

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

ELEANOR SHARPSTON

??? 10?? ?????? 2016 (1)

?????? C?543/14

Ordre des barreaux francophones et germanophone ???.

Vlaams Netwerk van Verenigingen waar armen het woord nemen ASBL ???.

Jimmy Tessens ???.

Orde van Vlaamse Balies

Ordre des avocats du barreau d'Arlon ???.

????

Conseil des ministres

[?????? ??? Cour constitutionnelle (???????)
???? ??? ??????? ?????????????? ??????????]

«??? — ?????? 2006/112/E? — ??? ?? ?????? — ?????????? ?????????? — ??
????????? ??? ??? — ?????????? ??? ?????????? — ?????????? ?????????? ??? ?????????? —
????????? ??? ??? — ?????????? ???»

1. ??????? ??????????? ?????????? ?????????????? ?? ??? ??? ?????? ?????? ??? (2), ?
?????, ??????? ?????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ??? 1?
?????????? 1978, ?????????? ??? ?????? ??? ?????? ?????? ??? (3), ?? ?????? ??????????
??? ??? 31 ?????????? 2013 ??? ??? ??? ?????????? ??????????. ??? ?? ??? ??????
????? ??? ?????????????? ??? ?????????? ???.

2. ?????????? ??????? ?????????? ?????????, ??? ?????? ?? ?????????? ??????????
?????????? ??? ?????????? ?????????? ?? ??? ?????????? ??? ?????????? ??? ??
????????? ??? ?????? ?? ?????????? ?? ?????????? ?????? ?????????? ?? ???, ??????
???? ?????? ??? Cour constitutionnelle (????????????? ??????????), ?????????? ??? ??
??? 1?? ?????????? 2014 ?????????? ??? ?? ??? ??????????. ? ??????? ???
????????????????? ??? ?????????? ??? ??? ?????????? ?????? ??? ?????????? ???
????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

? ?????? ??? ??? ???? ? ?? ?????? ??????????? ??? ?????? ?????????? ??? ?????? ?????????? ???
?????????».

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

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

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

10. ?? ??? 20 ??? ????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? (??
????: ??????) (7) ?????: «????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????».

11. ?? ??? 47, ?? ??? ?????? «????????? ?????????? ?????????? ??? ?????? ???
????????? ??? ??????», ????:

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

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

?? ??? ?????? ??? ?????????? ?????????? ????, ?????????? ?????????? ????, ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ??????????»

12. ?? ??? 51, ?????????? 1, ?????? ??? ?? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????, ?????????? ??? ?????? ???
????????????? ????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???.

13. ??? ???? 52, ?????????? 1:

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

14. ?? ??? 52, ?????????? 3, ????:

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

? ?????? ????

15. ?? ??? 1, ?????????? 2, ??? ?????? ??? ??????:

«? ?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

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

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

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

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

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

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

16. ?? ??? 2, ?????????? 1, ????????, ??? ?????? ??? ?????????? ?? ??? «?? ???

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

??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???».

17. ??? ???? 97, ? ?????????? ?????????? ??? ??? ?????? ?? ??? ?????? ?????????? ???

15 %. ??????, ??? ?? ??? 98, ?? ??? ?????? ??? ?????? ?? ?????????? ??? ? ???

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

????????? ??? ?????????? ??? ?????? ??? . ? ?????????? ??? ?????? ??? III ???

????????? ??? ?????? ??? ?????? ?????? ??? ?????? 15, ?????????????? ?

«????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??

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

????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 132,

135 ??? 136» (8).

18. ??? 132, ?????????? 1, ?????????? «????????? ?????? ???

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

????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???, «???

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

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

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

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

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

????? ???».

19. ?? ??? 168 ?????:

«????? ??? ?? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ??? ??? ?????? ???

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

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

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

?) ??? ?????????? ? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???

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

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

[...]».

20. ??? ???? 371, «[?] ???? ????, ?? ?????? ??? 1? ?????????? 1978 ?????????? ???

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

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

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

????????? X, ?????????? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????????? ?? ?????????? ??? ?????? ??? ?????? ???», ???????, ??? ?? ?????? 2, ??? «?????»

? ?????????? ????????????, ??????????? ?? ??????????? ?????? ???????, ?????????? ??? ??????
????????? ????????????, ????? ??? ??????? ?? ?????? ??????? ?????? ??? ???????????
?????????», ?? ??? ??????? ?????? ??????? ??????? ?? ?????? ?????? ??? ?????? ??? ???????
???? ?????? ?????? (9).

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

21. ?? ?????? 23, ?????????? 2, ??? ?????? ?????????? ??????? ?? ??? ???????,
?????? ????, ?? ??????? ?? ?????? ?????????? ??????.

22. ??? ??? 31 ?????????? 2013, ?? ??? 44, ?????????? 1, ?????? 1, ??? ??????
?????? ??? ?? ?????? ?? ? ?????? ?????????? ?? ?????????? (10) ??? ?????? ???
????????? ??? ?????????? ?????????????? ??? ?????????????? ?????????????? ??? ??? ????. ?
?? ??? ?????? ?????????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? 1?
????????? 1971. ??? ?? ?????????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????.

23. ?? ????? 60 ??? 61 (????????? ????: ?????? ?????) ??? ?????? ??? 30? ??????
2013 (11) ?????????? ??? 1?? ?????????? 2014 ??? ?????? ????. ??? ??
????????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ????,
??????, ?????? ??? ? ?????????? ??? ?????? ?????? ?????????? ????, ? ?????????? ???
????????? ?????? ?? ?? ?????? ??? ?????? ?????? ?????? ??? ? ?????????? ?????????? ????
??? ?????????? ???, ??? ?????? ?????? ?????????? ??????.

24. ? ?????????? ?????????? ??? ??? ?????? ?????????? ??? 21 %.

25. ??? ?? ????? 446 ter ??? ?????? ?????? ?????? ?????????? ???????????, ?? ??????????
????????? ?????? ??? ?????? ??? «????? ??? ?????? ?????? ??? ?????? ??? ?????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???». ?? ??? ??? ??????
?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? «?????
?????????» ?????????? ??? ??? ?????? ?????????? ??????.

