

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

NIILo JÄÄSKINEN

??? 14?? ??????? 2011 (1)

?????? C?93/10

Finanzamt Essen?NordOst

?????

GFKL Financial Services AG

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

«?????? ?????????? ?????????? ??????? ?????????? ?????? ??? ?????????? ?????? ??
????????????? ??? – ??? ?????? ??? – ??? ?????? ?????? – ??? 2, ?????????? 1 –
?????? ?????????? ?? ??????? ?????? – ??? 13, B, ?????????? ?? – ?????????? – ??????????
????????? – ??? 11, A, ?????????? 1, ?????????? ?? – ??? ?????????? ??? ?????»

1. ? ??????? ?????? ?????? ?????????? ?????????????? ?????????? ?????? ??? ???????
????????? ?????????? ??? ?????? (?? ????: ??????) ??? ??? GFKL Financial Services
AG (?? ????: GFKL), ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ???
?????????. ?? Bundesfinanzhof ?????? ?? ?????????????? ?? ??? ? ?????? ?????????? ???
????? ?????????? ??? ???, ??? ?????? ?????????? ?? ?????????? ?? «?????? ??????» ???,
????? ?????????? ???, ?? ?????????? ??? ?????? ?????????? ??? ?????.

2. ?? ??? ?????? ??? ??? ?????? ?????????????? ?????????? ??? ?????????? ?? ??????????????
? ?????? ??? ?????????????? ??? ?????????? ??? ?????? MKG?Kraftfahrzeuge?Factoring
GmbH (?? ????: MKG) (2). ??? ???? ?????? ?? ?????????? ??? ?????? ??? ??????????
????????????? ??? ?????? ?????? ?????????????? ?????????? ??????????, ??????????????
??? ?????? ?? ?????????????? ??? ?????????? ?????? ?? ?????? ??? ??????????, ??? ?
??????, ?? ??????????, ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?? ?????? «????????? ??????????» (3). ??? ???? ?? ??????????, ? ??????????
????????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?? ?????? ???
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ??? ?????????? ??? ??
????????????? ??? ?????????? ?????????? ??? ?????????? ??? ??? ?????????? ???.

3. ?? ??????? ?????????? ?? ??? ?? ???? ?????? ?????????? ?????????? ???
????? ??? ?????????? ??? ?????????? ??? ?????? MKG, ?? ?????? ?? ?????????? ???
????? ? ?? ?????? ? ?? ??? ?????? ?????????? ?? ?????????? ???.

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

? ?????????? ??? 3?? ?????, ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ?????????? ?
?????? ?? ??? ?????? ??? ?????? ??? ?????? (5). ?????????? ??? ?????????? ?
????????? ??? ?????? ??? «????? ?????? ??????». ??? ? ?????????? ??? ??????
? ??????, ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? «????? ? ??????
??? ??????», ?????????? ? ?????? ?? ???? «??? ??????».

5. ? ?????? ??? «????????? ??????» ??? ?????????? ?? ?????????? ??? ??????????
MKG ????, ?????????? ?????? ??? ?????? ??? ?????????? ?????? ??? ??????????
????????? ?? ?????????? ??? ?????? ???, ??? ???? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ??????
??? ? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
MKG.

I – ?????? ??????

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

– ? ??? ?????? (6)

6. ?? ??? 2, ??? 1, ??? ???? ?????? ??? ?????? ?? ?????????? ??? ??????.
????? «?? ?????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
??? ?????? ??? ??????», ?????????? ?? ???.

7. ??? 4 ?????? «????????? ??? ?? «????????? ???» ?????????? ??????????
????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????????
??? ?????? ???, ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ?????? ??? ?????? 2 ??? ??????:

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

8. ?? 6 ??? «????? ???» ??? ??????:

«1. ?? “????? ??????” ????, ???? 5.

? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???, ??:

– ?????? ???, ?? ?????? ?????? ???, ?? ??? ?????? ???, ?? ??? ?????? ???,
[...]».

9. ?? 11, ?, ?????? 1, ?????? ??, ?????? ?? ?????? ??? ?????? ??? ?????? ???
«????????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????
????? ??? ? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ??????
????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ??????
??? ??????».

10. ??? ????? 13 ???????????? ?? ?????????? ??? ??? ????. ??? ? ? ????? 13, B, ????????, ??, ?????? 1 ??? 3 ??? 5, ?????????????? ??? ??? ????:

«1. [?] ?????????? ??? [?] ?????????????????? ??????????, ????? ??? [?] ?????????? ??????????
????????????? ??? ??????? ? ?????? ??? ??????????.

2. [?] ?????????????????? ??? [?] ??????? ??????????????, ??????????? ? ?????????????? ?????????????
??? ?????? ??????????, ??? ???? [?] ?????????? ?????????? ?????????? ?????????? ???
????????? ? ?????? ??? ??????????.

3. [?] ????????, ?????????????????? ??? ??? ??????????????????, ?? ?????? ????????
???????????, ?????????????? ??????????????, ????????, ?????????? ?? ????????,
???????????, ????????, ??? ????? ??????????, ?????????? ??? ?????????? ??????????-

[...]

5. [??] ????????, ?????????????????? ?? ???? ??????????????????, ???' ?????????? ??
????????? ?? ???? ??????????????, ?? ?????? ?????????? ?????? ?? ?????? ?????????? ?
????????, ?????????? ?? ?????? ???????, ??????:

- ??????? ?????????????????????? ??????????????,
 - ????????????? ? ?????? ?????????????? ??? ????? 5, ?????????? 3».

