

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

JULIANE KOKOTT

??? 10?? ?????? 2010 (1)

?????? C?49/09

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

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

«????????? ??????? ?????? – ?????? ?????????????? ?????? – ?????? 2006/112/E? – ???? ????
????? ?????????? ?????????? ?????????? ?? ?????? ??? ?????? ??? ?????????????? ??
????????????? ?????? – ?????????? ?????????? – ?????????? ?????????? ??????????,
????????? (????????) ?????????? ?????????? ??? ?????? ?????????? ??????????»

I – ????????

1. ? ?????????? ?????????? ?????????? ??? ??? ?? ??????? ??? ?????? 2006/112/E?
??? ???????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ??????? ??????
????????????? ?????? (2) (??? ????: ?????? 2006/112), ???? ??????. ??????????????,
????????????? ? ?????? ??? ?????? ?????? ?????????? ?????????? ??? 7 % ??? ???????
????????? ???????, ?????????? (????????) ?????????? ?????????? ??? ?????? ?????????? ??????????.
???? ??? ???????, ? ???????, ?????????? ??? ?? ??? ?????? ?????????? ??????????
??????????, ?????? ?? ?????? 98 ?? ?????????? ?? ?? ?????????? III ??? ?????? 2006/112. ?
????????? ??? ??????? ??? ??????? ?? ?? ?????? ?????????? ???????????, ???????, ???????,
??? ??? ?????????????? ??? ?? ?????????????? ?????? ??? ?????????? ?????? ??? ?? ??? ?? ???
115 ??? ?????? 2006/112.

2. ?????????? ??????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???? ??????
?????????? ??????? ??????? ??? ?????? 115 ??? ?????? 2006/112 ??? ??????. ??
????? 115 ??? ?????? 2006/112 ??????? ?? ?????????? ?? ??? ?????? ?????? ?????? ???????, ???
1? ?????????? 1991, ??????? ??????????, ?????? ?????, ??? ?????? ?????????? ???
????????? ?? ?????????????? ?? ?????????? ??? ?????????? ?????? ??? ?????? ???
????????????? ??? ?????? 115 ??? ?????? 2006/112 ?????, ?????? ??? ?????? ???
????????? ??? ?????????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ?????? (3), ?
????????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ?????????? ?????????, ?? ?? ???????,
??? ? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?? ?????????? ??
????????? ??? ??? 1 ?????????? 1991 ??????? ?????? ???????, ? ??? ?????????? ??????
????????? ?? ?????? 98 ?? ?????????? ?? ?? ?????????? III, ?????? ??? ?? ?????? 128 ???
?????? 2006/112 ??? ?????? ??? ?? ?????????? ?????????? ??? ?????? ???????????????.

II – ?? ?????? ????????

? – ?? ?????????? ????????

1. ? ?????? ???????????? ??? 2003

3. ?? ????? 24 ??? ??????? ?????????????? ??? 2003 (4) ??? ? ? ????:

«?? ??? ?? ?????????????? ?? ?????????????? V, VI, VII, VIII, IX, X, XI, XII, XIII ??? XIV ???
????????? ??????, ??????? ??? ????? ?? ??? ?????? ???, ??? ??? ?????? ??? ?????? ???
??? ?????????? ????.»

4. ??? ?????????? XII ??? ?????? ?????????????? ?????????????? ?? ?????????? ???
????????? ?????????? ??? ?????? ??? ??????. ??? ?????? 9 «?????????», ?????? 1,
??? ??????????, ?????????????? ?? ?????????? ?????? ??? ?????? ?????? ??????????
???:

«31977 L 0388: ??? ?????? 77/388/?? ?? ??????????, ??? 17?? ??? 1977, ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? – ??? ?????? ??? ?????? ?????????????? ????: ?????????? ?????????? ??? (?? L
145 ??? 13.6.1977, ?. 14), ??? ?????????? ??? ?????????? ???:

– 32002 L 0038: ?????? 2002/38/?? ?? ?????????? ??? 7?? ??? 2002 (?? L 128 ??
15.5.2002, ?. 41).

?) ??? ?????????? ??? ?????? 12, ?????????? 3, ?????????? ??, ??? ?????? 77/388/??,
? ?????? ??? i) ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????
????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????????
?????????, ??? ??? 31? ?????????? 2007 ?? ii) ?????? ?????????? ????:
????????????? ??? ?????? ?????????? 7 % ??? ?????? ?????????? ?????????? ??? 31?
????????? 2007 ? ??? ?? ?????? ??? ?????????? ?????????? ??? ?????????? ??? 28??
??? ??????, ?????? ??? ?????????? ??? ?????????? ??? ??????????.

?) ??? ?????????? ??? ?????? 12, ?????????? 3, ?????????? ??, ??? ?????? 77/388/??,
? ?????? ??? i) ?????? ?? ?????????? ??? ?????? ?????????? ???, ???
????????? ??? 3 %, ??? ?????? ?? ?????? (????????????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ???) ??? ?????? ?????????? ??? ?? ?????? ?? ??????
??? ???, ?? ???, ???, ?????? ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???
????????? ??? ?????? ??? ?????????? ???, ?? ?????? ??? ?????? ?????????? ???
????????????? ??? ?????? ??? ?????????? ???, ?? ?????? ??? ?????? ???, ??
??? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ???, ??
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ???
????? 1 ??? 10 ??? ?????????? ? ??? ??????, ??? ??? 30 ?????? 2008 ?? ii)
????????? ?????????? ??? ?????? ?????????? ???, ?? ?????? ??? 7 %, ??? ??????
??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ???, ??
??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ???, ??
????? ??? ??? ?????? ??? ?????? ???, ?? ?????? ??? 4, ?????????? 3, ?????????? ??, ??
??????, ?????? ??? 31 ?????????? 2007.

