????? ?? ?????????? ?? ???????????????

? ??????? ? ?? ?????????? ??????. ?? ??????? ??? ?????????????? ??????? ??? ?????? 13, ?,
??? ?????????????? ?? ??????? ?? ?????? ?????? ? ?????????????? ?????? (15).

36. ? ?????????? ??? ?????? 13, ?, ?????????? 1, ?????????? ??, ?????????? ???
????????????? ??? ?????? ?? ?????? ??? ?????????????? ?????? ?????????? ??? ?? ??????????
????? ??? ?????????? ?????? ?????? ??????. ??????????, ??? ?????????? ???
????????? ?????? ?????? ??? ?????? ?????????? ??????, ??? ?????? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? (16).

37. ???????, ?? ?????????? ??? ??? ?????? ?? ?????????? ?? ??????????, ??? ?? ??????????????
??? ??? «?????? ?????????? ??????», ??? ? ?????? ??? ?????????? ?????????????? ??
????????? ????. ???????, ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ?????? ??? ?????????? ?????? ?????????? (17). ???????,
????????? ??? ?????? ?????? ?????????? ??????????, ?? ?????? 13, ?, ?????????? 1,
????????? ??, ??? ?????? ?????? ??? ?????? ?? ?????????? ?????????? ?????? ??
????????????? ??? ?????? ?????? ?????? ??????.

38. ?? ??? ??????????, ??? ??? ?????? ?????????? ??? ?????? ??? 1977, ?? ??????????
?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????, ??? ?? ??? ??
????? ?? ?????? ?????????? ?????? ?????????? ?????????? ?????????? ??? ??
????????? ??? ?????? ??? ?????????? ??????.

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

40. ??? ? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?? ?????????? ???
????? ? ?????????? ??? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ???
?????????, ? ??????? ??? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????????? ???
????????? ??? ?????? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ???
????????? ?????????? ?????? ???' ?????? ?? ?????? ?????? ??? ?????? ??? ??????
????????????? ?????????? ??? ?????? ?????? ??? ?????? 13, ?, ?????????? 1, ?????????? ??,
??? ?????? ??????, ?????? ?????? -????????? ??, ? ?????? ???, ?? ?????????? ?????? ???
????????- ?????????? ?????? ?????? ?????? ?????? (18).

41. ??????, ??? ?????????? ??? ?? ??? ??? ?????????? ??? ?????? ?????????? ??? ??
?, ??? ?????? ??????, ? ratio ??? ?????????? ?????? ? ?????? ?? ??? ?????????? ??? ??
????????????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ??????
? ?????? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? (19).

42. ? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ?????????? ??????.

43. ???, ?? ??? 2, ?????????? 2, ??? ?????? ??? ?????? ??? ?????????? ??????????
????????? ?? ?????????? «????????? ?????????? ??????», ?? ?????? ?????????? ?? ??
????? ??? ?????????? ??? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ? ?? ??????
????????? ??? ?????????? ?????? ?? ?????? 3 ??? ?????? ??? ??? ?????????? ???
????????? ?????? ??? ?? ?????? ?????? ?????? ?? ?????? -????? ??? ?????? ??? ??????
??? ?????? ?????? ??? ?????? ?????? -????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? (15).

?????????. ??????? ?? ?? ????? 12, ?? ????? ??????? ?? ?????????? ?????????????? ?????????????? ?????? ??
????? ?????????? ?? ?? ?????????????????? ?? ??????, ?? ?????????? ? ?????????? ?????? ??
?????????? ?? ??????? ?? ??????????.

44. ?????????????? ?????? ??? ??????????? ??? ??? ?????????? ??????????, ? ??????????
????????? ??????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ??????.
?????????, ? ?????? ??? ??? ?????????????? ?????????? ?????????? ?????????? ??????
????????????? ?????? (20). ??????, ??? ??? ?????????? ??? ??? ?????????? ?????? ?????? ???
????? ?????? ??????????, ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??????, ???
????????? ??? ??? ???.

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

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

47. ???? ??? ??????????? ??????????, ????. ?????????? ??? ?? ?????? ?????????????????? ???
????????? ?????????????? ??????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?? ??????????
????????? ?????????????? ?????????? ??? ?? ?????? ??? ?????? 13, ?, ?????????? 1,
????????? ??, ??? ????? ??????.