!! – ? ??????? ?? ???? ?????? MKG

11. ? M?GmbH ?????????? ??????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ??
????????? ??????. ? Factoring KG (????????? MKG), ? ?????? ??? ?? ??? M?GmbH
????????? ??? ?? ?????? Trapp?Dries/Mitsubishi, ??????? ?? ?????????????? ???
M?GmbH. ??????? ??? ??????? ?????????? ??????????? ????????????, ? Factoring KG
????????? ??? ??????? ?????????? ??????????? ??? ?????????? ??? ?????? ??? M?GmbH ???
????????? ??? ??????? ?????????? ??????, ?????? ?????????? ?????????? ?????????? ??????????????
????????? ??? 2 % ??? ?????? del credere (??????? ?????????? ?????? ??? ???????, ?????? ??? ??????)
????????? ??? 1 % ??? ?????????? ?????? ??? ???????, ?????? ??? ??????
????????????? ??? ?? ?????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????
????? ?? Factoring KG.

13. ?? Bundesfinanzhof ??????? ?? ?????????????? ?????????? ??????????, ???' ?????, ??
????????????? ?? ? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????? ??
????????????? ??????? ?? ??? ?????? ?????? ??? ?????? 13, B, ??????? ??, ??? ?????
?????? ??.

14. ?? ?????????? ??? ?????? ??? ?????????????? ?????????????? ??? ?????? ??? ?????? ???????
????? ??????????, ?? ?????????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ??????????
????? ?? ?????? ??? ?????????, ??? ? ?????, ?? ?????????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???.
????????? ??????, ?????, ??? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ?????? ???.
??? ?????? ?????? «????????? ?????????» ??? ? ? ?????? ?????????? ??? ? ?????? 13, ?,
???????, ?, ????? 3.

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

15. ??? 26 ?????????? 2004, ? GFKL ?????? ?????? ?????? ?? ??? ??????, ??????
??? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
70 ?????????? ??? ?????? ?????????? ?????? ?????? (??? ????: ??????????) (8)
????????? ??? 15 500 915,16 ???, ?????? ?????? ?????? 8 034 883 ???.

16. ?? ?????????? ?????? ?? «????????? ??? ?????» ??? ?????????? ??? ?? ??????
?? GFKL ??? ?? ?????????? ?????? ?? ?????? ?? ?????? ??????, ??? ?? 29?
????????? 2004. ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?? ??? ?? ?????? ?? ??
????????? ?? ?????? ?? ?????? ?? ?????? «good?bye letters» ??? ??????????
?????????. ??????????, ? GFKL ?? ?????????? ?????? ?? ?? ?????????? ??? ?? ??????????
???? ?? ?????????? ???????. ??? ?? ?????? ??? ?????? ?????? ??????, ?????????? ???
? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?? ??????????
????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?? ?????????? ???.

17. ? GFKL ?????? ?? ? ?????????? ?? ?????????? ?? ?????? ?????? ?????? ??? ??
????? ?????????? ?? ????. ??? ?????? ?????? ?????? ?????? [??] ?????? ??????
??? 3? ?????? 2004 ??? Bundesministerium der Finanzen (????????????? ??????????
?????????, ??? ????: BMF), ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ???
MKG.

18. ??? ?? ?????????? ?? ?????? ??, ? GFKL ?????? ?? ?????????? ??
????????? ?? «????????? ?????? ?????? ???» (wirtschaftlicher Nennwert) ??
????????? ?? ??? ?????? ?????? ??? ?????? (? ?????? ??? ?????? ??
?????????, ????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?? ??????????
? ???????, ??? 5,97 %) ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?? ?????? ??? 8 399 808 ???.

19. ? GFKL ?????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ????. ??
Finanzamt Essen?NordOst (Essen North?East Tax Office), ???, ?????? ??? ?????? ??
??????. ? GFKL ?????? ?? ??? Finanzgericht ??? ?? ?????? ??? ?????? ??
Finanzgericht ?????? ?? ??????, ?????? ???, ?? ?????? ?? ?? ?????? ??????????
?????????, ? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??
????? ??????, ?????? ?? ???.

20. ??? ??????, ? ?????? ?????? ??? ?????? ??? ?????? ??? Bundesfinanzhof, ?? ?????? ????
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???

«1. ?? ??? ?? ?????? ?? ?????? ?? 2, ?????? 1, ??? 4 ?? ?????? ?????? 77/388/??
?? ??????????, ??? 17? 1977, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????:
?????????, ?? ?????????? ??? (?????) ?????? ?????? ??? ?????? ???

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

- ??? ?????????????? ??? ?? ?????? ??? ?????????????? ?????? ??? ?????????? ???
????????????? ???' ?????????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????????????? ??? ?????????? ???
????? ??? ??????????, ???

- ?????????????? ??? ?? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ???
?? ?????????????? ???, ??? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ?? ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ??????????;;

2. ?? ?????????? ?????????? ?????????? ??? ?????? 1, ?? ??? ?? ?????? ??? ?????????? ???
13, B, ??????? ??, ?????? 2 ?? 3, ??? ??? ?????? 77/388/??? ??? ??????????, ??? 17??
????? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ?????????? ?? ???
????? ?????? ??????:

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

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

3. ?????? ??? ?????? 1 ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????????? ???
????? ??????, ?? ??? ??? ?????? ?????? 11, ?, ??????? ??, ??? ??? ?????? ??????
77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????? ??? ?????????? ???
????? ??????, ??? ?????? ??? ?????? ?????? ?????? ?????? ??????;:

? ? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ??? ?????????? ???
????? ?????? ??????;»

21. ?????? ?????????? ?????????? ? GFKL, ? ?????????? ??????????, ? ?????????? ???
????????, ??? ?????????? ??? ??' ?????????? ??? ?????? ??? 12?? ????? 2011.

IV – ?????????????? ??????????????

22. ??????, ???' ????, ?? ?????????????? ? ?????????? ??? ?????????? ??? ?????? ???
????????? ??????.

23. ? GFKL ??? ? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? MKG
????????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ???
????? ?????????? ?? Factoring KG ?? ?????????? ??? ?????????? ?????? ??????????
?????????????, ??? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????????.