?) ??? ?????? ??? ?????? ??? ?????? 28, ?????????? 3, ?????? ??, ??
?????? 77/388/??, ? ?????? ??? ?????? ??? ?????????? ??? ??? ???

????????????? ??? ???? ?? ??????? ?????????? ?????????? ?? ?????? ?????????????? ???
?????? 17 ??? ??????????? ?? ??? ??????, ?????? ??? ?????????? ? ??? ??? ?????? 28,
????????? 4, ??? ?????? ? ??? ??? ?????? ? ??? ?????? ?????? ?????????????? ???
????????? ??? ?? ??????? ?????? ???, ?????? ??? ?????????? ??? ?????????? ???
?????????..»

2. ? ?????? 2006/112

5. ?? ????? 96 ??? ?????? 2006/112 ??????:

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

6. ?? ????? 97, ?????????? 1, ??? ?????? 2006/112 ?????? ??? ??? ??? 1?? ??????????
2006 ??? ??? ??? 31? ?????????? 2010 ? ?????????? ?????????? ??? ?????? ?? ???
????????? ??? 15 %.

7. ?? ????? 98, ?????????? 1 ??? 2, ??? ?????? 2006/112 ?????? ?? ????:

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

2. ?? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

[...]»

8. ??? ?? ????? 99, ?????????? 1, ??? ?????? 2006/112, ?? ?????????? ??????????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? 5 %.

9. ?? ?????? 4 ??? ?????? VIII ??? ?????? 2006/112 (????? 109 ??? 122) ??????
??? ?????????? ??? ??? ?????? ?? ?????? ??? ??????, ??? ??? ?????? ??????????
????????? ??? ?? ?????????? ??? ??????, ?? ?????????? ?????????? ?? ?????? ??? ??????????
??? ?????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??????????.

10. ??? ?????? ???, ?? ?????? 114, ?????????? 1, ??? ?????? 2006/112 ??????:

«?? ?????? ???, ?? ?????? ?????????? ??? 1? ?????????? 1993 ?? ?????????? ??? ??????
????????? ??? ?????????? ??? 1? ?????????? 1991 ??? ?????????? ??? 2 %, ?????? ??
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???
????? 99 ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? [...]

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

11. ?? ????? 115 ??? ?????? 2006/112 ??????:

«?? ?????? ??? ?? ??????, ??? 1? ?????????? 1991, ?????????? ?????????? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????..»

12. ?? ?????? 115 ?? ??????? 2006/112 ?????????????????? ??? ?????? ?? ?????????? ??? ??????
28, ??????????? 2, ??????? ??, ??? ?????? ??????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????
?????? 92/77/E?? ??? ???????????, ??? 19 ?????????? 1992 (5).

13. ?? ??????? 5 ?? ????? VIII, ?????????? «???????????? ??????????», ??????????????,
??? ??? 123 ??? 130, ?????????? ?????????? ?? ?????????? ?????? ??? ???? ??????????
???? ?????????? ??? 1? ????? 2004 ?????????? ?????????? ?????????? ?? ??????
????????? ?????????????? ?? ?????????? ?????? ?????? ?????? ?????? ??? ??????
????????? ?????????? ??????????, ??? ???? ??? ?????????? ?????????? ?????????? ?????? ???
????????? ??????.

14. ?? ?????? 128 ??? ??????? 2006/112, ?????????????????? ?? ??????????? ?? ??????????
?????????????, ?????????? ??????? ?????????? ?? ??? ?? ??????:

«1. ? ??????? ?????? ?? ?????????? ??????????, ?? ?????????? ?????????? ??? ?????? ???
????????????? ??? ?????????? ??????, ??? ?????????? ?????????? ?????????? ??? ?????? ???
???????????, ??? ??? 31? ?????????? 2007.

2. ? ??????? ?????? ?? ?????????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? 7 %
????? ?????? ?????????? ?????????? ?? ?? 31? ?????????? 2007 ? ??? ?? ?????? ???
????????? ?????????? ?? ?????? 402, ??? ? ?????????? ??? ?????? ?????? ??????????.

3. ? ??????? ?????? ?? ?????????? ?? ?????????? ?????????? ?????????? ?????????? 3 %
????? ?????????? ?????? ??? ?????????????? ??? ?????????? ???, ?????? 1, ??? ??? 30
????????? 2008.

4. ? ??????? ?????? ?? ?????????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? 3 %
???? ?????????? ?????? ?? ?????? ?????? ?????? ?????????? ?? ?????????? ?????? ?????????? ?????????? ?????? ??????
???? ?????????? ?????????, ?? ?????????? ?? ?????????????????? ??????, ??? ?????? ?????? ? ??????????,
??? ?????????????????? ??? ?????????? ???, ?????? 11, ??? ??? 30 ?????????? 2008.

5. ? ??????? ?????? ?? ?????????? ?? ?????????? ?????????? ?????????????? ?????????????? 7 %,
????? ?????? ?????????? ??? ???? ?????????????? ??? ?????? ?????????? ??????????, ???
??????????, ?????????? ??? ?????????? ???????????, ?? ?????????? ?? ?????????? ??????, ???
????? ?????????, ??? ???? ??? ????? ???????????, ??????? ?????????? ? ?????????? ??????
??????????, ??????? ?? ???? 12, ?????????? 1, ??????? ?), ??? ?? 31 ??????????
2007.»

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

15. ??????? ?? ?????? 41 ??? ?????????? ?????? ????, ??? 11?? ??????? 2004 (???)
????: ?????????? ?????? ????, ? ????? ?????? ?????? ??????????? ??? ?????????????? ??
22 %, ?????????????? ??? ??????????????? . ???????, ?? ?????? 41, ?????????? 2, ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? 7 % ??? ???? ?????? ??? ??
????????? ??? ?????????????? ??? ?????????? III.