26. ??? ?????, ?? ?????? ?????????? ???, ?? ?????? ?????? ??? ?????? ??? ?????????? ???
??????, ?? ??? ??? ??? ??? ??? ?????? ?????????? ?????????? ?????? ???' ???????
????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
??? ?????? ??? (??? ?????????? ????) ?????? ?????? ?????????? ?????????? ??? ?????? ???
?????? ? ??? ?????? (12).

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

27. ?????? ?????????? ??? 2013 ??? ?????????? ??? 2014 ?????????? ??????? ???
Cour constitutionnelle ??????? ??????? ???????, ?? ??? ??? ??? ??? ?????? ???????
?? ?????? ???.

28. ? ?????? ?????? ?????????? ?????????? ??? ?? Ordre des barreaux francophones et
germanophone (????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? ???),
??? ?????? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???
??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

(???: Jimmy Tessens ??.) ??? ?????? ??? ?????????? ?????????????? ????????????,
????????????? ?? ?????????? ??? ?????????????? ??????????, ??? ?????????? ?????????????? ??
????????? ??? ??? 21 % ?????????? ??????????, ?? ?????????? ?? ??????????, ??????????
??? ?? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ????. ? ?????? ??? ??? ??
Orde van Vlaamse Balies (????????? ??? ?????????? ?????????? ?????????? ?????????). ? ??????
?????? ?????????? ?????????? ??? ?????? ??? 11 ?????????? ?????????????? ?????????? ??????????
??? ??? ?????????? ??????????. ??? Conseil des barreaux européens (????????? ???
????????? ?????????? ??????????, ??? ????: CCBE) ?????????? ?? ?????????? ??? ??????
??? ??? ??? ?????? ???????.

29. ??? ?????? ??? ????????????, ?? Cour constitutionnelle ??????? ?? ??????? ?? ??
?????? ??????????? ?????? ?????????? ??? ?????????? ???.

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

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

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

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

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

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

36. ?? Cour constitutionnelle ?????? ?????????? ?????????? ??? ?????????? ?????????? ??
?? ?????????? ??? ?????? (?? ????: ?????????? ??? ??????????) ?????? ?? ??
????? 6 ?? 14 ???, ?? ?????? ??? ?????????? ??? ?????????? ?????? ?? ?????????? ???
????????? ???, ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ? ?????? ??? ?????? ??
?????????.

37. ?? ??????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? 21 % ?? ?????? ??
????????? ?????????? ???, ??? ?????????? ?????????, ?? ?????? ?????????? ??? ??
????????? ?????? ??? ?????? ?????????? . ??????, ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ?? ?????? ?????????? ??? ??? ?? ?????? ?????????? ?????? ??? ?????? ??
????? ??? (????????? ?? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??).

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

38. ?? Cour constitutionnelle ??????? ??? ? ??????? ??? ?????????? ??????? ??????? ???????
??????????????. ???????, ??? ?? ???? ??????? ??? ?????? ?????????? ??????? ???????, ???
???? ? ?????? ??? ????? ?? ?????????? ?? ?????????? ?????? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ??????????. ?????????? ???, ??? ?????? ?????? ?????????? ???
????????? (13), ?? ?????????? ???, ?????? ??? ?? ?????????? ??? ?? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????????? ??????????
??? ??????? ?? ?????????????? ?? «????????? ?? ??? ?????????? ?????? ??? ?????? ???
????????? ??? ??????????», ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?? ?????????? ???
????????? ?? ?????????? ??? «????????? ??? ?????? ?????????? ?????????? ??? ?????? ???
????????? ?? ??? ?????????? ??? ?????? ??? ?? ?????????? ?????? ?? ?? ?????????? ?????? ???
??? ?????? 15 ??? ?????????? III ??? ?????? ????. ??????, ??? ?????? ????. ???,
?? Cour constitutionnelle ??????? ???, ?????? ? ?????? ??? ?????? ??? ?????? ???
??????????, ? ?????? ??????? ??? ?????? ?? ?????? ?? ?????????? ?????? ???, ??????????????
????????, ??????? ?? ?????? «?? ??? ?????????? ??? ?????? ?? ?????? ?? ?????? ??????????????
?????? ?????? ??? ?????? ?? ?????? ?????? ??????» ??? ?????? 371 ??? ?? ?????? ?????? ???
?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????.

39. ??? ???????, ??? ?? ?????? ??? ??????? ???, ?? Cour constitutionnelle ?????? ??
?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???:

«1 ?) ??? ? [?????? ???] ??????? ?? ?? ?????? 47 ??? [?????], ?? ?????????? ??
?? ????? 14 ??? [?????] ??? ?? ??? ????? 6 ??? [????], ??? ?????? ??? ?????? ?? ??? ???
????????? ??? ???????, ?????? ?? ??????? ?????, ??? ??? ?????? ??? ??????????
????????? ??? ??????? ??? ?????? ??? ?????? ??? ??????? ??? ?????, ?? ? ?????? ???
????????? ??? ??? ?????????? ??? ?????????? ?????? ?????? ?????????? ? ??? ?? ???, ??????????
?? ?? ?? ??? ?????? 47 ??? ?????? ?????????? ?? ?????? ?????? ?? ?????????? ?? ??????????
?????, ?? ?????????? ?? ?????????? ?????? ??? ?? ??? ?????? ??? ?????? ??? ??????????
????????? ???, ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ???, ?????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ??????????
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????;

) ??? ??? ?????? ???????, ?????? ? [?????? ???] ??????? ?? ?? ?????? 9,
????????? 4 ??? 5, ??? [????????? ??? ??????], ?????????? ??? ?? ?????????? ???
????????? ??????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?? ??? ?????? ?????????? ??? ?? ??? “????????? ?????????? ?????????? ???
????? ??? ??? ??? ??? ? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
?????????»;

?) ??????? ?? ?????????? ??? ???????? ?? ?????????? ??? ???????? ????? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? 132, ?????????? 1, ?????????? ??, ??? [????????? ???? ???], ?? ?????? ?????????? ??? ?????? ?? ??? ?????????? ?????? ??? ?????? ??????????, ? ?? ?????????? ?????? ?????? ?????? ?????????? ??? ??????; ?? ?????????? ?????????? ?????????? ??? ?????? ?????, ?????? [????????? ???? ???] ?????? ?? ?? ?????? 47 ??? [?????], ?? ?????????? ?? ?? ?????? 14 ??? [?????] ??? ?? ?? ?????? 6 ??? [?????], ?? ?????????? ?? ?? ?????? ??? ?? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ?? ??????;