24. ?????? ?????????? ??? ?????? ??? ?? ?????????? ?????????? ?????? ?????? ???
????????? ?????????????? ??? ?????? ?????? ??? ?????????? ?????????? ??? ??? ?????? ???

25. ??????, ?????? ??????????????? ??? ?????????? ?????????? ??? ?????? 13, ?,
????????? ?, ?????? 3, ??? ????? ???????? ????: 9 ?????????? ?????????? ?????????? ???
«????????? ??? ?????????? ??????????» («debt collection and factoring») ??? ? ? ?????
????????? ??? ?????????? ??? ?????????? ? ? ?????? ?????? (9), ??? 11 ??????????
????????? ??? ????? ?????????? ?? «????????? ??????????» («debt collection») (10). ?
????????? ?????? ??? ?????? 135, ?????????? 1, ?????????? ?, ??? ?????????? ??? ???
????????? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ??? ?????????? ???.

26. ????????, ? ????????, ??? ?????????? MKG ?????????????? ??? ?? ????? ??????????
??? ?????? 13, B, ????????, ??, ?????? 3, ??? ????? ?????? ??? ?????? ??????????
«???????, ??????????». ????????, ?? ?????????? ?????? ??? ? ?????????? ??????????
?????? ?? ????????, ??? ????????, ?????? ??? ?????? ??? ?????????????? ??????? ??
«???????????, ??????????», ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ?
????????? ??? (11).

V – ?????????? ? ??? ??????? ?????????? ??? ????? ?????????? ??? ????? ??????????

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

28. ????? ?? ?????? 2 ??? ?????? ??????? ??, ? ?????? ?????????? ?? ?????????????????
?? ??????? ?? ?????? ??? ?????????? ??????? ?????? ?????????? ?? ????. ?? ?????? ???
?????? ?? ?????????? ?? ?????????? ?? ?? ?????? 4 ??? ?????? ??????, ???? ?? ?????? ???
?? ?????????? ?????????????? ??????????????.

29. ?? ??????? ?????????? ?? ??????? ?? ?????? 6 ?? ?????? ?? ?????? ?????????? ?? ?????? ?????? ?
?????? ?? ?????????? ?????????? ?? ??????. ????????, ????????, ?????????? ? ??????
????????????? ?? ????? ?? ?????????????? ?? ?????????? ?? ??????? ?? ?????????? ?? ????? ?? ?????
?? ?? ??????????. ?? ?????? 6 ?????????????? ?? ?????????? ?? ??????? ?? ?????? ?????? ?????????? ?????????
?? ??????????????????, ?????? ?? ???, ? ?????????? ?? ?????? ?????? ?? ?????? ?? ??????
????????????????? ?? ??? ?? ??? ?????.

30. ??? ?????????? ?????? ??????? ?? ??? ?????????? ?????? ??????. ??? ?????? Swiss
Re, ?? ?????????? ?????? ??? ? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ??????
????????????? ?????? ?????? ?????????? ?????? ?????? ??????????, ?????? ?????????? ??? ?????? ??????
????? (12). ??? ????? First National Bank of Chicago, ?? ?????????? ??? ?????? ??
????????? ?????? ??? ???? ?????? ?????? ?????? ?????????? ?????????????? ?????? ?? ??? ?????? ?????? ??????
????????? ?????????????? ?????? ?? ??? ?????? ??????, ?? ?????????????? ??? ??? ?????? (????? ??
??????, ?? ??? ???? ???? ? ?????????? ?????) ?????? ?????????? ??? ?? ??? (13). ?????? ??
????? ??? ?????? ?? ?????? ?????????? ?????????? ?????? ?????????? ?????? ??????????????
????????? ??? ?????? ?????? (14), ?????? ? ?????? ??? ?????? ?????????? ?????????????? ??? ??
????????? ??? ??? ?????? ?????????????? ?? ?????? ?????? ?????????? ?????????????? (15).

31. ????? ?? ?????? ???, ? ?????????? ?????? ?????? ?????? ?????? 6, ?????????? 1, ???

????? ??????? ??? ????? ?? ?????????? ??? ? ?????????? (? ??????? ??? ?????? ??????)
???????) ??????? ??? ?????????? ??? ?????? (GFKL). ??? ?????????? ??? ? ??????????
???????) ??????? ??? ??????.

32. ? ??? ??????? ???????, ????, ???? ?? ?????? ?? ? ??????? ??????? ?? ??????? ???
???????) ??????? ??? ????????. ?? ?????? 6, ?????????? 1, ??? ?????? ??????? ??? ??
???????) ??? ??????? ??? ?? ??????.

33. ?? ??? ??? ????? ????????, ?? ?????????? ?????? ??? ?????? MKG ???, ???
????????? ??? ?????? ?????????? ??????????, ?? ????? ?????????? ?????? ??????????, ?
????? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? ??? ??????????
??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????????? ??? (16).
?????, ??? ?? ????????, ?????????? ??????????, ?? ?????? ??? (17).

34. ??????, ??? ?? ?????? ???, ??? ?????? ?????? ??? ?????? ?????? ?????????? ?? ??????
????? ?????????? ?????????? ?????????? ?? ?????? ??? ??????.

35. ? GFKL, ? ?????????? ?????????? ??? ? ?????????? ??????????????, ?? ??? ???
????????? ???, ??? ? ??? ?????? ??? ?????? ??? GFKL ?????? «?????»
????????? ??????????, ???, ??? ?? ?????????? ?? ??????????????. ??? ??? ???
???, ??? ?????? ?????? ??? ?????? ?????? ?????????? ?? ?????? ?????? ?????????? ?? ??????
??? GFKL ??? ??? ??????. ????????, ???, ??? ??? ? ?????????? ?????????? ?? ??? ???
??? «?????» ?????????? ?????????? ??? ?????????? ?????????? ?????????? ??????????
????????? ??? ??? ?????? ??? ?????? ??? ??????, ??? ?????? ??? ??? ???
?????????, ??? ?????????? ??? ?? ?????? ??????????, ??? ? ??? ?????? ?????? ??????
????? ?????? ??????.