16. ???? ?????????? III ??? ?????????? ?????? ??? ??????????????????, ??? ??? 45, ??
????????? ?????????? ?????????? ??? ?? ?????????? ?????????? ?????????? ???, ??? ??? 47, ??
????????? ??????????.

||| – ? ?????????? ??? ?? ?????????? ??? ??????????

17. ???? 23 ??????? 2007, ? ??????? ??????? ??????? ??????? ??????? ??? ?????????? ???

? ????????. ?? ????, ??????? ???? ??????? ??? ???????, ??? ??????? ??? ??????? 98 ??
????????? ?? ?? ?????????? III ??? ?????? 2006/112, ??????? ?????????? ?????????? ??
????????? ??????? ???????, ?? ?????????? ??????? ??? ??????? ??? ?? ???????
?????????.

18. ?? ?? ??? 22 ????? 2007 ??????? ???????, ? ??????? ??????? ??? ??????? ???
?? ?? ???????. ??????? ???? ??????? ??????? ??????? ??? ??????? ??? ???????,
???? ??????? ??? 1? ?????????? 2008 ?????????? ??? ??????? ??? ???????, ???????
??? ??????? ??? ??? ????? ?????????? ?? ?????????? ?? ??? ?????????? ??? ??
????????? ?????? ?????????? ???.

19. ? ??????? ??????? ?? ?? ??? 31 ?????? 2008 ??????. ? ??????? ??????? ???
???? ?? ?? ?? ?????? ?? ?? ??? 2 ?????????? 2009 ??????? ?? ?????????? ???
????????? ??? ?????????? ??? 3 ?????????? 2009 ??? ?? ??? ????? ???????, ?? ??
????? ??? ?? ??????????

- ?? ?????????? ??? ???? ???????, ?????????? ??? ???????, ?????????? ??????????
?? 7 % ??? ???????, ??? ??????? ??? ?? ?????????? ?????? ??????? ??????????
?????????, ?????????? (????????) ??????? ?????????? ??? ??????? ?????????? ??????
??? ?????? 41, ?????????? 2, ??? ????? ??? ?????? ??? ?????? ??? ???????, ??? 11?
????????? 2004, ?? ?????????? ?? ??? ?????? 45 ?? 47 ?? ?????????? III ??? ????? ??,
????? ?? ?????????? ?? ??? ?????? 98 ?? ?????? 2006/112/? ??
?????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ??? ????? ?????? ????? ??????????????
?????, ?? ?????????? ?? ?? ?????????? III ??? ?????? ??????,

- ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????.

20. ? ??????? ?????? ?? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?? ??????????
??? ??????? ??? ?????????? ???.

IV – ?????? ???????

21. ??? ?? ??? 96 ?? ?????? 2006/112, ?? ?????? ??? ?????????? ???????
????????? ?? ?? ?????????? ?? ??? ?????????? ?? ??? ?????? ?? ??????? ??
??? ?????? ?? ?????? ?? ??? ?????? ?? ?????????? ?????? ??? ?? ?????? ??????????.

22. ?? ?????? 98 ?? ?????? ??????? ??????? ??? ?????? ?????????? ??????? ???
????????? ?????????? ?? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?????????? ??????? ?? ??? ?????????? ??? . ??? ?????? ?????????? ??? ? ??????????
????????? ???????, ?????????? (????????) ??????? ?????????? ??? ?? ??????????
????????? (?? ????: ?????? ??????), ? ?????? ?????????? ??? ?????????????? ??
????????? 7 % ??????? ???, ??? ?????????? ??? ?????? ??? ?????????? III ??? ?????.
????????, ?? ??? 98 ?? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??????????
????????? ??? ?????? ??????.

23. ? ??????? ?????????? ?????????? ?? ?????? 115 ?? ?????? 2006/112, ??? ??
????? ??? ?????? ??? ??????????, ??? 1? ?????????? 1991, ??????? ?????????? ???
????????? ??????? ??? ?????????? ??? ?????? ??? ??????, ??????? ?? ?????????????? ??
????????? ??? ?????????? ???.

24. ? ??????? ?????? ??? ? ?? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ? ?????????? ?????? ?????? ?????? ??? ?????? 92/77 ?? ??? 28,
????????? 3, ??????? ??, ??? ????? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ???

???? ??? ??????????? ??? ?? ?????? ??????? ??? ?? ??????? 92/77. ??????????????, ?
????????? ??????????? ??? ?? ?????????? ?????????? ?????????? ??? ?? ?????????????? ??
??? ??? ?? ??????????? ??? ?? ?????????? ? ??????, ??????? ?????? ?? ??????????????
?????????. ?? ????? ?? ??? ?????????? ?? ?????????? ?????? ?????? ?????? ??
????????????? ??? ?? ????? ?????????? ??? ?????? ? ?????????? ?????????? ??? ??
?????????????. ? ?????? ?????????? ??? 2003 ??? ?????? ??? ?????? ?????? ??????????
????????? ?????????? ?????????? ??? ?? ?? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??????????.

25. ? ??????? ????, ???????, ??? ?? ?????? ??? ?????? 115 ??? ?????? 2006/112
??? ?????????? ??????? ??? ?????? ?????? ??????. ?????? ?????????? ??? ?? ?????????? ???
????????? ??? ?? ?????? ?? ?????????? ?????? ??? ?????? ??? ?? ?????? ?? ?? ???
????? ????. ???????????, ? ??????? ??? ?????????? ?????????? ?????????? ??????????
????????????? ??? ?????????? ??????????.

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

26. ?? ??? 24 ??? ?????? ?????????? ?? ??? ????? «????????? ???» ??? ??
????: «?? ??? ??? ?????????? ??? ?????? [...] XIII [...] ??? ?????? ???,
????????? ??? ?? ??? ?????? ??? ?????? ???, ??? ????? ?????? ??? ?????????? ??? ??????????
????».