48. ? Royal Mail, ? ????????, ? ??????? ?????????? ??? ? ?????????? ??? ????????
?????????, ??? ? ???? ? ??????? ?????????? ??? ? ?????? ??? ???? ??????????
????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
???. ??? ? ???? ???? ?, ???? ???? ??? ???? ?????????? ??????????, ???? ???? ?
????? ???? ?? ???? 95 ??, ??? ???? ?? ???? ?????? ?????????? ?????????? ??????????
?? ?????, ??????? ?? ???? 93 ??, ??????? ?????? ?? ???? ??, ?? ???? ?????? ??
????????? ??? ???? ?????? ??? ???? ?????? ?????? ??? ???? ??, ?? ???? ?????? ??
????????? ?? ???? ?????? ?????? ??' ???????, ??? ????????, ??? ??????????, ??? ?????????? ???
????? ?????? ??? ??? ?????? 2006/112 (21).

50. ????????, ? ?????? ?????????????? ??????? ?? ?????? ?????? ?? ?????? ?????? ?????? ???????
????????? ?????????? ??? ?????? ?? ??????, ?????? ??? ?????????? ????????,
???? ?????????? ?????????? ????????, ?????? ?????? ?? ??? ?????? ??? ?????????? ??? ???????????. ??
??? ?????? Abbey National (23), ??? ??????????, ?? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????????? ?????????? ??????? ?? ??? ?????? 13, ?, ????????, ??, ?????? 6,
??? ?????? ?????? ?????????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ? ??????

85/611/E?? ??? ?????????????? ??? 20?? ??????????? 1985 ??? ??? ?????????????? ???
?????????????, ?????????????? ??? ?????????????? ?????????? ?????? ?? ??????????
????????????? ?????????? ?????????? ?? ?????? ?????? (?????) (24).

- ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???' ?????????????????? ??????????
????????????? ??????????

51. ? TNT, ? ?????????? ??? ? ?????????? ?????????????? ?????????????? ??????,
????????????? ??? ?????????? ??? ?????? ?????????? L. A. Geelhoed ??? ?????? Dansk
Postordreforening (25), ??? ? ?????????? ?????? ?????????? ?????? ?? ?????????? ??
????????? ?????????? ?????? ?????????? ??? ?????????? ???' ?????????????? ??
????????????? ?????? ??????. ???????, ??????? ?? ??? ?????? ??? ?????????? ??
????????? ??????????, ?? ?????????? ?????? ?????????? ?????? ?????? ?????????? ??
????????? ?????? ??? ??? ??? ?????? ?????? ?????????? ?????????? ??? ??? ?????? ?????? ??????
???' ???????????????. ???????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
?????????, ??? ??? ?????????? ???' ?????????????? ??? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ?????????? ?????????? ??? ?????? ?????? ?????????? ??????
(26).

52. ???????, ?? ??? 7 ??? ?????? ??? ??? ?????????? ?????????? ??? ?????????? ???
????? ?????? ??? ?????? ??????????, ??? ?????????? ?? ?????????? ???' ?????????????? ??
????? ? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??????. ??????????, ?? ???????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????????? ???.

53. ?????? ????, ?? ?????? ??? ?????????? ?? ???????, ??????? ?? ?? ?????? 4 ???
????????? ??? ??? ?????????? ??? ??????????, ?? ?????????? ?? ?????????????? ??? ?????? ???
????????? ?????? ??? ?????????? ??? ?????? ??????. ??????????, ?????????? ??
????????? ??? ? ?????? ? ?? ?????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ???
????????? ??? ?????????? ??? ?????? 3 ??? 6 ??? 12 ??? ?????? ??? ???.
????????? ??? ?????????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?????????.

54. ?? ?????? ?????? ?????????? ?????????????? ?? ??? ?????????? ?????? ?????????????? ???
Royal Mail ?? ?????????? ??? ?????????? ?????????? ??? ?????????????? ??? ?????? ???
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ????. ??? ?????????? ?? ??????
?????????, ?? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ??? ??????????
????????? ?????????? ?????????? ??? ??? ?????????????? ??? ??? ?????? ?????????? ???
????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???.

55. ??? ??? ?????? ??? ?????????? ?????????????? ??????????????, ?? ?????? ?????????? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ??? ?????? ?????????? ????, ?
????? ?????????? ??? ?????? ??? ?????? ?????????? ????. ??????????, ?????????? ??? ?? ???
????????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?????. ??? ??????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
«????????? ?????????? ??????», ??? ??? ?????? ??? ?????? 13, ?, ?????????? 1,
????????? ??, ??? ?????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?? ?????? ??????.