36. ??? ?? ?????? ??, ?? ?????????? ?????????? ?? ?????????? ??? ?????? ??? ??????
MKG, ??? ?????? ??? ?????? ?? ?????? ??? ? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? (18).

37. ?????? ?????? ?? ?????????? ?????????? ?? ?????? ??? ??????????
????????? ?????????? ??????????. ??? ??????????, ?????? ?????????????? ??????????
????????? ??? ?????? ?????????? ?????????? ?? ?????????? ?? ?????????????? ???
????????? ?????????? ?? ?????? ??? ?????????? ?????????? ?? ?????? ?????????? ??? ?? ???
??? ?????? ??? ?? ?????????? ?? ?????? ??? ?????? ?? ?????????? ?????????? ??????????.

38. ???????, ?? «????? ?? ?????? ??? ?????? ?????? ??????????» ?????????????? ??? ???
????? ?? ?????? 13, B, ??????? ??, ??? 3, ??? ?????? ?????? ????. ?? ?????? ??????????
??? ?????? ?????????? ??? ?????? ??? ?????? «????? ?????? ??????»,
?????, ???, ? ?????? ??? ?????? ??? ?????? ?????? ??????????.

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

40. ??? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?
????????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??????????,
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ??? ??????
?????.

41. ?????? ??? ?????????????? ??????? ?????? ?????? ? ?????? ?????? ?????? ??? ??
????? ????, ?????? ?????????????? ??? ?????????????? ?????? ???????. ? ?????? ??? ??????????
?? ???????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????, ????
????????? ?? ?????????? ?? ?????????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??
? ??? ?????? ??? ?????? ?????? ??? ?? ??????. ??? ?????? ?????????????? ??
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???.
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???.

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

43. ??? ? ?? ??????? ???????, ? ??????? ??????? ??? ?????? ?? ?????????? ??? ??
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ??? ??????????. ?? ??
??????, ?????????? ??? ?????????? ??? GFKL, ? ?????? ?????????? ??? ?????? ??
????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ?? ?????? ?? ??? ??????
???? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??????
???? ?????????? ??? ???????. ? ?????? ??? GFKL ??? ?????? ?????? ??? ?????? ??????
? ???????, ?? ??????????, ?? ?? ? ??' ?????? ??? ?????? ??????. ?? ?????????? ??
???? ?? ?????????????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????????? ???
? GFKL ??? ?????? ?? ?????????? ?????? ??? ?????????? ?????? ?????? ??????????
?? ?????????? ? ??? ?? ?????? ?????????? ??? ?? ?????? ?????????? ?????????? ??????????
?????????.

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

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

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

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

????????????????? ??????? ???? ?????? 4, ????????????? 1, ??? ?????? ?????????? ???.

2. ????????

48. ??????????????, ????, ??????? ?? ??????? ?? ??????? ??? ????? ?????????? ??? ?????? ????

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

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

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

49. ??????????? ?? ??????? ??????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
?????? ?? ??????? ??????? ?????? ?????? ??? ?????? ? ?????? ??????????? ???????
????????? ??????. ?????? ??????? ??? ? ?????? ?????????????? ?????? ???????????
????????? (19). ? ??????? ?? ?????? ?????? ?????? ?? «????????? ??? ?????? ??????»
(20).

50. ????? ??????? MKG ?? ?????????? ?????? ??? ?????? ?????? ?????????? ?????? ???
????????????? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????????? ?????????? ??? del credere ?????? ??? ??? ?????? ???
(21).

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

52. ??????? ? ?????????? ?????? ?? ?????????? ??? ?????????? (22), ??? ?????????? ??? ??
 ?????????? ?????? ?? ?????????? ?? ?????????? ??? GFKL ?????????? ??? ??
 ?????????? ??? ?????? ?? ?????????? ????. ???????, ? ?????????? ??? ?????? ??? ?????? ??????
 ?????? ?? ?????????? ??? ??????????: ?? ?????? ??? ?????????? ??? ?????? ??? ??????????
 ??? ??? ?????????? ??? ?????????? ?????? (????? ?????????? ?? ?????? ??????????), ??? ??
 ?????????? ?????? ??? ?????? ??? ?????????? (????? ?????????? ? GFKL) (23).

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

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

55. Aardappelenbewaarplaats

56. ??????, ????????, ??? ?????? Astra Zeneca, ?? ?????????? ?????? ??? ??????

????? ?????????? ?????? ??? ?????? ?????????? ?????????? ??? ?? Astra Zeneca ????
????????? ??? (? ????????) ??? ??? ?????? ??? ?????? ??? ??? ?????????? ??? (?
?????????) (25).

57. ?? ?????????? ??? ?????? ??? ?????' ?????? ?????????? ??? ?? ?????? ??? ?????? ???
Aardappelenbewaarplaats. ??? ?????? Aardappelenbewaarplaats ? ?????? ?? ?????? ???
????????? ??? ?? ???????????. ?????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??
????, ??? ?? ?????? ???, ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ??
???? ?????? ?? ?????????????? ? ??? ?? ?????????????? ??? ??????, ??? ?? ?? ?????? ??
????????? ??? ?? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ???????????. ??
??? ?????????? ??? ?? ?????? ??? ?????????????? ??? ?? ?? ?????????? ??? ?????????? ???
????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??
?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ???
?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? (26).

58. ??? ?? ?????? ??? ?????? ? ?????? ?? ?????? ??? ?????????? ??? ?? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?? ?????? ???
????????? ??? ?? GFKL. ?? ?????? ???????????????: ?? ?????????? ??????????????
????????? ??? ?????????? ??? ?????????? ??? ??????????, ? ?????? ??? ?????? ???
??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ???
??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
59. ??? ?? ?????? ??? ?????? ??? ??????????, ? ?????? ??? ?????? ??? ?? ?? ?????? ???
????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??? ?????? ??? GFKL. ??? ?? ?????? ???, ? ?????? ??? ?????????? ??? ?????? ?? ??
??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???.. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? GFKL ??? ?? ?? ?????????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????.