2) ?? ?????????? ?????????? ?????????? ??? ?????????? ??? 1, ?????? ?? ????? 98 ???
[??????] ??? [?] ?????? ?? ???? 47 ??? [?????], ?? ?????????? ?? ?? ????? 14 ???
[?????] ??? ?? ?? ????? 6 ??? [?????], ??? ?????? ??? ?? ?????????? ?? ??????????
????????? ?????????? ?????????? ??? ?? ??? ?????? ?????????? ??????????, ?????????,
??????????, ??? ?? ???? ?????? ?????? ?????????? ? ?????? ??? ?????????? ?? ??????????
????? ?????????? ? ??? ?? ???, ?????????? ??? ?? ??? ??? ????? 47 ??? ?????? ??????????
?? ??? ?????? ?? ??????? ?? ??????? ? ??????? ? ??????? ??? ??????, ?? ?????????? ??
????????????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??????, ?????? ?? ?????
????? ?????? ?????????? ??? ?? ?????????????? ? ?????????????? ?????????? ??? ??????????;

3) ?????????? ?????????? ?????????? ??? ?????????? ??? 1, ?????? ?? ????? 132 ???
[???????, ???] ??????? ?? ??? ?????? ??? ?????????? ??? ??? ?????????????? ??? ??????????
??????????, ??? ?????????????????? ??? ?????? 20 ??? 21 ??? [?????] ??? ??? ????? 9 ???, ??
????????? ?? ?? ?????? 47 ??? ?????? ????, ??? ?????? ??? ??? ?????????? ??? ?????? ???
??? ??? ??? ?????????? ??? ?????????? ?? ?????????????? ??????? ???????????, ?? ??????
?? ?????? ??????? ?????????? ??? ?????????? ?? ?????????????? ??????? ???????????, ?????
????, ??? ??????????, ?? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??????????????
?????????, ?????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?? ???
?????????, ??? ?????????? ?? ??? ??????????, ??? ?????? ??? ?????????? ?????? ??????????????
????? ??? ?????????? ?????????????? ?????????? ??? ??? ?????? ?? ?????? 132 ??? [???????, ???]
????] ?????????????? ?????? ?????????? ???????, ?????????? ??? ?? ??????????; ??????????????

4 ?) ?? ?????????? ?????????? ?????????? ??? ?????????? ??? 1 ??? 3, ??????? ?? ?????
371 ??? [??????? ????] ?? ??????????, ??????? ?? ?? ????? 47 ??? [?????], ??? ??
?????? ??? ?????????? ?? ?????? ?????? ??? ?????? ?? ?????????? ?? ?????????? ?? ?????? ??? ??????
??? ?????????? ???????, ??? ????? ?????????? ?? ?????????? ?????? ?????????? ??? ??????
??? ?????????? ?? ???;

?) ?????? ?? ?????? 371 ??? [???????, ????] ?? ???????????, ?????? ??????? ?? ??
????? 47 ??? [?????], ??? ??? ?????? ??? ?????????? ?? ?????? ?????? ??? ?????? ??
?????????? ?? ?????? ??? ??????? ?? ?????????? ???????????, ??? ?????? ?????? ?????????? ??
????????? ?????? ?????????? ??? ?????????? ?? ??????????? ?????? ??? ?????? ?????? ??????
????????? ?????? ?????????? ??? ?????????? ?? ??????????? ?????? ??? ?????? ?????? ??????

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

49. ??, ????????, ?????????? ??? ??? ?????? ??? ?????? ?? ? ????????, ? ?????? ???
??? ??????????, ?????? ?? ?????????? ?? ?????????? ??????, ? ??????? ?????? ???
????????.. ?????? ?? ?????????? ?? ?????? ??? ?????????? ?? ?????????? ?????? ???
????? ??? ???, ??????? ??? ???? ?????? ??? ?????????? ?? ?????? 371.

????????????? ??????? 1?, ?????? ????? (????????? ?????????? ?????????? ??? ??????????)
?? ?????? ?????? ?????? ?????????? ?????????? ??????)

50. ?? ?????? ?????????? ?????? ?? ???? ?????? ?????? ?? ???? ?????????? ??? ?????????????? ???
?????? ???? ?????? ?????????? ?????? ?????? ?????? ?? ?????????????? ??? ?????? ??????
?? ???? 132, ?????????? 1, ??????? ??, ??? ?????? ???, ?? ?????????? ???
????????? ?????? ?? ??? ?????????? ?????? ??? ??????, ??? ?????? ?????? ??? ??????????????
????? ?????????? ??? ?????????????? ??? ?????? ??? ??????. ?? ?????? ??? ??????????????
??? ??? ?????????? ??? ?? ??? ?????????? ?????? ?? ?????????? ?????, ?????????? ???
?? ?????????? ?????????? ??? ?? ?????? ??? ?????? ??? ???? ???? ?????????? ??? ??
????? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ???? ?????????? ???
????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ?????? ???, ?????????? ??? ?????? ??? ratio ??? ?????? ??? ?????? (15).

53. ?? ???? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? «??
?????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ???
????????? ?????? ??? ???????, ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? ???????, ??? ?? ?????? ?????????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ???
?????????».

54. ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ???.

55. ??? ??? ?????? ??? 15 ??? ?????????? III ??? ?????? ??? (??
????, ?????????? ??? ?????????? ??? ?? ?????? 98 ??? ?? ??? ?????? ??????, ?????????? ???
????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? «????????? ?????? ??? [??]
????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ??????????, ??? ????? ???? ?????????????? ?????? ??? ?????? 132 [...]») ?????? ?? ???????????
??? ?? ?????? ?????????? ??? ?????????, ??? ?? ?????? ?????????? ?????? ?? ??????
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? (16).

56. ? ??????, ???????????? ?? ?????????? ?????? ??? ??????? ?? ??? ?????? ?????? ?????? ???
?????? 132, ?????????? 1, ??????? ??, ??? ?????? ???, ?? ?????????? ?????? ??, ?? ?????????? ??????????
???, ??? ?????? ??? ?????????????? ??????, ?? ?????????? ??? ?????????? ?????? ??????????
??? ?? ?????????? ??? ?????????? ??? ?????? 15 ??? ?????????? III ??? ?? ?????? ??
????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ??????????, ?????? ??? ?? ??
????? ??? ?????? ??? ?????????? ?????? ?? ?????????? ?????? ?????????? ?????? ?????? ?????? ??
????????? ?????????? ??????????, ?????????? ?? ??? ?? ?????? ?????????? ?????? ?? ?????????? ?????? ??
????? ??? ?????? ??? ?????? (17).