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

? ??????????, ??????????? ?? ?????? ?? ??????????? ?? ?????? ?????? ?????????? ?????????? ?????????? ???
??? ??? ? ?????? (27). ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ??????
????????????? ??? ?????????? ?? ??? ?????????? ?????? ???????, ?????? ?????????? ?????? ??????
????????? ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????. ??? ??????, ??? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ??? ??
????? ??? ?????? 13, ?, ?????????? 1, ?????????? ?, ??? ?????? ?????? ????'
????????????? ?????? ?????? ?????????? ???????, ??? ?????? ?????? ???? ???? ??
????????? ?????? ?????? ?????? ?????? ???????, ??? ?????? ?????? ?????? ?????? ??? ??
??? ?????? ?? ?????????? ??? ?????? ?????? ???????, ??? ?????? ??? ?? ?????????? ??? ??
????????? ?? ?????????? ?????? ?????? ?????? ?????? ???????, ??? ?????? ??? ?? ?????????? ??? ??.

57. ????, ??? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?????? ??? ??
????????????? ?????? ?????? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????? 13, ?,
????? 1, ?????? ?, ??? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??????????
????????? ?? ??? ?????? ?????? ???????, ?????? ??? -????? ??? ?????????? ??
????????? ?????? ?? ?????? ?????? ?????? ?????? ?????????? - ?? ?????? ??? ?? ??????
?? ?????????? (28).

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

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

59. ? ??? ?????? ?????? ?????????? ?????????? ??, ? ?????? ?????? ?????? ?? ?? ??
????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ??????????
????????, ??? ?????? ?? ?????? ?????? ?????? ???????, ??? ?? ?????? ???, ???
????????? ??? ?????? ?????? ?????? ?????? (29). ? ??? ?????? ?????? ?? ??
?? ?????? ??? ?????? ?????? ??? ?????? ???????, ?? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? (30).

60. ?????? ?? ??? ?????? ?????????? ?????? ?? ?????? ?? ?????? ?????? ??????????
????? ?? ??? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??, ??
????????? ?????? ?????? ?? ?????? ?? ?????? ??, ?????? a priori ?????? ?? ??????
????? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
????????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
?????????.

61. ??' ??? ?????? ?????? ??, ?????? ??, ??? ? ??? ?????? ?? ?????? ?????? ?????? ??
????? ??, ??? ? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
????? ??, ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??, ??? ?????? ?? ?????? ?? ??????
????? ?? ?????? ?? ?????? ?? ?????? ??, ??? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????? ?? ?????? ??.

62. ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????? ? Royal Mail ????
?? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??, ?? ??? ?? ?????? ??
????????? ??, ?????? ?????? ?? ?????? ?? ?????? ??, ?????? ?????? ??, ? Royal Mail
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
(????????? ??, ??? ?????? ?? ?????? ??) ??? ?? ?????? ?? ?????? ??

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

63. ? TNT ??? ??????????? ?? ??????? ?????????? ?????????? ??????????. ??? ??? ??? ??? ???, ? ???
??? ?????????? ??? ?????????? ??? ?????????? ???' ??? ?? ?????????? ?? ?????? ??? ?????????? ?? ??????
??? TNT ??? ??? Royal Mail ??? ??? ?????????? ??????????. ??? ??? ?????????? ??? ??? ??? ???
????????? ??? ?????????? ??? ? ??? ?? ?????? ?????????? ?? ??? ?????????? ??? Royal Mail, ???
??? ?????????? ? ??????? ??? ? ??????? ?????????? ?????????? ??????????. ??????????, ?
????????? ??????? ??? ??????? ??? ? ??????? ?????????? ?????????? ?????????? ?????????? ???
????????? ??? ??????? ?????????? ?????????? ?????????, ?? ?? ?????? ??? ??????????
????????? ??????? ??? ??????? ?????????? ?????????? ????? ?????????? ?????????? ?? ??????????
????. ??? ???????, ?????????? ?? ?????????? ?? ?????????? ?? ?? ??????? ?????????? ?? ??????????
?????? ???, ??? ??? ?? ?????????? ?????????? ?????????, ??? ??? ?????? ?? ?????????? ?? ?????????? ??
????????? ? ??? ??? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? (31).

64. ????????????????????? ???? ?????? ???? ?????????????? ?????? ??? ?????????????? ??? ?????????????? ?
????????? ?????????? ??? ?????????????? ?????????????? ?? ??????? ?? ?????????????? ??? ?????????????? ???
????????? ??????????????.

66. ??????? ?? ??????????????, ??? ????? ?????????????? ??????? ?????? ?? ??????
?????? ?? «????????? ?????????????? ??????????» ??? ???? ?????? ?? ?????? 13, ?,
????????? 1, ??????? ??, ??? ????? ??????? ??????? ?? ?????? ?? ?????? ??????????????
????????? ?? ?????????????? ?? ?????????? ??????????. ? ?????????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????????? ?????????? ?? ?????????? ?????? ?????????? ??'
????????????????? ?? ?????? ?????? ?? ?????? ?? ?????? ?????? ??????.