60. ???????, ?? ?????????? ???, ?? ?????? ?? ?????? ??? ?????? ??? ?? ?????
????????? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? GFKL ??? ??
?????.. ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??????????.

61. ????? ?? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? GFKL ??
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???????.

62. ??????, ?? ?????????? ??? ?????? ??? ?? ?????? ??? ?????????? ??? ?? ??????????
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
??? ?????? ??? ?????? ??? (27). ???' ???????, ?? ?????? ??? ?? ?????? ???
??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?????? ???.

63. ???????, ?? ?????????? ??? ?????? ???, ?????? ?? ?????????? ??? ?????? ??
??? ?????????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? (28). ?????? ?????? ??
??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???, ??? ?????? ???
????? ??? ?? ?????? ??? ?????? ???, ??? ?????? ???, ??? ?????? ??? ?????? ???
?? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????.

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

65. ?????? ????? ?????????? ?? ?????????? ???, ?????? ? ?????????? ?????? ?????? ?????? ?????? ??????
????, ?????? ?? ?????? «????? ??????», ?? ?????? ?????? ?????? ?????????????? ??
????? ????, ??????????? ?? ?????????? ??? ?????????? ?????? ?????????????? ??????????????????
????????? ?? ?????????? ??????????, ?????????? ?? ?????? ?????????? ?????????? ?? ???????,
?? ?????? ???, ?? ?????? ?????????? ?????????? ?????????? ??????????. ?? ??? ?? ???
????????? ?? ??????????, ?? ?????? ?? ?????????? ?????? ?????? ?????????? ?? ?????? ??????
????????? ?? ?????? ??? ?????????? ?????? ??? ??? ??????????, ?????? ??????, ???
????????? ? «????? ??????».

66. ??? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ??????

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

VI – ?????????????? ? ?? ??????? ?????????? ????? ?? ????? 13, B, ???????? ??, ???
????? ??????? ???;

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

67. ?????????? ???? ??? ??????? ?????? ?????? ?????????? ?????????????? ?????????? ?? ???
?????????? ??? ?????? 13, B, ??????? ??, ?????? 1, 2, 3 ??? 5, ??? ?????? ?????? ???.

?) ?????? 13, B, ?????????? ?, ?????? 1, ??? ?????? ???????? ???

68. ? GFKL ?????????????? ??? ? ?????? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?????????? ???
??? ?????? ??? ?????? 13, B, ??????? ??, ?????? 1, ??? ?????? ?????? ???, ??? ???? ?
?????? ?????? ??? ???? ? ?????? ?????? ?????? ??? GFKL ?? ??????????????
?????????.

69. ?????? ??????? ?? ? ??????? ?????? ??? ?????? ?????? ?????? ??????????? ?????? ??? ??
?????????? ?? ???? ?????? ??? ??????????? ??? ??????????? ??? ?????? ??????????? ?????? ??? ?? ??????
????????? ?????????? ??? ?????????? (29). ??????????, ?? ?????? ??? ??? ?????????????? ???
??? ?????? ? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??????????????????
????????? (30). ??????, ??? ???? ??? ?????? ???, ? ?????? ?????????? ?????????? ?????????? ???
????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ??? ??? ?????? ???
?????????. ??? ???? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ?????????? (31).

70. ??????, ? GFKL ??? ?????? ?? ??????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ??
????????? ?????? ??? ?????????? ?? GFKL ?????? ? ?????? ??? (32). ??
????? ?? ?????? ?????? ?? ?????????? ?? GFKL, ?? ??????????, ?????? ??? ?? ??
????? ?????????? ??????????, ? GFKL ??? ?????????? ?? ?????? ?????? ???
????????? ?????? ??? ??????.

71. ????????, ? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??? ?? ?????? 13, B,
????????? ??, ?????? 1, ??? ?????? ??????? ???.

?) ?????? 13, B, ?????????? ?, ?????? 2, ??? ????? ??????? ???

72. ?? ??????? ??????????? ?? ????? ?? ??????????????? ?? ? ?? ????? ??????? ??????????? ?? ???????

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

75. ?????????? ??????????? ?? ???? ???? ?????? ?????? «?????? ???? ??????? ??????», ?????? ??????????? ?? ???? 13, ?, ??????? ??, ?????? 2, ??? ?????? ???, ??? ?????? ?? ?????????? ?? ?????????? ?????????? ???, ?????? ???.

?) ?????? 13, B, ?????????? ?, ?????? 5, ??? ?????? ????????

78. ?????? ?????? ?????? ??? ? ??? ?????? ?????? ?????? ??????????????????????

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

? ?????????? ??? ?????? 13, B, ???????? ??, ?????? 3 ??? 5, ??? ?????? ??????? ???, ????
????????? ?? ?????????? ?????????? ??????????. ?????? ?????? ?? ??? ???? ??????
????????? ?? ??? ?????? ?????????? ????????, ?????? ??? ?????? ?????????? ?????? ?
????????? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ?????? ?????? ?
????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ??????
?????????.

79. ??? ??? ?????? ???, ?? ?????? 13, B, ???????? ??, ?????? 5, ??? ?????? ??????? ???
??? ?????????? ??? ?????? ??? ?????? ??????. ?? ?????????? ??? ?????? 13, B, ???????? ??,
??? ?????? ?????? ??? ?????????? ?????? ?????? ?????????? ??????. ??????, ??? ?? ?????? ???
????????? ?????? ?????? ?????????? ??? ?? ?????????? ?????????? ?????? ?????????? ??????
????????? ?? ?????? ?????? ?????????? ?????????? ??? ?????????? ?????? ?????????? ??????
????????? ?????????? ?????????? ??? ?????????? ?????????? ?????? ?????????? (34).