57. ??? ?????? ?? ???, ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??
????????? ??? ?????????? ?????????? ??? ?????????? ?? ??? ?? ?????????? ??? ??????????
????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ?????????? ?????????? ??
?? ?????????? ?? ??? ?????????? ?????? ?? ?????? ?????????? ?????? ?????????? ??????????. ?????? ??? ?
????? ??? ?????? ?? ?????????? ?? ?????? ?????? ??? ?????? ?? ?????????? ?? ?????? ??????????
????????? ?????? ?????????? ?????? ?????????? ?? ?????? ?????????? ?????? ??? ?????? ????
????? 15, ?????? ??? ?????? ??????, ?????? ??????, ?????????? ??????????
?????????. ??????, ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????, ?????? ?????? ????
????? ?? ?????????? ?????????? ??? ?????????? ??? ?? ?????????? ?????????? ?????? ??????
????????? ?????? ?????, ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????, ?????? ?????? ????
????? ???, ??? ? ?????????? ??? ?????????? ?????????? ?????? ?????? H ??????????????
????????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ?????? ?? ?????????? ??????????
?????????. ??????, ??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??????????
??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????????? ????
????????? ?? «????????? ?? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ????
?????????», ??? ??? ?????? ??? ?? ?????????? ??? ?? ?????????? ?????? ?????? ?????????? ??
????????? ?? «????????? ??? ?????? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ?????????? ??
??? ?????????? ?????? ??? ??? ?????????? ??????????», ??? ??? ?????? ??? ?????????? ?? 15
??? ?????????? III (18).

58. ??? ?? ?????????? ????, ?????? ??? ???? ???? ?????? ??? ?????? ?? ?????? ??? ?????????? ????
????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???, ????
????? ??? ?? ?????? 132, ?????????? 1, ??????? ??, ??? ?????????? ?? ?????? ??? ?????? ??
????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??????.

59. ? ??????, ??? ?????? ?????????? «????? ?????? ??? ??????», ? ?????? ?????? ????
?? ?????? ???. ??? ?????????? ?? ?????? ?????????? ????, ??????, ?? ?????? ?????????? ????
????? ?????????? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??? ??????
????? ???, ???????, ?? ?????? ?????? ??????, ??? ?? ?????? ?? ?????? ?? ?????? ?? ??? ?? ????
????? 371 ??? ?????? ????, ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??? ?????? ?? ?????? ??
????????? ??? ?????????? ?????????? ??? ?? ?????? 371 ?????????? ????
????????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????.

????????? ??? 1 ??? 3 (????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??????)
?? ?????????? ????, ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??????
?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????)

60. ?? ?? ?????????? ?????? 1 ??? 3 ?? ?????? ?????????? ??? ?????? ?? ?? ??????

???? ???? ?????????????? ?????????? ??? ?????????????? ??? ??? ???, ????, ????? ?????? ?? ?????????? ?????????????? ???
????????? ?? ?????????? ?????????? ???, ????? ?????? ?? ?????????? ?????????? ?????????? ?????????? ???
???? ?????????????????? ????, ??? ?????, ??? ?????? ??? ?????, ??? ?????? ??? ?????, ??? ?????? ??? ???
????????? ????, ??? ?????? (19).

61. ?? ?????????????? ?????????? 1? ??? 2 ??????? ?? ??????? ?????????? ??????,
????????????? ??? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ?????? ???, ????, ??? ?????? ???
????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ????. ??
????????? ?????? 1? ?????? ?? ??????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??
????? «????????? ?????? [?]», ??? ?????? ??? ?????????? ??? ??????, ??? ??
????????? ?????? 1? ??? 1? ?????? ?? ??????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? 1? ?????? ?? ??????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ??????. ?? ?????????? ?????? 3 ?????? ?? ?????? ??? ?????? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ?????? ?????? (?) ?????? ?????? ?????? ??
????????? ?? «????????? ??????????») ??? ?????? ?????????? ?????????? ?????????? ???,
????? ??? ?, ??? ?????? ?????????? ??? ?? ?????????? ?? ?????? ??????????.

62. ? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ?????????? 1?, 1?, 1?, 2
??? 3 ?? ?????????? ??????????, ?????????? ??? ?? ??? ? ?????? ?????? ?????????? ??????????
????? ?????? ?? ?????? ?????????? ??????. ????????, ??????? ?? ?????????? ??
????? ?????? ??? ?? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ??
????? ?????? ??? ?? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ??????.

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

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

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

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

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

67. ?? ?????????? ?????????? ??????, ?? ?????? ??? ?????? ?????? ?????????? ?????????? ?????? ??
?? ?????????? ?? ?????? ??? ?????????? ??????, ?????????? ?????? ??, ?? ?????? ??? ?????? ??
????????? 3, ?? ?????, ?? ????? 14, ?????????? 3, ?????????? ?, ?? ?????? ??? ?????? ??
47 ??? ?????? . ?????? ???, ?????????? ?????????, ?????????? ?????? ??? ?????? 9, ?????????? 5,
??? ?????????? ??? ??????, ?? ?????? ?????? ??? ?? ?????????? ?????? ??? «?????[??] ???
????????? ?????????? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ???
????? ?????????? ??? ?????? ??????».

68. ?????? ?????????? ?????????? ??????—????????? ??? ?????? ?????????? ??????
????????? ? ??? ?????????? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ???
????????? pro bono publico—????????? ?????? ???, ?? ??? ?????????? ???, ??
????????? ??????. ??? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ?
????????? ?????????? ?????????? ?? ?????????? ??? ?????? ?????? ?????? ??? ??????. ???????, ??
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ??
????????? . ?? ?? ?????? ??? ?????? 21 % ??? ??? ?????? ??? ?????? ??? ??? ??? ??????
?????, ?? ?????? ?? ?????????? ??? ?????? 21 % ??????. ??????, ?? ?????? ??? ??????
????? ??? ?????????? ??? 21 %, ??? ??? ?????? ?????????? ??? ??????
????????? ?????????? ??? ?????? ?????????? ??????.

69. ??????, ??? ??' ?????????? ?????? ???, ??? ?? ?????????? 0 % ???
????????? ??????, ?? ?????? ??? ?????? ?? 0 % ???
????? ??? ?????? (20).