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

68. ????? ???? ?????? ??? Royal Mail, ??? ??????????, ??? ?????????? ?????????? ??? ???.
????????? ??? ?????? ?????????? ?? ?????? ?? ?????? ?????????? ?????????? ??? ???.
????????? ??? ?????? ?????????? ?? ?????? ?????????? ?????? ??? ?????? ?????? ???.
????????? ??? ?????? ?????????? ?? ?????? ?????????? ??????. ??????????, ??? ?? ?????? ??? ?????? ??? ?????????? ???.
?? ?????? ?????? ??????????, ? ?????? ?????? ?????? ?? ?????????? ?????? ??? ?? ?????? ??? ?????? ???.
????? ??? ?????? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ?????? ??? ?? ?????? ??? ?????? ??? ??????????
?????????. ?????? ??? ?????? ?????? ??? ?? ?????? ?????????? ?? ?????? ??? ?????? ?????????? ???.
????????? ?????????? ?, ???? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????????? ?. ????.
?? ?????? ??? ?????? ?????? ??????????, ??? ?????? ?????? ??? ?? ?????? ??? ?????? ?????????? ???.
????????? ?? ?????? ?????? ?????????? ??? ?????????????????? ??? ?????????????? ??? ??????????.

69. ??????? ?? ?????? ?? ??????????????, ??? ??? ???? ??? ?, ???, ?????? ??? ?????? 13, ?,
?????????? 1, ??????? ??, ??? ?????? ??????, ??????????????, ?????? ??????????????????
??? ??? ??????? ?????????????? ??????????, ?? ?????? ?????????? ??? ?? ??????????
???? ??? ??????? ?????? ?????????????? ??????. ?????? ??? ?? ?????????? ?????????? ??? ??
??????????????, ??? ?????????????? ?????? ??? ??? ??????, ? ?? ??? ?????????? ???
?????????? ?? ?????????????? ?????? ??? ?????? ?????????? ?????????????? ??????????.

70. ???????, ?? ?????? ??? ?????????? ?????????? ?? ?????? ?????? ?? ?????????? ?????? ???
????? ??? Royal Mail ??? ??? ?????????? ??? ?????????? ?? ?????? ????. ??? ??????
????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ?
????? ??? ?????????? ?? ??? ?????????????? ??? ?????????????? ?????????, ??? ??????
????? ??? ??? ?????????? ??? ?????????????? ??? ?????, ??? ????? ?? ??????????
????????? ??????????.

71. ??????????, ?? ??? ???? ?????? ?????? ?????????????????? ???. ?????????? ???. ?????????? ???.
????????????? ??????????, ?? ?????? ?? ?????????????? ???. ?????????? ???. ?????????? ???.
????? ?????? ?? ?. ?????? ?????? ?????? ?????????????? ??????????, ?????? ??? ?????????????? ? ?????? ?????? ??????
????????? ? ?????? ?????? ??? ?? ??????????????. ?????? ?????? ?? ?. ?????? ?????? ?????? ?????????? ?????? ??????
?? ratio ??? ?????????? ????. ??????????, ? ?????? ?????? ?? ?. ?????? ?????? ?????????????? ?? ?. ??? ? ??????
????????????? ?????????? ????. ?? ?????? ??????????, ?????? ??? ?. ??? ?????? ??? ?. ??? ??????
????????????? ?????????? ????. ?? ?????? ?????? ????. ?????? ?????? ?????????? ????. ?????????? ??,
????????? ????. ??????????.

72. ??? ?? ??????????? ?? ?? ??? ????? ???????????, ? ?????????? ??????? ?? ??????????? ??
????? ??????? ?? ??????????????? ?? ??????? ?????????? ?????????? ??' ???? ??? ??
?????????. ???? ?????????? ?? ?? ??????? ?? ??????? ?? ?????? ?? ?? ?????? ?????????????? ??
????????????? ?? ??????? ?? ??????? ?? ??????? ?? ?????????? ?????????????? ?? ??????? ??
????????? ?????????? ?? ??????? ?? ???????, ?????????? ?????? ??????? ??
????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??.

73. ?????? ??????? ???, ???' ?????, ?? ??????? ???. ?????? ?????? ?????? ???. ?????? ???.
????????????? ?????????? (32). ??????????, ??? ?????? ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????????
????????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???.
????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????
????? ?????? ??? ?????? ?????? ??? ?? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ???.
????????? ?? ?????? ??????? ???. ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????.