80. ? ?????????? ??? ?????? 13, B, ???????? ??, ?????? 5, ??? ?????? ??????? ??? ??????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??? ??
????? ?????? ??????, ?????? ??? ?????????? ? ?????????? ?????? ?????? ?????? ??????
??? ??? ?????? ?????????? ??????. ?? ?????????? ?????? ?????????? ?????? ??? ??? ??
????????? ??????????, ?????????? ?????????? ?????????? ?????? ?????? ??? ??????????.

81. ??? ??? ?????? ???, ? ?????????? ??? ?????? 13, B, ???????? ??, ?????? 3, ????
????????? ??? ?????? ?????????? ??? ?????????? ?????? ?????????? ??????????
????????? ??? ?????? 13, B, ???????? ??, ?????? 1 ??? 2, ??? ?????? ????. ? ??????
????? ?????????? ??? ?????????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ???
????? ??????????.

82. ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? 13, B, ???????? ??, ?????? 5, ??? ?????? ?????? ???, ??? ??? ?????? 13, B,
??????? ??, ?????? 3, ??? ?????? ??????.

) ??? 13, ?????? ?, ?????? ??, ?????? 3, ??? ?????? ?????? ???

83. ??? ?? ?????? 13, B, ???????? ??, ?????? 3, ??? ?????? ?????? ??? ??????????
?? ?????? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ? «?????????
?????????». ?? ?????? ????, ??????, ?? ? ??? ?????? ?????? ?????? ??? ?????? ????
«????????? ??????????» ??? ?????????? ? ?? ??? ??????.

84. ????? ???????? ??? ?? ?????????? ?????? ?? ?????????? ?????? ??? ?????????? ??? ??
????????? ??? ?? ?????????? ?????? ?? ?????????? ?????? ??? ?????????? (35).

85. ? «????????? ??????????» ??? ???????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? (36). ??? ??? ?? ??? ?????? ???, ? «????????? ??????????»
????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????????
????? (37). ?????? ?????? ??? ??? ?????????? ??? ?????? ?????? ?????? (38). ??????, ??
????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ?? ??????????
????????? ??? ?????? ?? «????????? ??????» (39).

86. ??? ??? ?????????? ??? ?????? 39 ??? 46 ??? ???????, ?????? ??? ? ???
????? ?????? ?????? ?????? «????????? ??????» ??? ?????? 13, B,
????? ??, ?????? 3, ??? ?????? ?????? ??? ??? ??? GFKL ?????? ??????????

2. ?????? ??????;

87. ??????? ?? ?????? ?????? ?? ?????????? ?????????????????? ??????????????, ?? ? ??????
????????? ?? ?????????? ?????? ?? ?????? ?? ?????? ?????? ?????? ? ?? ?????????? ???
????????? ??????????: ??? ? ? ??? ????? ?????????????? ? ?????????? ??? ? ? ?????? ???
????????????? ?? ?????? ?????????? (??? ?????? ?????????????? ?????????? ?? ??????)
????????? ??????????) ??? ?????? ?????????????? ?? ?????????? ?????????? ??? ??
????? 13, B, ??????? ??, ?????? 1, ??? ?????? ??????? ???.

92. ??? ????? ??????? ???????, ?????????????? ?? ??????????? ??? ? ??? ????? ??????? ???????
????? «????????? ??????????» ??? ???? ?????? ??? ?????? 13, ?, ??????? ??, ?????? 3, ???
????? ??????? ??? ??? ?? ?????? ??? ?????????????? ??? ??? ??? ???.

VII – ????? ?????? ? ????? ??? ?????????????? ??? ????? ??? ?????????? ???????;

93. ?? ?? ?????? ??????? ?? ?????? ??????????? ???' ?????? ?????? ?? ?????????????? ??
????? ? ??????????? ?? ?? ?????? ?????? ?????????? ?????????????? ?? ?????????????? ? ??
?????? ?? ???: ? ??????? ?? ?? ?????? ??? ?????? ??? ?????? ?? ?????? ?????????? ??
?????????? ?? ?????? ??????????.

94. ????? ?? ?????? 11, ?, ??????????? 1, ???????? ??, ??? ????? ??????? ???, ?? ???
????????? ??? ????? ?????????? «????????? ?????????? ??? ???????????, ??? ?????? ?????? ?
????????? ?? ????? ??? ??? ?????? ?????? ? ?????????????? ? ? ?????????? ??? ??????????? ???

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

95. ??? ?????? ?????? ??????????, ?? ?????????? ?????? ?? ?????? ?? ?????????? ? ?????????? ???
??? ? ?????????? ?????? ?? ?????????? ?????? ?????? (43). ???????, ? ??? ??????????
??? ?????? ??? ??????? ?????????? ?????? ?? ??? ?????? ??? ?????????? ??? ??????
????????? ??? ??? ?????????? ???.

96. ??? ?????? ??? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
???. ???????, ? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? GFKL ??????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????????? ?? ?????????? ??? . ??? ?????? ??? ?????? ???, ??? ? ??? ?????? ???
????? ?????????? ?? ?????????? ??? ?????? ???, ?? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
?? ?????????? ??? ?????? ???, ??? ??? ? ?????????? ???, ?????? ?? ?????????? ??? ??????
????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

97. ?? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? GFKL, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????.

98. ??? ??? ?????? ???, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? GFKL ??? ??? ?????? . ?????? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

99. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

100. ??? ?????? First National Bank Chicago, ?? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? (44). ???????, ?? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (45).

101. ? ?????? ??? ?????? Argos ?????? ??? ?????? ??? ?????? ??? ?????? ???
???' ?????? . ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? (46).

102. ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? . ?? ?????????? , ???, ??? ???? ?????? ??? ? ?????? ??? ?????? ??? ??????
?? ?????? ??? ?????? ??? ?????? (47).