70. ??? ??????, ??? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???.

71. ?????, ? ?????? ??? ? ?????????? ??? ?????????? ??????????, ?????????, ??? ?????, ???
????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????????? ??? ??????????
????????? ??????, ?????? ?? ?????????? ?????? ?????? ??? ?????? ??? ??????????
????????? ??? ?????????? ??? ?????? ??? ?? ?????? ?????????? . ??????, ??? ?????? ???
????? ??? ?????? ?????? ?? ?????? ?????????? ?????? ??? ?? ?????????? , ?? ??? ??
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?????? ??? ?????? ??? ?????? , ?? ?????????? ??? ? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ????. ??????, ?????, ??? ? ?????? ??? ?? ?????? ?? ?????????????? ??? ??
????????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (21).

72. ???, ?? ?????? ?? ?????? ??? ? ?????? ??? ?? ?????????? ?????????? ???
????? ?????? ??? ?????? ??? ?????? pro bono, ?? ?????? ??? ?????????? ???
????????? , ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (21).

73. ??? ??????, ??? ?????? ??? ? ?????? ??? ?? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 47 ???

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

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

74. ??? ?????? ???? ?? ?????????? ?????? ?????? ?????????????? ???? ?? ??????? ??? ?????? ?? ?????? ??
?? ?????????? ???? ?????? ???? ?????????????? ???? ?????? ???? ?????????? ???? ?????? ??
????????? ???? ?????? ???? ?????????? ?????? ?????????? ?????? ?????????? ??????????.

75. ??? ?????? ???? ?????? ??? (??? ??? ??? ??? ?????????? ???? ?????????? pro bono ???? ??
????????? ???? ?????? ???? ?????????? ??????????) ??? ??? ?????? ?????????? ???? ???
????????? ???? ?????? ???? ?????????? ?????? ???? ?????????? ?????? ??????????.

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

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

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

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

80. ?? ?????????? ???? ???? ?????? ???? ?????? ???? ? ???? ???? ?????????????? ?????????? ??
?????????, ???? ?????????? ???? ???? 47 ???? ????, ??????—??? ?????? ??
????????? ?????? ???? ???? ?????? ?????????? ?????? ???/? ??? ?????????? ??
?????—?? ?????? ???? ?????????? ????, ?????? ???? ???? ?????? ???? ?????? ???? ?????? ???
????????? ?????? ???? ?????? ?????? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ???
?????, ?? ?????? ?????? ?????? ???? ???? ?????? ?????? ???? ?????? ???? ?????? ???? ???
????????? ?????? ???? ???? ?????? ???? (22).

81. ?????? ??? ?????? ???? ?????? ???? ?????????? ???? ?????????? ??????????, ?????? ???? ???? ????
?? 21 %, ??? ?????? ?? ?????? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ????
????????? ???? ?????????? . ???? ?????? ???? ?????????? ????, ???? ????
????????? ???? (??, ?? ???? ?????? ???, ?????? ???? ?????? ???? ????) ???
????????? (??, ?? ???? ?????? ???, ?????? ???? ?????? ???? ????) ???
????? ?????? ???? (????? ???? ???? ???? ?????? ???? ?????? ????) ???

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

82. ???????, ??? ?????????? ?????? ? ?????? ? ?????????? ??????????, ?? ?????? ??????????, ???
?????? ?? ?????????? ?????????? ??? 1?? ?????????? 2014 ?? ???, ?????????? ?????? ??
????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
??? ?????????? ?? ?????? ??? ??????????, ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???,
????? ?? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? 21 % ??? 21 % ?????? ?? ?????? ???
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???,
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????.

83. ?????, ??? ?????? ?????? ???, ??? ?? ?????????? ?????? ??? ???? ???? ????
????????? ?? ?????? ??? ???, ?? ?????????? ??? ?????? ??? ?????? ???? ???? ???? ????
????????? ??? (????? ?? ?????? ??? ??????????) ?????? ??? ?????????? ???
????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
?? ??? ?????? ??? ?????? ??? ?????????? ????. ?? ?????????? ??? ?????????? ??? ?????????? ???
?????, ?????? ?? ?????? ??? —??? ?? ?????? ??? ?????? ??? ?????????? — ??
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? (?????) ?????? ?????? ??? ?????? ??? ?????? ???
????????? ???.

84. ???????, ??? ?????? ?????? ?????? ? ?????? ? ?????????? ?????????? ??? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (?? ??????????, ??? ??
?? ?????? ???, ??? ?????? ?????? ??? 21 % ?? ?????? ??? ??????) ??? ?? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???.

85. ??? ?????, ?? ?????????? ?????? ??? ?????????? ?? ??? ?????? ???
????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ?????? ?? ?????? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????????? ???», ??? ?? ?????? ??? ?????? ???
????????? ?? «????? ??????» (24). ?? ?????? ?????? ?????? ?????????? ?????????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???' ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? (?? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???). ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
—????????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? (25). ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? (26).

86. ??? ???????, ??????? ?????? ? ?????? ? ?????????? ??? ?????????? ??? ????
??? ?????? ??? ??? ?? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? (????? ?????? ???) ?? ?????? ??? ?????? ??? ?????? ???
? ?????? ??? ?????? ??? ?????? ??? «????? ?????? ??? ?????? ??? (27).

???????????????? ???? ?????? ??? ?? (?????????????????) ?????? ??? ?????? ?????? ???'
?????.

87. ???? ??????, ??? ?????? ??? ???? ?????? ?????? ?????????? ?????????? ?? ???????????, ??
????????? ????, ??? ?????? ?????? ???????????????, ?????????????????? ??? ?????? ???
????????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ?????? ???????????, ??? ?????? ?????? ??? ?????? ??? ?????? ???
?? ????????, ?? ?????? ?????? ???????????, ?? ?????????????? ????????????. ??? ?????? ???
????? ??? Ordre des barreaux francophones et germanophone, ? ?????????? ?????????? ??? ??????
????? ?? ?????? ?????? ??? ?? ?????????? ?????????? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
?????????. ??????, ?????? ?????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???'
????????? ?????? ?????? ??? ?? ?????????? ?????????? ??? Jimmy Tessens ????. ??? ?
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???,
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???.

88. ?????, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??
????? ??? ?????? ?? ?????? ?????? ?????????? ??? ?? ?????????? ??? ?????????? ??
????????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? 47 ??? ???,
????? ??? ??? ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ??????????.