74. ????? ???? ??????????? ?? ??????????? ?? ??? ?????? ?????? ?????? ?????? (33),
? ??? ???? ?????? ?????? ?? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ???,

? ?????????? ?? ???? 13, ?, ?????????? 1, ?????????? ??, ?????? ?????? ?????? ??? ??????????
?? ? ? ? ? ? ? ?????????? ?????????????? ?????? ?????????????? ?????????? ??????. ????????, ?? ??
????????????? ?? ???? ?????, ?????????????? ?????? ??? ????????????, ?????????? ???
????????????? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ? ??????
?? ? ? ? ????????????, ??? ?????? ?????????? ?????????? ?????????? ?? ?????? ?????? ??????
?? ?????????????? ??? ?? ?????? ?????????? ?????? ?????? ?????? ?? ??? ??? ??? ??
??????????????.

75. ?? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????????????? ?? ?????????? ???
????????? ??? ?????????? ?? ?????????? ??? ?????? 13, ?, ?????????? 1, ?????????? ??
(34). ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ?????? ?. ??? ??? ??? ???,
?? ??? ?????? ??? ????????????, ??? ??? ?????????? ??? ?????????? ??? ??? ??? ??,
????????????? ?? ??? ?????????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
?????????????. ?? ??? ?????????? ?? ?????????????? ?????????? ??? ?????????? ?? ?????????? ??? ??????
????????????? ??? ??? ?????? ??? ?????????? ??? ??? ??? ?? ?????? ?????????????? ??? ??????
?? ?????????? ??? ??? ?????? ??? ?????????? ?????????????? ??????????, ?? ?????????? ??
????????? ??? ?????????? ???.

76. ??????, ??? ?? ?????????? ??? ?????? ??? ?????????? ??????????, ??? ?????? ??
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??????????. ??
??????, ???????, ?? ?????????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????. ??? ?? ??? ??? ??
????????? ??? ?????? ?? ?????????? ?????? ??? ?????????????? ??? ?? ?????? ??? ?????????? ???
????????? ??' ??? ??? ??? ?????? ??? ??? ??? ?? ?????????????? ??? ?????? ??? ?????????? ???
??? ?????? ??? ?????? ???.

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

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

79. ?? ??? ?????? Corbeau, ?? ?????????? ?????????? ??? ? ??????????
????????? ??? ?????????? ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????? 90,
????????? 2, ??? ?????? ??? (?? ?????? 86 ??) ???? ??? ?????????? ??? ??????
?????????, ?????????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ??????????, ?? ??????
????????? ?????? ?????? ?????????? ?????????? (35). ?????? ?????? ??? ? Royal Mail ???
????????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??? ???
????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
?? ?????????? ?? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

80. ??? ?????? ?????? ??? ?? ?????? 14, ?????????? 2, ??? ?????? ??? ??? ??????????

? ?????????? ?????????? ??? ???? ?????? ?????? ??? ?????????? ?????????? ?????? ?????? ?????? ????
????????????? ?????????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ????
????????? ??? ???? ?????? ?????? ?????? 14, ?????????? 2, ?????? ??????, ??? ???? ???? ?????.
????????????? ?????????? ?????? ??? ?????????? ?????? ?????? ???? ???? ?????????? ????
????????? ??? ?????????? ??? ???? ?????? ?????? ?????? ?????????? ?????????? ??????????
????? ??? ?????????? ??????, ?? ?????? ?? ?????????? ?? ?????????? ?????????? ?????????? ??? ????
????? ?????? ??? ?????????? ?????? ?? ?????? ?? ?????????? ?? ?????????? ?????????? ??? ????.

81. ? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ????
????????????? ??? ???? ?????? ?????? ??? ?????????? ?????? ?????????? ?????? ???? ???? ???? ???? ????
????? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ????
????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?? ?????????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????
?????????.

82. ??? ?????? ??? ?????? ?????????? (bulk mail services), ? ?????? ??? ???? ???? ????
?? ?????????? ??? ?? ?????? ?? ?????????? ?? ?????????? ?? ?????? ??? ?????????? ???
?? ?????????? ??? ?????? ??????, ? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ??? ?????????? ?????? . ? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ? ?????? ??? ??? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????? ??????, ?? ?? ?????? 2, ?????????? 8, ??? ?? ?????? ??????, ?? «????????? ???
????????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ? ?????? ???
??? ?????? ?????????? ??????, ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ??????
????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??????
??? ??????????, ??? ? ?????? ?????????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ??????
??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????
? ??? ?????????? ???».

83. ? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????????? ?????????? ???, ??? ?????? ?????? ???, ?? ?????? ??? ?????? ?????? ?????? ???
????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???, ???
????????? ?????? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
?? ??????.

84. ??? ?? ? ?????????? ? ?? ??? ??????, ? ?????? ?????? ?????????? ?????? ????
????????????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ????
????? ??? ????.