103. ??????? ?? ???????, ????? ?? ??? ?????? ?????????? ??????? ? ??????????? ??????? ??
????????? ?? ??????? ?????? ?? ?????? ?? ?????????? ?????? ?? ?????????? ?????????? ??
??? GFKL ??? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ??

VIII – ??????????

104. ??????? ?? ????????????, ??????? ?? ?????????? ?? ?????????? ?? ?????????? ??
?????? ??????:

(1) ? ????? ?????????????? ?????????? ?????????? ?????????? ?????????? ?? ??????????
????????????? ?? ?????? ?? ?????????? ?? ?????????? ?????? ?? ?????? ?? ?????? 2,
????????? 1, ??? 4 ??? ?? ?????? 77/388/??? ?? ??????????, ??? 17?? ?? 1977,
???? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? – ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ???.

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

105. ??????? ?? ??????? ?? ??????? ?? ?????? ?? ?????? ??????. ??????, ?? ???????
?????????, ??????? ?? ???:

(2) ? ??? ?????? ?????? «????????? ??????????» ???? ??? ?????? ?? ??????
13, B, ??????? ??, ?????? 3, ??? ?????? ?????? ???, ??? ?? ?? ?????? ?? ??????????????
??? ?? ???.

(3) ? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ??
????????? ?????????????? ?? ??? GFKL ??? ?? ?????????? ?? ??? ?? ?????????? ??
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????.

1 – ?????? ?? ??????????: ? ??????.

2 – ?????? ?? 26?? ?????? 2003, C?305/01, MKG (?????? 2003, ?. I?6729).

3 – MKG, ?????????????? (????? 80).

4 – MKG, ?????????????? (????? 49).

5 – ???????, ?. (????????? ?? ??? Hicks, R. D.), *Livesofeminentphilosophers*,
???? VI?X, Loeb Classical Library, ? 43.

6 – ??? ?????? 77/388/??? ?? ?????????? ?? 17?? ?? 1977, ??? ??????????????
??? ?????????? ?? ?????? ?? ?????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? – ???
????????? ?? ?????? ?????????????? ???: ?????????? ?????????? ?????? (?? ????: ??? ??????
???) (?? ????. ??? 09/001, ?. 49). ? ?????? 2006/112/?? ?? ??????????, ?? 28?? ??????????
2006, ??????? ?? ?? ?????? ?????? ?? ?????? ?????????????? ?? (?? 2006 L 347, ?. 1) (??
????: ?????? ??) ?????????????? ?? ?????? ?????? ?? ?? 1?? ?????????? 2007. ??????
?? ??????? ?? ?????? ?? ?????????????? ?? ?????????? ?????? ?????? ?? ?????????? ??
????????? ??, ?????? ?? ??? ?????? ?? ?????????? (????? ??????????).

7 – ??? ?? ?????? ?? ?????????? ??, ??? ?????? ?????? ?????????? ? ??????????
????????? ?? ??? ?????? ?? ?????? ?????? ?????????, ? ?????? ?????? ?????? ??

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

8 – ?????????? ??? ?????????? ???, ?????? ???, ?????????? ?????????? ?????? ??? ??
?? ??? ?????? ?????????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ?????????? ???
?????????????, ?????????????????? ??? ??? ?????????? ?? ???????, ??? ??? ?????????? ???
????/? ?????????? ??????????, ??? ???, ???, ?????, ?????? ??? ??????????, ??? ???
????????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ???????, ??? ??? ?????? ???
???? ??? ?????? ?????????? ?? ??? ?????????? ??? ?????????? ?????????? ?????????, ???
????????????, ?????? ??????, ?????????? ??? ??? ?????? ?????????? ?????????? ??????????.

9 – ??????, ??????, ??????, ??????, ??????, ??????, ??????, ??????, ??????, ??????,
??? ?????? ?????.

10 – ??????, ??????, ??????, ??????, ??????, ??????, ??????, ??????, ??????,
?????????, ?????????? ??? ?????????? ??????. ??? ?????? ?????????? ??? ??????????
??? ??? ?????????? ?????.

11 – ?????? MKG, ?????????????? ??? ?????????? 2 (????? 77).

12 – ?????? ??? ?????????? ??? 22? ?????? 2009, C?242/08, Swiss Re Germany
Holding (????? 2009, ?. I?10099, ?????? 27 ??? 28).

13 – ?????? ??? ?????????? ??? 14? ?????? 1998, C?172/96, First National Bank of
Chicago (????? 1998, ?. I?4387, ?????? 21 ??? 22).

14 – ?????? First National Bank of Chicago, ?????????? (????? 25).

15 – ?????? First National Bank of Chicago, ?????????? (????? 29).

16 – ?????? MKG, ?????????? 2 (????? 49).

17 – ?????? MKG, ?????????? 2 (????? 77).

18 – ?????? MKG, ?????????? 2 (????? 50).

19 – ?????? ??? 3? ?????? 1994, C?16/93, Tolsma (????? 1994, ?. I?743, ??? 14).

20 – ?????? ??? 29? ?????? 1996, C?215/94, Mohr (????? 1996, ?. I?959, ???
17)- ??? 5? ?????? 1981, 154/80, Coöperatieve Aardappelenbewaarplaats (?????
1981, ?. 445)- ??? 8? ?????? 1988, 102/86, Apple and Pear Development Council (?????
1988, ?. 1443).

21 – ?????? MKG, ?????????? 2 (????? 48 ??? 49).

22 – ?????? 11, A, ?????????? 1, ??????? ??, ??? ?????? ?????? ????. ??????? ? ??????????
????????? ?????? ?? ?????????? ?? ?????? ???????, ?????????????????? ???
????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ? GFKL
????????? ?????? ?????????? ???, ??? ?? ?????? ??? ? ?????? ?????? ?????? ?????? ???
????????? ? ??? ??? ??????????.