89. ??? ??????, ?? ?????? ?????????? ?????? ??? ?? ?????? 9, ?????????? 4 ???
5, ??? ?????????? ??? ??????. ??????, ?????? ?????? ?? ?????????? ?????? ?????? ???
?????????.

90. ???' ?????, ? ?????? ?? ?? «????? ?????????? ??????» (??? ???????????????
??? ?????? 9, ?????????? 4, ??? ?????? ??? ?????) ??? ?????????? ??? ?? ??????????
??? ?????? ??? ?????? 10? ??? ?????? 85/337 (27) ??? ??? ?????? ??? ??
????????????? ??? ?????? ?? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ??????
????? ? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????? ?????? ?????? ?????? ?? ??? ?????? ???, ?? ?????? ?????? ?????? ??? ??????
????????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????, ??? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
?????, ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??????????, ??? ?????????? ?????? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (28).

91. ?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?????? ??
????????????? ??? ?????? ?? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????? ?? ?????? ??????
?????????. ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? «????? ?????? ?????? ?????? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ??? ??????????» (29). ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????

??????.

92. ????????, ?? ??? 9, ?????????? 4, ??? ???????? ??? ?????? ???
????????????? ??? ???????? ?? ?????? 9, ?????????? 1 ??? 3, ??? ???? ??? ????
????????? ?? ???????? ??? ?????? ??????. ??? ???? ?????? ?????????? ???
???????????, ?? ??? 9, ?????????? 3, ??? ?????????? ?????????? ?????????? ???
????????? ?????????? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????????? ???
????????? ??? ??????????, ??? ?????? ??? ?????? ? ? ?????????? ???, ??? ????
????????????? ??????. ??????, ??? ?????? ?????? ? ?????????? ??? ??? ??? ????
??? ?????? ?????? ?????? ??? ?????????? ??? ?????? (30).

93. ??? ??? ???? ?? ??? 9, ?????????? 5, ??? ???????? ??? ??????, ??? ???? ??
????????? ??? ???? ?????? ??? ?????? ?????? ??? ?? ?????????? ??? «????????» ???
????????? ?????????? ?????? ??? ?????? ??? ? ???? ?????? ?????????? ???
????? ?????? ??? ??? ?????? ??? ?????????? ??? ????????, ??? ?????? ?????? ? ??????
??? ??? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ??????
????????? ??? ??????

94. ??? ???, ?? ?????? ?? ?????????? ?????? ?? ?????? ??? ?????????? ??? ?????? ???
??? ?????????? ?????????? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????? ???
????? ?????? ?????? ??? ??? (??????), ??? ?????????? ??? ??? ?????? ??? ?????? ???,
??? ??? ??? (??????) ??? ?????? ?????? ?? ?????????? ??? ?????????? ???, ??? ??
????????? ?????????? (? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
??? ?????? ?????? ??? ??? ?????? ??? ?????????? ?????????? ???) ??? ?????? ?? ??
????? ?????? ??????. ??????, ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???,
????????? ??? ?????? ?????????? ?????????? (?????????) ?????????? ??? ??????????
????????? ??? ?????? ?? ?????????? ??? ?????? ??????????.

95. ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? 6
??? ???, ? ??? ??? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
??? ??? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (31). ??
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (32), ??? ?? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

96. ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ? ?????? «McDonald's
Two» (33), ??? ?????? ??? ?????????? ?? ?????? ??? ??????, ??? ??? ?????? ???
????????? ??? ??? ?????? ?????????? ??? ?????? ??? McDonald's ????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? (34). ??
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? McDonald's? ????, ??? ?????? ??? ?????? ??? ?????? 6, ?????????? 1, ??? ???.

97. ??????, ??? ?????? ??? ??? ???? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ???
????? ????. ??????, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???' ??? ? ??????????

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

98. ??? ?????? ?, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?? ?????? (???, ?????????? ???, ??? ?????? McDonald's Two).
??????, ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 21 % ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

99. ??????, ???, ??? ?? ????' ?????? ??? ?????? ??? ?????? 121:100 ??????
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
?????????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

100. ?? ?????????? ??? ?????? ??? ? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ??????????, ??? ?????????? ??? ?????? ??? «????? ?????? ???
????» ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???????. ?????????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

101. ?? ?? ?????????? ??? ?????? 3 ?????? ?? ? ?? ?????? ??? ?????? ??? ?????? ???
??? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? «????????? ??? ?????? ??? ?????? ???» ??? ?????? ??? 132,
????????? 1, ??? ?????? ???.

102. ??? ?????? ?????? «? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???» (35).

103. ??? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???» (36). ????, ??? ?????? ???
????????? ??? ?????? ??? Horizon College ??? Haderer ??? ?????? ???.

???? ??????? ?? ??????????? ??????, ?? ??????????? ?? ??????????? ??????? ?? ???
?????? ?? ??????? ?? ??? ??????? ???' ?????? ?? ??????????? ??? ?? ??? ???????
???? ?? (37).

104. ??????, ?? ????????, ????? ???????????????, ??? ? ??????? ?? ?? ??????? ??
?????? ?? ??? ??????? ?? ??? ??????????? ?? ????? ??????????? ?????? ?????? ??
?????????? ?? ?????? ??????? ?????? ?????? ????? ??????????? ?? ??????????? ??
?????????? ?? ??? ?????? 132, ??????? 1;

105. ?? ?? ??? ??????????? ??????????? ??????????: ??????????????? ??????????? (????????? ??),
????????? ??????? ?? ??????????? ?? ?????? ?????????? (????????? ?? ??? ?? ??? ?? ???
????????? ???), ??? ??????? ?????????? ?? ?????? ?????????????????? ??????????????? ??
????? (????????? ??), ??? ?????????? ??????? ?? ?????? (????????? ??), ??? ??????????
????????? ?? ??????????? ??????? ?? ?????? (????????? ?? ??? ??) ????? ?? ??? ??
?????????? ?? ??? ?????????? ??????????????? ?? ?????? (????????? ??), ??? ???????????,
????????????? ?? ??? ?????????? ??????????????? ?? ?????? (????????? ??, ??? ??? ??), ?? ???????????,
????? ?? ??? ??????????????? ?? ??????????????? ?? ??????????? ??, ?? ??? ?? ??? ?? ??? ??
??? (????????? ??) ??? ?? ??????????????? ?????????? ??????????? ??????????? ??
?????????? (????????? ??).