85. ??? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????
?? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???? ????
??????. ?? ??? ?????? ?????? ?, ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ????
????????? ?????? ?????? ?????? ???' ???? ??? ?????? ??????.

86. ????????, ??? ? ?? ?????? ?????????????? ??????? ???? ???? ?????? ??????.
???????, ??? ? ?? ?????? ?????? ?????? ?? ?????? ?????????????? ? ????????
????????????? ?? ?????? ?????, ??? ? ?? ?????????? ?? ?????? ?????????????? ?????????? ???
????????? ??????. ?? ? ?????????? ?????? ?????? ?????????, ??? ?????????? ??? ???????,
??? ?????? ?? ?????? ??? ?????? ?????, ??? ? ?? ?????????? ??? ?????? ?????? ??????????
?? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?? ?????? ?????? ??? ??????
???????

87. ??? ??????????, ????, ??? ?????????? ?????????????? ??? ?????????? ??????
????????? ??? ?????????? ?? ? ?? ?????? ?????? ?????? ?????????, ??? ???? ?????? ??
????????? ?? ?????? ?????? ?????? ?????????????? ?????????????? ?????????????? ??? ?? ??????
?? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????. ?? ??? ???? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???
????????? ?????? ?????? ?????? ??? ?????? ?????? ?? ?????? ?????????? ??? ?????????? ??????????,
???? ?????????? ?? ?? ?????????????? ??? ??? ?????? ?????????? ?????????? ?????? ?????????? ??????????
??? ??? ???? ???, ? ?????????? ??? ?????????? ?????????? ?????????? ?????? ??? ?????? ???
????? ?? ?????? ?????? ?????????? ??? ?? ?????????? ??? ?????????? ?????? ??? ??????????
????????? ??? ?????? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ??????????

88. ??? ?????????? ????, ??? ???????, ?? ?????????? ?????? ???????????, ?? ????
????????? ?? ??? 2, ??? 8, ??? ??????? ??? ??? ?????????? ??????????. ?
????????????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????????? ?????? ??? ?? ?????????? ???
????????????? ?? ??? ???? ?? ?????? ?????? ?????????? ?????????? ???, ??? ???? ??? ?????????? ??
????????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
?????????, ??? ?????? ??? ?????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?????? ??
????????????? ??? ?????? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ?????????? ?????????? . ??????
??? ?????? ?? ?????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ???
????? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??

89. ??????, ??? ?????? ??? ???? ?????? ?????? ?????? ?? ?????? ? ?????????? ???
????????????? ??? ??? ???, ??? ?????? ??? ?????? 13, ?, ?????????? 1, ?????????? ??, ???
????? ??????, ??? ???? ?? ?????? ??? ?????? ?????? ?????????? ? ?????? ?????????? ??????????
??' ??? ???? ?? ??????, ??? ???? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ???
????????????? ?? ?????? ?????? . ??? ?????????? , ?????????, ?? ?????? ?? ?????? ?? ??????
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ?????? ??? ??????
??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??

V – ??????

90. ?????? ??? ?????? ??????, ?????? ??? ?????????? ?? ?????????? ???
????????? ??? High Court ?? ???:

«1) “????????? ?????????? ??????” ??? ???? ?????? ??? ?????? 13, ?, ?????????? 1,
????????? ??, ??? ?????? ?????? 77/388/??? ??? ?????????? , ??? 17?? ?????? 1977, ???
????????????? ??? ?????????? ??? ?????? ?????? ?????? , ??? ?????? ??? ?????? ??? ??????
????????? – ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???,
????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? . ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ???' ?????????? ?????? ??? ?????? ?????? ??? ??????
????? ???.

2) ?????????????? ??? ???, ??????? ??? ?????? 13, ?, ?????????? 1, ????????? ??,
??? ?????? ??????, ?????? ?? ??????? ??? ?????? ?????? ?????????? ? ??????? ??????????
????????? ??' ??? ?? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????????? ??? ??????????
????????? ?? ?????????? ?? ?????? ?????? ??????. ??? ?????????? ?????, ?????????, ?? ??????
?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??
????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????????? ?????????? ??????????.

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

2 – ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ???
????????? ??? ?????? ?????, ??? ?????? ?? ?????? ?????? ?????? ?????? – ???
????? ?????? ?????????????? ????: ?????????? ?????????? ??? (EE. ??? . ??? . 09/001, ?. 0049)
? ?????? ??? ?????????????? ?? ?????, ??? ??? 1? ?????????? 2007, ??? ??? ?????
2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ?????? ?? ?? ?????? ?????? ??????
????????? ??? (?? L 347, ?. 1).