27. ??? ??????? XII, ??????? 9 «?????????», ?????? 1, ???????, ?????? ???,
?????? ??? ?? ?????? 77/388 ?? ??? ?????? ?????????? ?????????? ??? ?? ???
?????? 2002/38/E?, ??????? ??? ?????????? ??? ?????? ??? ?????? ??? 1977 ??? 2002
????????? ?????????? ??? ?????? 1, ??????? ?? ??? ??, ??????????????
?? ??????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????, ??? ?????????? ???
?? ?????? 12, ??????? 3, ??????? ??, ??? ?? ????? 28, ??????? 3, ??????? ??, ???
??????. ? ?????? ?????????? ??? ?????? ?????????? ??? ?? ????? 28, ??????? 2,
?????? ??, ??? ????? ??????.

28. ??????? ?????? ?????? ?????????? ??? ???????????, ?? ?????????? ??????
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
????????? ?????? (6). ?? ?? ??????, ?? ?????????? ?????????? ??? ???????, ??? ??
?? ?????? 28, ??????? 2, ??????? ??, ??? ????? ?????? ?? ??? ?????? 115 ??
?????? 2006/112, ??????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
?? 2004, ?????? ??? ?????? ?????????? ??? ?????? ?????????? ?????????? ??????????
????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?? ?????? ??????.

29. ? ?????????? ??? ?? ?????????? ??? ?? ?????? ???, ??? ?? ?????? ??????
?? ?????? 92/77, ?? ?? ?????? ?????? ?????? ? ?????????? ???, ? ??????
?? ??? ?? ?????? ??? ??????????. ??? ?????? ?????? ?? ??? ?????????? ??? ??
????????? ?????? ??? ?????? ?????????? ?????? ?????? ?? ?????? ?? ?????? ??????
?? ??? ?? ?????? ??? ??????, ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??
??????, ??? ?????? ????. ??????, ??? ?????? ?????? ?????? ??? ?? ?????? ?? ?????? ??
????? 92/77
????? ?? ?????????? ???' ?????????? ??? ?????? ?????????? ?????????? ?? ??????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??????.

30. ??????????, ? ??????? ?????? ?????? ??? ?? ???? 24 ??? ?????? ???????????????
?? ?????????? ?? ?? ?????????? ??? ?????????????? ?????????????? ??? ?????? ?? ???
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ???????????.
????? ??? ?????????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????????????
????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????????????.

31. ??????????, ? ??????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ? ?? ?????? ???
????????? ??? ?????? ??????????????. ???????, ? ?????? ??????????????, ??? ?????????? XII,
????????? 9 «?????????», ?????? 1, ??????? ?? ??? ?, ?????? ?????????????? ???
??? ??? ?????????? ?????????? ??? ?????? ??????. ??? ? ?????????? ?????? ?????? ??????
????????? ??? ?????? ?????? ??????????, ??? ?????? ?? ?????????? ?????? ?????? ??????
????????? ?? ?? ?????????? ??????. ??? ?????????? ?????? ??? ?? ??? ?? ?????? ???
????????? XII, ??????? 9, ?????? 1, ??????? ??, ??? ?????? ??????????????, ??? ??
?????: ??? ??? ?????? ??? ?????????? ??? ?????? 28 [...], ? ?????? ?????? ??
????????? ?????? ??? ?????? ?????? ?????? ?????????????? ?????? ??? ?? ?????????? ??????????
????????? [...]» [? ?????????? ??? ??????].

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

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

34. ??? ?????? ??? ?????????????????? ???, ? ?????????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????????????? ??? ??????????. ? ?????????? ?????? ??? ??
????????? ??????????, ?????????? ??? ?????????? ?????????? ?????????? ??????????, ??? ??
??? ???????, ??? ?????????? XII, ??????? 9, ?????? 1, ??????? ??, ??? ??????
????????? ??? ?? ?????? 128, ?????????? 5, ??? ?????? 2006/112. ??????????, ??
????? 115 ??? ?????? ?????? ?? ?????? ?????????? ?????? ?? ?????? ?????? ??? 1? ?????????? 1991. ??? ?
?? ??? ?????? ?????????? ??? ?????? ?????? ?????? ???, ? ?????? ?? ?????? ??? ?????? ???.
????????? ??? ?? ?????? ?????? ?????? ???.

35. ??????????, ?? ?????????? ??? ?? ??? ?? ??????.

36. ?? ?????? 128 ??? ??????? 2006/112 ?????????? ?????? ?????? ??? ?? ???????
????????? ?????????? ??? ?? ?????? ?????? ??? ?????? 115 ??? ??????? ???' ????
????? ???? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???????. ??????????, ??? ??
????? 115 ??? ??????? 2006/112 ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??????
????????? ?????????? ??? ?? ??????, ?????? ?????? ? ?????????? ?????? ?????????? ????
??? 1? ?????????? 1991, ? ?????? ?????? ??? ?????? ?????? ?????????? ?, ? ?????? ??????????
??? ?? ?????? 128 ??? ??????? 2006/112, ????????, ??????, ??? ?????? ?????? ?????? ???
????????? ?????????? ??? ?? 31 ?????????? 2007. ????????, ? ?????? ????
????????? ?????????? ??? ?????????? ?????? 128 ??? ?????? ??? ?? ?????? ??? ???
????????? ??? ?? ?????? ?????????? ?????? ??? 1? ?????????? 1991, ???? ????
??? ?? ?????????? ?????????? ??? ?????????? ??????????????.

37. ??????? ??, ?? ??????? ?? ? ?? ???????, ?? ?????? ?????? ?????? ??????? ?? ??
????????? ??????? ??????? ?? ???????, ???????, ??? ?? ?????? ???, ??????????????
??? ?? ?? ?????? ??? ?? ?????? ?????????? ?????????? ??? ?????? 115 ??? ???????
2006/112. ??? ?????? ??? ?????????????? ?????? ??? ? ?????????? ?? ? ??????
????????? ??? ?????? ??? ?? ?????? ?????????? ??? ???????, ?? ?????????? ??????
????????? ?????? ?????????? ??? ?????? ??????????.