106. ?????????? ?? ??? ?? ??? ??????????????? ??????????????? ?? ??? ?? ??????????? ??
?? ?????? ??????????? ?????????? (??., ?????????????? ??, ?????????? ?? ??? ??), ??
????? ??????????????? ?????? ?? ?????? ?????????? ?????????? (??., ?????????????? ??,
????????? ??). ?? ?????????? ?????????? ?????????? ?? ?? ?????????????? ??????????
?????????? ?? ??? ??? ??????????? (????????? ??, ??? ??? ??).

107. ??? ?????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?????????? ??????? ?? ??? ??
??????????????, ?? ??????? ?? ??????????? ?? ?????? ?????????? ?? ?????????? ???????,
????? ?? ??????? ???????????, ??? ?????? ?? ?????????? ?????????, ??? ??????????? ??
????? ??????? ?? ?????? ??????. ??? ??????? ?? ??? ?? ??????, ??????, ??? ??
?????????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?????? ??????????
(38) ?? ?????? ?? ??? ??????????????? ???????, ??? ??? ??????????? ??
????????? ?? ?????? ?? ??? ??????????????? ?? ?????????? ???????.

108. ?? ??? ???????????, ? ??? ?? ??????????????? ?????? ?? ??? ?????? ?? ??????????? ??
?? ??????????? ?? ??? 132, ??????? 1, ??? ?? ?????? ?? ?????????? ??' ?????????? ??
?????????? ?? ?????? ??????? ?? ?????? ?????????? ?? «?? ??? ?? ??????????????? ??
?? ??????????? ?? ??? ?? ?????? ?????????? ?? ?????? ?????????, ?????????? ??
?? ?????????? ?? ?????? ?????????? ?? ?????????? ?? ??? ?? ?????? ?????? ?? ??? ??
????? ?????? ?????????? ?? ??????????????? ?? ?????? ?????? ??? ?? ??????????? ??
????» (39).

109. ??????, ??? ?? ?????? ??, ??? ?? ?????????? ?? ?????? ?? ?????????? ?? ??? ??
?????????? ?? ?????????? ?? 132, ??????? 1, ??? ?????? ??
?? ?????? ?????????? ?? ??????????? ?? ?????? ???????????.

???????

110. ??????? ?? ??? ?????? ??, ??? ?? ?????????? ?? ?????? ?? ?????????? ?? ???
?????????? ?? Cour constitutionnelle ?? ???:

(1) ???' ??? ?????????? ?? ?????? 371 ??? ?????? 2006/112/EK ??? ???????????, ???
28?? ??????? 2006, ??????? ?? ??? ?????? ?????? ??????????????? ??, ??????

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

(2) ??? ?? ??? 132, ?????????? 1, ????????, ??? ?????? ?????? ??? ??????
2006/112 ??????? ??? ??? ?????? ??? ?????????? ??? ??? ??? ?????? ??????????
????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ?? ?????????? ???
????????? ??? ?? ??? ?????? ?????? ?????? ??? ?????????? ??? ??????.

(3) ??? ?? ?????? ?????? ??? ?????????????? ?????????? ??? ?????? ??????????
????????? ??? ?? ??? ?????? ??? ?????? 2006/112.

1— ?????? ??? ??????????: ? ??????.

2— ??? ?????? 77/388/?? ?? ??????????, ?? 17? 1977, ??? ??????????
?? ?????????? ??? ?????? ?????, ?? ?????????? ?? ??? ?????? ?????? ?????? — ???
????? ?????? ?????????? ????: ?????????? ?????????? ??? (EE ???. ???. 07/001, ?. 49).

3— ?????? 2006/112/EK ??? ??????????, ?? 28? 2006, ?????? ?? ??
????? ?????? ?????? ?????? ??? (?? L 347, ?. 1).

4— ?????? ??? ??? 4 ?????? 1950. ??? ?? ?????? ??? ?????? ?????? ?????????? ???
???, ??? ? ??? ? ?????? ??? ?????? ??? ?? ?????? ?????????? ???. ?????????? 2/13
(EU:C:2014:2454).

5— ?????? ??? 16 ?????????? 1966 ??? ?? ?????? ?????????? ??? ?????????? ???,
United Nations Treaty Series, ??? 999, ?. 171, ?? 1057, ?. 407. ??? ?? ?????? ???
????????? ?????? ?????? ?????????? ??? ?? ?????? ??? ??????, ?? ?????? ?????? ?? ???
23 ?????? 1976.

6— ?????? ??? ?????? ??? 25 ?????? 1998 ??? ?????????? ?? ?????????? ???
????????? ?????????? ?? ?? ?????? 2005/370/?? ?? ??????????, ?? 17? ??????????
2005 (?? L 124, ?. 1). ?????????? ??? ?????? ??? ?????? ?? ?? ?????? 2003/35/?? ??
????????? ?????????? ??? ?? ?????? ?????????? ?????? ??? ?????????? ??? ??????
?? ?????????? ??? ?? ??? ??????????, ??? ?????? ?? ?????? ??? ?????? ??? ??
????????? ??? ??????????, ?? ?????? 85/337/?? ?? 96/61/?? ?? ?????????? (?? L 156,
. 17).

7— ?? 2010, C 83, ?. 389.

8— ?? ?????????? ?????? ?? 135 ?? 136 ?? ?????????? ?????????? ??
????????? ??????.

9— ?? ?? 1? ?????????? 2007, ?? ?????? ?????????? ?????????? ?? 28,
????????? 3, ??????? ?, ?? ?????? ?????? ?? ?? ?????? ?????? ??? ??.

10— ?????? ?? avocats/advokaten. ?? ?????????? ?? ?????????????? ?? ?? ??
????????? ?????????? ?????????? ?????? ?? 31 ?????????? 2011, ????? ??
????????? ?? ?? ??? ??????.