3 – ?. ?????????? ??? ????? IP/07/1164 ??? 24?? ?????? 2007.

4 – ?? ????? 132 ??? ?????? 2006/112/?? ??? ?? ?????? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????????????? ?? ?????? ?????????? ??? ?? ?????????? ???
?? ?????? ?????? ?????????? ??????, ?? ?????? ?????????????? ??? ?? ??????
????????? ?????? ??????, ?? ?????? ?????? ?????????? ??? ?? ?????? ?????????? ???

5 – ?????? 97/67/?? ??? ?????????? ?????????????? ??? ??? ??????????, ??? 15??
????????? 1997, ?????? ?? ??? ?????? ?????? ??? ?? ?????? ?????????? ??? ?? ??????????
????? ?????????? ?????????? ?????? ??? ?? ?????? ??? ?? ?????????? ??? ?? ?????????? ???
????????? ?????? (?? 1998, L 15, ?. 14), ??? ?????????? ?? ??? ?? ??????????, ??? 10?? ?????? 2002 (?? L
176, ?. 21).

6 – ?????? ??? ?????????? ?????????????? ??? ?? ??????????, ??? 20?? ?????????? 2008,
??? ??? ?????????? ??? 97/67/?? ?????? ?? ??? ?????? ?????????? ???
????????? ?????? ?????????? ?????????? ?????? (?? L 52, ?. 3). ?? ??? ?????? ???
????????? ??? ?? 1? ?????????? 2011 ? ?????????? ?????????? ?????????? ???
????????? (??? ?????? ???? ??? ?????? ?????? ?????? ?????????? ?????????? ??????????,
????? ?? ??? ??? 2012).

7 – ?????????? ??? ?????? ?????????? L. A. Geelhoed ??? 10?? ?????? 2003 ???
????? C?169/02, Dansk Postordforening (????? 2003, ?. I-13330, ?????? 79). ??? ???
????? ?????? ??? ?????? ?????? ?????? ??? ?????????? ?????, ??? ?? ?????? ?????? ???
?????????, ? ?????? ?????? ?????????? ?????????? ?????????? ??????????.

8 – ??., ??? ??? ?????? ???, ??????? ?? ?? ??? 13, ?, ?????????? 1, ?????????? ?? ?? ??,
??? ?????? ??????, ?????????? ??? 20?? ?????????? 2003, C-307/01, d'Ambrumenil ??? Dispute
Resolutions Services (????? 2003, ?. I-13989, ????? 58), ??? ??? 8?? ?????? 2006,
C?106/05, L.u.P. (????? 2006, ?. I-5123, ????? 25).

9 – ?. ?????? ??? ?????????? ??? 29?? ?????? 1973, ??? ??? ??? ?????? ?????? ??? ??????????
????? ???? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????? – ?????? ?????? ?????? ?????? ?????????? ?????: ?????????? ?????? ?????? (??
????? ?? ?????????? ??????????, ?????????? 11/73, ?. 16).

10 – ?????????? d'Ambrumenil (????????????????? ??? ?????????????? 8, ????? 52), ??? 26??
????? 2005, C-498/03, Kingscrest ??? Montecello (??????? 2005, ?. I-4427, ????? 29), ??? 14??
??????? 2007, C-445/05, Haderer (??????? 2007, ?. I-4841, ????? 18), ??? ??? 16??
????????? 2008, C?253/07, Canterbury Hockey Club ??. (??? ??? ?????????????? ?????? ???
???????, ??? 17).

11 – ?????????? ??? 12?? ?????????? 1998, C-149/97, Institute of the Motor Industry (?????????
1998, ?. I-7053, ????? 18), d'Ambrumenil (????????????????? ??? ?????????????? 8, ????? 54),
??? ??? 1?? ?????????? 2005, C-394/04 ??? C-395/04, ????? (??????? 2005, ?. I-10373, ???
15).

12 – ?????????? Haderer, ?????????????? ??? ?????????????? 10, ????? 18, ??? Canterbury
Hockey Club ??., ?????????????? ??? ?????????????? 10, ????? 17.

13 – ?? . ?????????? ??? ?????????? ??? 15 ?????????? 2005 ??? ?????????? C-443/04 ??? C-
444/04, Solleveld ??? van den Hout-van Eijnsbergen (??????? ??? 27?? ?????????? 2006,
?????? 2006, ?. I-3617, ????? 39 ??? 49).

14 – ??????? ??? 11?? ??????? 1985, 107/84, ?????????? ??? ?????????? (??????? 1985, ?.
2655, ????? 11).