38. ?? ?? ??????, ?? ??????? ???????, ?? ?????? ?????????? ??? ?? ?????? ?????????? ??
??? ?????????? ????, ?????????? ?????????? ??? ?? ?????? ?????????? ?????????? ????
??? ?? 115 ??? ?????? 2006/112.

39. ???????, ??????, ??? ?? ?????????? ??? ?????? 115 ??????????
????? ?????????? ??? ?? ??? ?????? ???????, ??? ??????, ?????????? ?? ??????
????????? ??? ?????????? ??? ???????, ??? ??? ?????? ??? ?? ?????? ??? ?? ????
????? ??? ?????????? ??? 1? ?????????? 1991.

40. ??? ?????? ?? ?????????? ??? ?????? Optimus-Telecomunicações, ???
??????????, ? ??????? ??? ??????? ?????? ?????? ?????? ?????????? ?? ??? ?????? ???????????,
????????? ?????????? ?????????? ??? ?????? ?????? ?????????? ? ?? ??? ?????? ?????????? ???,
????? ??? ?? ??? ?? ?????? ??? ???????, ?????? ??? ? ?????????? ??? ?? ???
????????? ??? ?? ??? ?? ?????? ?????? (7).

41. ??? ???????????, ??? ?? ?????? ?????????????? ??? ?????????? ??? ?? ?????? 28,
????????? 2, ??????? ??, ??? ?????? ?????? (? ?? ??? 115 ??? ?????? 2006/112) ???
????? ??? ?? ?????????? ????.

42. ??? ?? ?? ?? ?????? ??? ?????? ??? ?????????? ?????????? ?????????? ??????????
????????? ??? ?????? ???????????. ???' ????, ?? ?????? ???, ?? ?????? ??? 1? ?????????? 1991
????????? ??? ?????? ?????????? ??? ?????? ???????, ??????? ?? ?????????? ?? ?????????? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ??? ?? ??? ??
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? 1? ?????????? 1991, ????
??? ?? ??? ?????? 2006/112 ?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ??
????????? ???? (8). ? ?????? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?? ??????????
??? ?? ??? 115 ??????? ??? ?????? ?????? ???????, ?????? ??? ?????? ?????????? ??????????
????????? ?????? ?????????? ????.

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

???????????? ???? ?????? ?????????? ?????? ?????? ?????? ??? ?? ??? ?????? ??? ?????????? ???
(9).

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

45. ????? ?????????????????? ??????? ?? ??????????? (10), ?? ?????????? ??? ?????? ???????,
???? ?? ?????? ??? ??????? ?????????????? ??? ?? ?????? ??? ?? ?????? ?????????????? ??
???? ??????? ?????? ? ?????? ?????????? ?????????????? ?????????????????? ?? ?????????? ?????? ??
?????????? ??? ?????? ??? ? ?????? ?????? ??' ??? ?? ??? ?? ????????, ?????? ??
?????????? ??????????.

46. ??? ??????? ???, ?? ?????? 115 ??? ?????? 2006/112 ??????? ??????????? ? ???
?????????? ??, ?? ??????? ??????????? ??????????? ??, ?? ?????? ??, ?? ???????, ??, ?? ???????????
??, ?? ??????? ??????????? ??????????? ??????????? ??, ?? ??????? ??, ?? ??????? ??, ??
?????? ? ??????. ?? ?? ??????, ?? ????? ?????? ??, ?? ??????????? ??, ?? ???????????
???? ?????? Optimus–Telecomunicações (11), ?? ?????? ??, ?? ?????? 69/335/E?? ??
??????????, ??, ?? 17?? ?????? 1969, ??, ?? ??????? ??, ?? ?????? ??????? ??????? ??, ??
?????????? ??????? (12), ?????? ??, ?? ??????? ??, ?? ?????? ??, ?? ?????? ??, ??
?????? ??, ?? ???????, ?? ??????? ??????? ??, ?? ??????? ??, ?? ??????? ??, ??
?????? ??????? ??, ?? ??????? ??????? ??, ?? ??????? ??, ?? ??????? ??, ??
?????????? ??, ?? ??????? ??, ?? ??????? ??, ?? ??????? ??, ?? ??????? ??, ??
??, ?? ???????.

48. ??????????????, ??? ???? ?????????? ??? ??? ?????????????? ?????????? ??? ??????????
????????? ?????? ??? ?????? ??? ? ?????? ?????: ?? ??????? ??? ?????? ?????? ?????,
???? ??? ??????? ???????????, ?? ?????????????? ?? ??????? ?? ?????????? ??????????
????????????? ?????????? ??????????, ?? ?????? ??? ????? ?????????? ?? ??? ??? ??? ??????
????. ? ?????????? ?????? ??? -?? ?? ??? ?????? ??? ?????????????? ??? ?? ??????????????
?????- ?????????? ?????????? ???, ?????????? ?? ??????????
????? ?????????? ???????.

49. ? ?????? ?????????? ??? ?????????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? . ???
?? ?????? ?? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?? ??????. ???
??? ?????? ?????? ??? ????????????, ?? 1992 ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??
?????????? ??? ??? ??? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??
????? ??? ??? ??? ??? ?????????? ??? ?????? ?????????? . ??? ??? ??? ?????? ??? ?????? ??? ?????? ??
????????? ???, ? ?????? ?????? ??? ?????? ?? ?????? ?????????? ?? ??? ?????? ?????? ?? ??? ?????? ??? ?????? ??
?? ??? ??? ?????????? ?? 1992.