????? ??????????? ?? 2,25 ??? ?? ??????, ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??
????? ??? ?????? ??? ??????? ????? ? ??????, ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??????
?? 24,74 ??? ?? ??????, ?? ??? ?? ?????? ??? ?? 1 % ?????????? ??? ?????? ?????? ??? ??
?????. ??????, ?? ?????? ?????? ?????? ?????? ??????, ??? ?? ?????? ??? ?????? ?????? ??? ??
????, ?????? ??? ?????? ?????? ?????? ?????? ??????, ??? ?? ?????? ?????? ?????? ??? ??
??? ??????, ??? ?? ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?? ?????? ?????? ??? ??
????????????? ????, ?????????? ?????? 48 ??? ?????? 2013/48/?? ??? ??????????
????????????? ??? ?? ?????? ?????? 22?? ?????? 2013, ?????? ?? ?? ??????
????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ?? ?????? ?????? ?????? ?????? ??????
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????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? (?? L 294, ?. 1).

22 — ??., ?????????? ????, ???, ?????? Jones ?.?. ??? ?????? ?????? (????. 34356/06 ?? 40528/06, § 186, CEDH 2014).

23 — ??., ?????????? ????, ?????? GREP (C?156/12, EU:C:2012:342, ?????? 35
?. ?? ??????). ??., ??????, ?? ??? ?? ?????? ?????????????? ??????????
????????? ??? ?????????? ??? 47 ??? ?????, ?????? Orizzonte Salute (C?61/14,
EU:C:2015:655, ????? 49).

24 — ????? 446 ter ??? ?????? ?????? ?????? ?????? ??????.

25 — ?. ?????? Ordre des barreaux francophones et germanophone,
<http://www.avocats.be/fr/combien-ça-coûte>.

26 — ???, ? ?????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
2007 ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
????? 100 ??? 250 ??? (?. https://e-justice.europa.eu/content_costs_of_proceedings-37-en.do). ?? ?? 2015, ??? ?????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
????? 80 ??? ?? ?? 150 ???, ??? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
????? 600 ??? ?? ??, ??? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??
http://www.rtbf.be/info/belgique/detail_la-ministre-galantappelee-a-s-expliquer-a-la-chambre-sur-ses-frais-d-avocats?id=9120926).

27 — ?????? 85/337/?? ?? ?????? ???, ??? 27?? ?????? 1985, ??? ?? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (?? L 175,
?. 40)? ?. ?????? 6 ??????. ??? ?? ?????? 10?, ?????? ??????, ?? ??????????
????? ?? ????? «?????, ??????, ?????????? ??? ?? ??? ?????? ?????????? ??????».

28 — ?????? Edwards ??? Pallikaropoulos (C?260/11, EU:C:2013:221, ?????? 36 ??, ??
?????????).

29 — ?????? ?????? ??? (C?530/11, EU:C:2014:67, ?????? 55).

30 — ??., ?????????? ????, ?????? ?????? ?????? ????. ??? ????? Vereniging Milieudefensie
??? Stichting Stop Luchtverontreiniging Utrecht (C?401/12 P ??? C?403/12 P, EU:C:2015:4,
????? 54 ??? 55 ??? ?????? ?????????? ??????????).

31 — ??., ?????????????? ????, ?????, ????????? Dombo Beheer B.V. ??? ?????? ???
?? 27?? ?????????? 1993 (????. 14448/88, ???? A ????. 274, § 33)? Ankerl ??? ??????
?? 23?? ?????????? 1996 (*Recueil des arrêts et décisions* 1996?V, § 38)? Kress ??? ??????
[GC] (????. 39594/98, § 72, CEDH 2001), ??? Komanický ??? ?????????? ??? 4?? ??????
2002 (????. 32106/96, § 45). ??? ?????? ??? ??? ?????? ??? ?????????? ??? ??????, ??
????????? ?????? ?????????? ??????: ?? . ???????? Otis ?.?. (C?199/11,
EU:C:2012:684, ???? 71), ??? Guardian Industries ??? Guardian Europe ??? ??????????
(C?580/12 P, EU:C:2014:2363, ????? 31).

32 — ?????????????? ????, ?????????? ????: ?? ?????????? ??? ?????? ?????? ??? ???
????????? ??? ?????? (????, ?????? Beer ??? ?????? ??? 6?? ?????????? 2001,
????. 30428/96, § 19,)? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (????,
????????? ?????? ??? ??????, ????. 38460/97, § 48, CEDH 2001?I? Wynen ???
??????, ????. 32576/96, § 32, CEDH 2002?VIII)? ???????? ??? ?? ??? ?? ??? ?? ???
????????? ?? ?????????? (????, ?????? Dombo Beheer B.V. ??? ?????? ??? 27??
????????? 1993, ???? 14448/88, ???? A ????. 274, §§ 34 ??? 35)? ?????????? ???
????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????
(????, ?????? Yvon ??? ?????, ????. 44962/98, § 37, CEDH 2003?V)? ? ???? ?? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?? ??? ??????????
????????? ??? ??? ??? ?????? ?????? ?????? ?????????? ???, ?? ?????????? ??? ??
????????? ?????? ?????? ? ?????? ?????? (????, ?????? De Haes ??? Gijsels
???? ?????? ??? 24?? ?????????? 1997, ???? 19983/92, *Recueil des arrêts et décisions*
1997?I, §§ 54 ??? 58).

33 — ???, ?????? Steel ??? Morris ??? ?????? ?????????? (????. 68416/01, §§ 59 ???
72, CEDH 2005?II).

34 — ?????? ?? ?????????? ?????????? ?? ?????? ?????????? ?????????? ??? ??
????????? ??? ?????????????? ??????, ?? ?????? ?????? ?? ?????????? ??? ??????????
????????? ???' ?????? ?????????????? ??? ?? ?????? ??? ?????????? ?????????? ???
?? ?????????? ? ?????????? ?????? ?????? ??? ?? ?????? ?????????????? ?? ??????????
?????????.

35 — ??., ?? ?????? ??????????, ?????? Jetair ??? BTW-eenheid BTWE Travel4you
(C?599/12, EU:C:2014:144, ????? 53).

36 — ???. ?????? 52 ??????.

37 — C?434/05 ??? C?445/05, EU:C:2007:149, ?????? 64.

38 — ??., ??????, ?????? Marks & Spencer (C?309/06, EU:C:2008:211, ????? 49), ???
?? ?????????? ?????? ?? «??? ? ?????????? ??? ?????? ??? ?????????? ??????????????
?????? ?? ?????? ??? ?????? ?????????? ?????????????? [...] ? ?????????? ??? ??????
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????? ??? ?????? ?????????? ??? ?????? ?????????????? ?? ?????? ??? ?????? ???' ??????
????????????, ??? ?????????? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??????».

39 — ???. ?????? 52 ??????.