15 – ?????????? ?????????? ??? ?????????? (????????????????? ??? ?????????????? 14, ???
13), ??? ??? 14?? ?????????? 2006, C?401/05, VDP Dental Laboratory (??????? 2006, ?.
I?12121, ????? 25).

16 – ?????????????? ??? ?????????????? 14 ???????, ??????? 11 ??? 19.

17 – ?? . ?????????????? ??? ?????????????? 14 ??????? ?????????? ??? ???????????, ??? 16.

18 – ?? . ?????????????? ??? ?????????????? 7 ?????????? ??? ?????????? ?????????? L. A.
Geelhoed ??? ????? Dansk Postordforening, ?????? 70 ??? 76.

19 – ?? . ??????? ?? ?????? 29 ??? 30 ??? ?????????? ???.

20 – ??., ??? ??????????, ?? ?????????? ??? ?????? 3, ?????????? 3, ?????? ??????, ???
?????? ??? ??? ?????????? ?????? ??????.

21 – ?????????????? ??? ?????????????? 2 ???????.

22 – ?? . ?????????? ??? 6?? ?????????? 1982, 283/81, Cilfit ??. (??????? 1982, ?. 3415, ???
20), ??? ??? 18?? ?????????? 2007, C-173/06, Agrover (??????? 2007, ?. I-8783, ??? 17).

23 – ??????? ??? 4?? ?????? 2006, C-169/04, Abbey National (??????? 2006, ?. I?4027,
?????? 61 ??). ??? ?????????????? ?????????????? ??? ??? ?????????? ???, ?? . ??
?????? 73 ?? . ??? ?????????? ??? ??? ?????????? ???.

24 – ?? L 375, ?. 3.

25 – ?????????????? ??? ?????????????? 7.

26 – ?? . ?, ?????? 79.

27 – ?? . ??????? ??? 15?? ?????????? 2007, C-162/06, International Mail Spain (??????? 2007,
. I-9911, ??????? 31 ??), ??? ?????????? ?????????? ??? ?????????? ??? 19?? ????? 1993,

C?320/91, Corbeau (???????, 1993, ?. I-2533, ??????? 14 ??? 16), ??? ??? 17?? ????? 2001,
C?340/99, TNT Traco (???????, 2001, ?. I-4109, ????? 5), ?? ?????? ??????? ???? 86,
?????????? 2, ??.

28 – ???. ??????? ?????? 12 ??? ?????????? ??? ???. ??? ?????????????? ?????????? ???.
????????????? 12.

29 – ?????????? ??? 7?? ??????????? 1999, C-216/97, Gregg (???????? 1999, ?. I-4947, ??????? 19 ??? 20), Kingscrest Associates ??? Montecello (????????????????? ??? ?????????????? 10, ????? 29), L.u.P (????????????????? ??? ?????????????? 8, ????? 24), ??? ??? 28?? ??????? 2007, C?363/05, JP Morgan Flemming Claverhouse (???????? 2007, ?. I?5517, ????? 46).

30 – ?????????? ??? 3?? ????? 2001, C-481/98, ???????? ??? ?????? (??????? 2001, ?. I?3369, ????? 22), ??? JP Morgan Flemming Claverhouse (????????????? ??? ????????????, 29, ??? 47).

31 – ??? ????? ???? ??? ?????? ?? ??????? ? TNT ?????????????? ?????????????? ?????????? ??
????????? ??? ?????? ?????????? ?? ?????????? ?? ???????, ??? ?????? ?? ?? Royal
Mail. ??? ? ??????? ??? ?????? ??? ?????? ??? ?????????? ??????? ?? ??? ?????? ??? ??????,
?? ??????? ?? ?????? ?????????? ?????????? ?????? ??????. ???????, ??? ??? ?????
??, ??? ????? ?????????? ?? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????
????????? ?????? ?? ?????? ?????????? ??? ?????? ??????????.

32 – ???. ?????????? Kingscrest ??? Montecello (????????????????? ??? ?????????????? 10, ?????? 22), Haderer (????????????????? ??? ?????????????? 10, ?????? 17), ??? Canterbury Hockey Club ????. (????????????????? ??? ?????????????? 10 ?????? 16).

33 – ?????????????????? ??? ?????????????? 14, ????. 16.

34 – ???. ??' ?????? ??? ?????????? ?????????? ??? ?????????? (????????????????? ???
????????????? 14, ????? 10), ??? 6?? ?????????? 2003, C-45/01, Dornier (????????? 2003, ?. I?
I?12911, ????? 81), ??? JP Morgan Flemming Claverhouse (????????????????? ???
????????????? 29, ?????? 61 ??? 62).

35 – ?????????????? ??? ?????????? 27 ?????? Corbeau, ???? 19.