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

? ?????????? ? ?????????? ? ??????. ? ?????????? ????, ???, ??? ?????????? ??? ?? ????
?????? ?? ??? ???? ???? ?? ?????? ?????? ?????????? ?????????? ??? ?? 1991. ? ??
?????? ?? ??? ?????????? ?? ??? ???? ?????? ??? ?????????? ?? ??? ?????????? ??? ?? ??
????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????. ?? ?? ??? ????
?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?? ??? ??? ??? ??? ??? ??
????????? ??? ?? ??? ?????? ?????? ??? ??????.

51. ??? ???? ???? ??????, ? ?????????? ?????????? ?? ??? ???? ?????????? ?? ??? ?? ????
???? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ?????????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????. ?
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?? 2004 ?? ??????????
?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????.

52. ?????? ? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??? ?? ???? 1??
????????? 1991 ??? ?? ?????? ?????? ?????????, ?????????? ??? ?? ?????? ?????????? ?? ?? ???
????? ???, ?? ?? ??? ?????? ??? ???? ?????? ?????????? ?????????? ??? ?? ?????? ??????????
????????, ??? ?? ??? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????????? ?????? ??????????
????? ??? ???? ???' ?????????? ??? ??????. ? ?????? ??? ?????? 115 ??? ??????
2006/112 ??? ?????? ??? ??????????, ?? ?????? ??? ?????????, ??? ?????? ?????????? ???
????? ?????????? ??? ?????? ?????????? ?????? ?????????? ?????????? ?????????? ??? ?????? ??
????????? ??? status quo.

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

54. ?? ??? ?????? ?????? ?? ?????????? ?????????? ??? ?? ???? 115 ??? ??????
2006/112 ?????? ??? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????
????????? ?????????? ??? ?? ?????????? ?????????? ?????????? ?????????? ?????????? ???
(????????) ?????? ?????????? ??? ?????? ?????????? ??????????, ?????? ? ?????? ?????????? ???
????????? ??? ??? 1? ?????????? 1991.

1. ?? ?????????? ??? ?????? ?????? ??? ?????? 115 ??? ?????? 2006/112

55. ?? ?????? ??? ?????? ?? ?????? ??? ?? ?????????? ??? ?? ?????? ?????? ?? ????
115 ??? ?????? 2006/112 ?? ??? ??? ?????? ?????????? ?????????? ??? ?? ??? ??????
????????, ?????????? ??? ?????? ??????.

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

57. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ???, ??? ?? ???? 1?
????????? 1991, ??? ?????? ??? ??????, ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? 17??
????????? 1972 ??? ?????? ??? ??????, ?????? ??? ?????? ?????????? ?????????? ??? ?? ?????????? ???
????? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ?????????? ??? ?????????? ??? ?? ?????????? ???
?? ??? ??? 8?? ?????? 1993 ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ???, ???' ?????? ??? ?????? ??? ?????? ??? ?????????? , ?
????? ?????? ??? ?????? ??? ?????? 7 % ??? ??? ?????? ??? ?????? ??? ??????.

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

? ???????. ???? ?????????? ??????????? ?? ?????????? ??????, ???????, ?? ??????????? ??
?????????? ?????? ??? ?????? 42, ?????????? 2, ??? ?????????? ???????????.

59. ?? ??????????? ???????, ??? ?????, ?? ??????? ?? ?????? ?? ?????? ??
?????????? ??? ??????? ??????????? ?????? ? ??????? ??? ??????????. ??? ??
????? ??????? ?????????????? ??? ?? ?????????? ??? ?? 1? ?????????? 1991 ??????
????? ???????, ?? ?????????? ?????? ??? ????? ?????????? ?? ?????????? ???????
?????????? ?? ??? ?? ?????????? ?? ?????????? ?????? ?????????? ?????? 115 ??
?????? 2006/112 ??? ??????. ?? ?????????? ?????? ??? ?????? ?? ?????????? ??????????? ??
???? ?? ??? ?????? ?????? ?????????????? ??? ?? 1? ?????????? 1991 ??? ?????? ??????
????? ?? ??????? ??? ?? ??? ?????? ??? ?????? 115 ??? ?????? ??? ?? ?????? ???
??? ?????? ??? ?????????? ?????? ??? ?? ?????? ???????.

60. ?? ??????????? ?? ??????? ?? ??????? ?? ?????? ?? ?????????? ??????????? ??
????????? ? ??????? ?????????? ??? ?? ??????? ?? ??????? ?? ?????????? ??
????????? ?????????? ?????????? ??? ?? ?????? 42, ?????????? 2, ??? ??????????
??????????, ?????? ??????? ?? ?????? ?????? ??? ?? ?????????? ??????? ??? ??????
??? ?????????? ??? ???????.

61. ??????, ??????, ?? ????????, ??????, ??? ? ??????????? ??? 1?
????????? 1991 ??????? ?????? ?????? ?????? ??? ?? ?????????? ??? ???????
?????????, ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? 2006/112. ???????,
????? ?? ?????????????? ??? ?????? ?????????? ?????????? ?????????? ??? ??
????????? ?????????? ??????????.

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

62. ?? ??????????, ??? ??????? ?? ??? ?? ?????? 33, ?????????? 1, ??? ???
????? (??? ??? 401 ??? ?????? 2006/112), ?????????? ?? ?????????? ??????
????????????? ?? ?????? ?????????? ??? ?????? ?????? ??? (14):

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

63. ?????? ?????? ?????????? ?????????? ?? ?????????? ?? ?????? ?? ?? ??
?????????????, ?? ?????? 33, ?????????? 1, ??? ?????? ?????? ??? ?????????? ??? ??????
????? ?????????? ??? ?? ??? (15).

64. ??????, ? ?????????? ?? ??? ?????? ?? ?????? ?????? ?? ?????????? ??
????? 33, ?????????? 1. ?????? ?? ?????????? ?????? ?????? ? ?????? ?????????? ??
????????? ?? ??? ?? ?????????? ?? ?????? ?????? ?? ?????????? ???????, ?? ??????
????????? ?? ??? ?????????? ?? ?????????? ???????, ?????????? ??? ?? ?????????? ???,

?????? ???? ?? ??????? ?????????????? –????? ??? ??????????? ??? (16).