23 – ??????????? ???. ? ???????, ??? ?????? ???. ?????????????? ?????????????? ?????? ???.
????? ???. ??????? ?????????????? ???. ??? ???. ?????????? ???. GFKL ??????? ???. ????????,
??? ??????? ?????? ?????????????? ???. ??? ???. ?????????? ?????????????? ???. ?????????????? ???.
????????? ???. ?????????????? ???. ????? ?????????? ???. ??? ???. ?????? ???. ?????? ???. GFKL ???
????????????? ???. ??? ??????? ?????? ???.

24 – ??????? Coöperatieve Aardappelenbewaarplaats, ?????????????? ??? ?????????? 20
(????? 12).

25 – ??????? ??? 29?? ??????? 2010, C?40/09, Astra Zeneca UK (??? ??? ?????????????????
????? ??? ??????? , ????? 29).

26 – ??????? ??? 29?? ?????????? 2009, C?246/08, ???????? ??? ?????????????? (???????)
2009, ?. I?10605). ????, ????????, ???, ???, ???????, ?? ???????, ?? ? ???????????
??????????, ???, ???, ?????, ?????????, ???????, ???????, ???, ???????????, ??, ???, ??????????
??????, ???, ???, ???, ???, ???, ? ?????????, ???, ?????, ?????????, ???, ?????, ???, ???,
??????????, ????????. ?????, ?????????, ???, ?? ?????????, ?????, ???, ?????????, ???, ??, ???,
??, ???, ???, ???, ???????, ???, ???, ?????????, ???, ???, ?????????, ???, ?????????, ???, ???????.

27 – ??????? ??? 29?? ??????? 2004, C?77/01, EDM (?????? 2004, ?. I?4295, ???? 63).

28 – ??., ???' ????????, ??????? ??? 14?? ?????????? 2000, C?142/99, Floridienne ???
Berginvest (??????? 2000, ?. I?9567, ??????? 22 ?? 23), ??? ? ? ?????????? ?????? ??
??????? ? ? ?????????? ?????????? ?????? ?????????? ?????????? ?????????? ??? ??????,
????????? ?? ? ????? ?????????? ?????????? ??? ?? ? ?????? ??? ?????? ?????????? ???
?????????.

29- ??????? ??? 5?? ??????? 1997, C?2/95, SDC (???????, 1997, ?. I?3017, ???? 34).

30– SDC, ?????????????? (????? 34).

32- ?????????????????? ?? ??????? ?? ? GFKL ??????? ?? ?????????????? ?????????????? ??
????????????????????????? ?? ?????????????? ?? ?????????????? ?? ?????????????? ?? ??????????????
?????????????, ??????????? ?? ????? ?? ?????? ?? ????? ?????? ?? ????? ?? ?????? ?? ?????? ??
(?????????). ?????????? ?? ?????????????? ?? ????? ?????? ?? GFKL ??? ?? ??????
????????.

33 - ??????? ?? 25?? ?????? 1993, C?18/92, Bally (???????, 1993, ?. I?2871).

34 – ??., ??? ??????????, ??????? ??? 19?? ??????? 2007, C?455/05, Velvet & Steel Immobilien (?????? 2007, ?. I?3225, ??????? 21 ??? 22).

35 – ??????? ?? 28?? ?????????? 2010, C?175/09, AXA UK (??? ??? ?????????????? ?????? ??? ???????, ??? 30 ??? ??? ?????????????? ??????????).

36 – ?????????? MKG, ?????????????????? ??? ?????????????? 2, ??? AXA, ?????????????????? ???
????????????? 35.

37 – ?????????? MKG, ??????????????? ??? ?????????????? 2 (????? 78) ??? AXA, ?????????????? ??? ?????????? 35 (????? 31).

38 – ?????? AXA, ?????????????? ??? ?????????? 35 (????? 34).

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

40 – ????????, ??? 27?? ???????? 2005, C?41/04, Levob Verzekeringen ??? OV Bank (?????? 2005, ?. I?9433, ??? 19), ??? ??? 29?? ??????? 2007, C?111/05, Aktiebolaget NN (?????? 2007, ?. I?2697, ??? 21).

41 – ?????? Levob Verzekeringen ??? OV, ?????????????? ??? ?????????????? 40 (?????? 20 ??? 22), ??? Aktiebolaget NN, ?????????????? ??? ?????????????? 40 (?????? 22 ??? 23).

42 – ????????, ??? 25?? ?????????? 1999, C?349/96, CPP (?????? 1999, ?. I?973, ??? 30)- Levob Verzekeringen ??? OV Bank, ?????????????? ??? ?????????????? 40 (????? 21)- ??? 11?? ??????? 2009, C?572/07, RLRE Tellmer Property (?????? 2009, ?. I?4983, ??? 18), ??? ??? 2?? ?????????? 2010, C?276/09, Everything Everywhere (??? ??? ?????????????? ?????? ??? ??????, ??? 24 ??? 25).

43 – ?????? Coöperatieve Aardappelenbewaarplaats, ?????????????? ??? ?????????????? 20 (????? 13)- ??? 15?? ??? 2001, C?34/99, Primback (?????? 2001, ?. I?3833, ??? 24), ??? ??? 24?? ?????????? 1996, C?288/94, Argos Distributors (?????? 1996, ?. I?5311, ??? 16 ??? ??? ?????????? ??????????).

44 – ?????? First National Bank of Chicago, ?????????????? ??? ?????????????? 13 (????? 47).

45 – ?????? First National Bank of Chicago, ?????????????? ??? ?????????????? 13 (????? 45).

46 – ?????? Argos Distributors, ?????????????? ??? ?????????????? 43 (?????? 16, 18, 20, 23).

47 – ?????? First National Bank of Chicago, ?????????????? ??? ?????????????? 13 (????? 48 ??? ??? ?????????????? ??????????).