65. ??????????, ??? ?? ??????? ??? ?????? 115 ??? ?????? 2006/112 ?? ??????
?????, ??? ? ??????, ??????? ?????? ??? ?????????????? ??? ??? ?????????? ??????????
??? ?????????? ??? ?????? ?????? ?????????? ?????? ?????????? ??? ??? ?????????? ??????????
????? ??? ?? ?????????? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ??????????
????? ??? ?????? ??? ?????????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??????
??? ?? ?????????? ?????????? ??? ??? ?????? ??? ?????? 2006/112.

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

67. ??? ?? ?????????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ??????????
?? ?????????? ??? ?? ?????? ?????????? ?????????? ??? ??? ?????????? ??? ??? ?????? ???
????????? ?????????? ?????????? ??? ? ?????? ??? ??? 1? ?????????? 1991 ??? ?????? ????
????????? ?????????? ?????? ??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ??????
????? ?? ??? ?????????? ??? ?????? –????? ??? ?????????????? ??? ?????? ?????? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????????? ?????????? ???.
????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ???.

68. ?? ??????? ??? ? ??????? ??????????, ?? ??? ?? ???????, ??? ?????????? ???????,
????? ?? ?????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??????. ?????, ??? ? ??? ? ?????? 2006/112
????????? ?????????? ??? ?????????? ??? ?????????? ???.

69. ????????, ??? ?? ??????, ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? 1993
?????? ??? ?????? ?????? ???, ?? ????, ???' ?????? ??? ?? ?????? ??? ?????? ??? ??????, ???
????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ????
????????? ?????????? ??? ??????. ??? ??? ?? ?????? ???, ? ?????? ?????? ??? ?????? ????
????????? ??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

70. ??? ?? ??????????, ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ?? ?????????????? ????
?? ?? ?????? ??? ??????????. ??? ??? ?? ???, ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ????. ??? ?? ???, ??? ? ??? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ?? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? (17).

71. ????????, ?????? ?? ?????????? ??? ?? ??? 1? ?????????? 1991 ????
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

72. ??? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ???
????????? ??? ?????? ?????? ??? ??? ?? ???, ?? ???????, ??? ??? 4 ?????? 1992 ???
??? 16 ?????????? 1992, ?????????? ?? ?????????? 5 %, ?????? ?? ??????
????????? 7 %. ???????, ? ?????? ?????? ?????????? ??? ?????? ??? 20 % ? 22 %.

73. ??' ????, ?????? ???' ???? ?? ?????????? ??? ?????? ??? ?????? ?? ??????

? ?????????? ?????? ?? ?????????? ?????? ?????? ?????????????????? ??? ?????? ?????? ??????. ?
????? ? ?????? ?????????? ?? ?????? ?? ?????? ?????? zero-rating, ?????? ???
????????? ?? ?????? ?????????? ?????????????? ?? ?????????????? ?????? ???, ??? ???? ??
????????? ?????????? ?????????? ?????? ?????? ?????? ?????????? ??? ?? ?????????? ???
????????? ??? ?????? ? ?????? (18). ?? ? ? ??????, ? ?????????? ??? ???? 1? ??????????
1991 ??? ?????? ?????????? ??? ?????????? ?????????? ?????????? ??????????, ??????????
(?????????) ?????????? ?????????? ??? ?????????? ?????????? ?????? ?? ?????????? ?? ??????????
????????? ?????????? ??? ??? ?????? ??? ?????? 115 ??? ?????? 2006/112 (19).

74. ????????????, ? ?????? ??? ?????? 115 ??? ?????????? ??? ??? ??? ??? ???? ??
?????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ??? ????????, ??
??? ??????? ???, ??? 0 % ?? 7 %.

75. ??? ?????? ???, ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
????????? ? ?????? ?????????? ??? (20). ????????????, ??? ?????????? ??? ??????????
????? ?????? ??????????, ??? ??? ?? ??? ??????????, ?????????? ?????????? ???
????????????? ??? ?????? ?????????? ???, ??? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????? 2006/112, ? ?????? ??? ?????? ?? ?????????? ?? ?????????? ???
????? ?????? ?????? (21).

76. ?? ?? ??????, ??? ?????? ?????????? ?? ?????? ??? ? ?????? ?????????? ??? ?? 1991
?? ?????? ??? ??????, ?????????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??????????
????????? ??? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??????.

77. ?????, ?????????? ?? ?????????? ??? ?????????? ??? ? ?????? ?????????? ??? ??? ??? ??????,
????????? ??? ?????? 115 ??? ?????? 2006/112, ?? ?????????? ?????????? 7 % ??? ??
????????? ?????????? ?????????? ?????? (?????????) ?????????? ?????????? ???
????????? ??????????. ??????, ? ?????? ??? ??????????, ?? ??? ?????? ??? ??????????
????? ?????????? ?????????? ??? ?????? 98 ??? ?????? 2006/112, ??? ?????? ??
????? ???.

V – ??? ??? ?????????? ????

78. ??? ?? ????? 69, ?????????? 2, ??? ?????????? ???????????, ? ?????? ??????????
????????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ??????????
????????? . ?????????? ??? ? ?????? ?????? ???????, ?????? ?? ?????????????? ??? ??????????
?????, ?????? ?? ?? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??????????.

VI – ??????

79. ?????? ??????, ?????? ??? ?????????? ?? ?????????? ?? ????:

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

2. ? ?????????? ?????? ?? ?????? ?? ?????????? ???.

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

2 – ?? L 347, ?. 1.

3 – ? ?????? ?????????????? ?????????? ??? ?????? 28, ?????????? 2, ?????? ??, ???
?????? 77/388/E?? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????? ???

?????????? ??? ?????? ??????, ??? ?????????? ?? ??? ????? ?????? ?????? ?????? - ????
?????? ??? ????? ?????????????? ????: ?????????? ?????????? ??? ((?? ??. ???.. 09/001, ?. 49), ?? ???? ???? ?? ???? ?? ???? ??? ?????? 92/77/E?? ??? ??? ??????????, ??? 19??
????????? 1992, ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????????? ??? ?????? ??????????????
????? ??? ??? ?????????? ??? ?????? 77/388/??? (????????? ??? ?????????? ???), ???
????: ???? ?????.

4 – ?????? ??? ???? ??????????????? ??? ?????????? ??????????????, ??? ?????????????? ???
?????????, ??? ?????????? ?????????????, ??? ?????????????? ??? ??????????, ??? ??????????????
??? ??????????, ??? ?????????? ??? ??????????, ??? ?????????? ??? ?????????, ??? ?????????,
????????? ??? ?????????, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ??? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ? ??????????
????? (?? 2003, L 236, ?. 33).

5 – ?????????????????? ??? ?????????????? 3.

6 - ??' ?????? ??? ???????, ??.. ?????????? ??? ??????? ?????????? Tesauro ??? 7?? ?????
1991 ??? ?????? C-35/90, ??????? ??? ?????? (?????? 1991, ?. I-5073, ?????? 6).

7 – ??????? ?? 21?? ??????? 2007, C?366/05, Optimus-Telecomunicações (?????? 2007, ?I?4985, ?? 32).

8 – ?. ?????? 379, ??????????? 1, ??? ??????? 2006/112, ?? ?????? ??????????? ??? ??????????
 ?V, ????? IX, ??????? 2, ??????? ?, ??? ??????? ??????????? ??? ???????, ???
 ?????????? ??? ??? ??????? (?? 1994, C 241, ?. 335).

9 – ??? ?????????? ??? ??????? ?????????? Sharpston ??? 25?? ?????????? 2007 ???
?????? C?366/05, Optimus – Telecomunicações (?????? 2007, ?. I?4985, ?????? 45).

10 – ???. ?????????? ??? 22?? ?????????? 1998, C-308/96 ??? C-94/97, Madgett ??? Baldwin
(?????? 1998, ?. I-6229, ???? 34), ??? 8?? ????? 2003, C-384/01, ???????? ??? ??????????
(?????? 2003, ?. I-4395, ???? 28), ??? 1?? ?????????? 2005, C-394/04 ??? C-395/04, ???
(?????? 2005, ?. I-10373, ?????? 15 ??? 16), ??? ??? 6?? ?????? 2006, C-251/05, Talacre
Beach Caravan Sales (?????? 2006, ?. I-6269, ???? 23).

11 – ?????????????????? ??? ?????????????? 7.

12 – ?? L 249, ?. 25, ?? ???? ????? ??? ?????????????? ??? ??? ??? ??? ?????? 85/303/E?? ???
???????????, ??? 10?? ?????? 1985 (?? L 156, ?. 23).

13 – ???. ????. ????????????. ?????? ???. ??????? 2006/112.

14 – ?????????? ??? 3?? ?????????? 2006, C?475/03, Banca popolare di Cremona (???????)
2006, ?. I?9373, ????? 28), ??? ??? 11?? ?????????? 2007, C?283/06 ??? C?312/06, KÖGÁZ
??. (???????) 2007, ?. I?8463, ????? 37).

15 – ?????????? Banca popolare di Cremona (????????????????? ??? ?????????????? 14, ???? 27) ??? KÖGÁZ ?.?. (????????????????? ??? ?????????????? 14, ???? 36).

16 – ??., ??' ?????? ??? ??????, ?????????? Banca popolare di Cremona (????????????????? ???
????????????? 14, ?????? 21 ??? 24) ??? KÖGÁZ ?.?. (????????????????? ??? ??????????????
14, ?????? 29 ??? 33).

17 – ??., ?????????????? ????, ????, ????, 175, ?????????? 2, ??????? ????, ????, ????, 180 ???

372 ??? ??????? 2006/112.

18 – ??., ?????????????? ????, ??? 28, ?????????? 2, ???????? ?? ?? ??, ??? ??? ?????????? ? ?????? 110 ??? 113 ??? ??????? 2006/112. ??? ???????? ??????? ??? ??????? ??? zero-rating, ???. ??? ???????? ??? 4?? ??? 2006 ??? ?????? C-251/05, Talacre Beach Caravan Sales (?????? 2006, ?. I-6269, ?????? 22 ??? 23), ??? ??? 13?? ?????????? 2007, ??? ?????? C-309/06, Marks & Spencer (?????? 2008, ?. I?2283, ?????? 27).

19 – ??? ????????????, ??? ?? ?????? ??????, ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? zero-rating.

20 – ?. ?????? ??? 23?? ??????? 2009, C?460/07, Puffer (??? ??? ??? ?????? ?????? ?????? ?????? ??????? ??? ???????, ??? 85), ?? ?????? ??? ?????? ??? 24?? ?????? 2007, C?157/05, Holböck (?????? 2007, ?. I?4051, ????? 41).

21 – ??., ??' ?????? ??? ??????, ?????? Puffer (????????????? ??? ?????????? 20, ??? 85) ?? ?????? ??? ?????? ?? ?? ?????? 17, ?????????? 6, ??? ?????? ?????? ?????? ??? 14?? ?????? 2001, C-345/99, ?????? (?????? 2001, ?. I-4493, ??? 44), ??? ??? 8?? ??????? 2002, C-409/99, Metropol ??? Stadler (?????? 2002, ?. I-81, ??? 45). ??., ???????, ?????? ??? 22?? ?????????? 2008, C?414/07, Magoora (?????? 2008, ?. I?10921, ?????? 35 ??? 37).