

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

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

JULIANE KOKOTT

??? 8?? ??????????? 2016 (1)

?????? C?390/15

Rzecznik Praw Obywatelskich (RPO)

[?????? ?? Trybuna? Konstytucyjny (?????????????? ???????????, ????????)

?? ?? ?????? ??????????? ???????]

«?????????? ??????? – ??? ??????????????? ??? – ?????????? ???????????
?????????? ??? ?? ?????????? ???????, ?????????? ??? ??????????? – ??? ??
?????????? ???, ?????? 6, ??? ?????? 2006/112/??, ??? ??????????? ?? ??? ?????
2009/47/?? – ??? 113 ??? – ?????????? ??? ?????????? ??????????? – ??? ??
?????????? – ?????????? ?????????? ?????????? ?? ?????? ??? ?? ?????? ???
?????????? ?? ??????? ?? ??? ?????????? ??????????? ???????????»

I – ????????

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

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

II – ?? ?????? ???????

3. ?? ????? 93 ?? (2) (?? ????? 113 ???) ??????? ?? ?????????? ??????????? ???
????????? ?? ???:

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

????????? ?????? ?????????????? ??? ??? ?????? ??????? ??????, ??? ?????? ??? ? ????????????
???? ?????? ??????? ??? ?? ?????????????? ? ??????????? ??? ? ??????????? ???
?????????? ?????? ??? ?????? ??????????? ??? ?????? 14.»

4. ??' ?????? ??? ?????? ?????????? ? ?????? 2006/112/?? ??? ??????????, ??? 28??
????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????????????? ?????? (3) (??? ????:
????? ????.).

5. ??? ???? 2, ?????????? 1, ????????, ??? ??????? ????? ???, ??? ??????
????????????? ?????? ?????? «?? ?????????? ?????? ??? ?????????????? ??
????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????
?? ??? ?????? ???». ??? ???? ?????? ?? ??? ???? ??????????, ?? ??? ?????? ????
??? ??? «?????? ??????».

6. ?? ??? ???? ???????????, ?? ??? 96 ??? ?????? ??? ?????? ??? ??????????? ??? ?? ????
???? ??????? ?? ?????????? ??? «????????? ??????» ??? ??? ??? ?????? ?? ???
????????? ??? ??????? ?????? ??? ??? ?????????? ??? ?????? 97. ???????????????,
?? ??? 98 ??? ?????? ???, ??? ?????????????? ?? ??? ?????? 2008/8/?? (4), ????:
?? ???:

«(1) ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???? ???? ?????????? ??? ??????????.

(2) ?? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ???.

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

(3) [...]»

7. ?? ?????????? III ??? ?????? ???, ??? ?????? ?????????? ?? ??? 98,
????????? 2, ????, ????, ????, ?????, ?????? «????????? ??? ?????????? ???
??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????????? ??? ???
????????? ??? ?????? 98». ?? ?????? ??? 6, ??? ?????????? ??? ??? ??????
2009/47/E? (5), ?? ?????? ?????? ?????????? ??? ?????? ???, ??? ?? ????:

«6. ? ???????, ?????????????? ??? ?????????????? ??? ?????????????? ??? ???????????, ??????? ??
???? ??? ?????? (??? ??? ?????? ?????????????? ?? ?????? ?????? ???????, ?????? ???
????????? ?????? ???, ?? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???
??? ?????????? ???, ?? ?????? ? ?????? ?????? ?????????? ???, ?? ?????? ??? ??
????????? ? ?????? ??????), ?????????? ??? ?????? ?????? ??? ?????? ??? ??
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ????».

8. ??? ???? ??? ?????????? ??? ?????? ???? 2009/47, ? ?? ??? ?????? ??? ??? ??
?????:

«6. ? ???????, ?????????? ??? ?????? ?????????? ??? ?????? ?????????????? ??? ???????????
(????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???, ?????????????? ???
??? ?????? ?????????? ??? ?????? ???, ??? ?????? ???, ?????? ??? ?????????? ?
????????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ????) ?????????? ??? ???????????,
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ????».

9. ? ??????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????? 2009/47, ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? (6):

«6. ? ???????????, ?????????????????????? ??? ?????????????????? ??? ??????????????, ??????
(??? ?????? ?????????????????? ?? ?????? ?????? ??????, ?????? ??? ?????? ?????? ??????
?????, ?? ?????? ?????????????????? ?????? ??? ?????? ?????????????? ??? ??????????????,
?? ?????? ? ?????????? ?????? ??????????, ?? ?????? ??? ?? ?????????? ?
????????? ??????, ????? ??? ?????????? ??????, CD, CD-ROM ? ??? ?????? ?????????? ??????
?????????, ??? ?????????? ?????? ?? ??? ?????????????? ?????????? ?? ?? ??????
?????), ?????????? ??? ??????????, ????? ??? ?????? ??? ?????????? ?????????????? ?????????????? ?
???? ?????? ??? ?????????????? ??????».

10. ? ??????????? ?? ??????? ?????? ?????? ??? ?????????????????? ??? ?????? 98 ??
?????????? ?? ?? ?????? 6 ??? ?????????????? III ??? ?????? ???, ??? ?? ?????? 41,
?????????? 2 ??? 2a, ?? ?????????? ?? ?? ?????? 72 ??? 75 ??? ?????????? 3 ??? ??
????? 32 ??? 35 ??? ?????????? 10 ??? ustawa o podatku od towarów i usług (????? ???
????? ??? ??? ?????? ??? ??? ??????????, ??? 11? ?????? 2004). ??? ?????????? ??? ??
????????? ????????, ??? ?? ????? ?????????? ??? ????????, ?????????? ??? ??????????
?? ?????? ?????? ? ?? ??? ?????????? (????? CD ? ??????) ?????????? ??????????
??????????, ?????????? ?? 8 % ??? 5 % ??????????. ?? ?????????? ??????????
??????, ?????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??????????, ??? 23 %.

11. ? Rzecznik Praw Obywatelskich (????????? ?????????? ??? ??????) ?????? ??? ?
????????????? ?????????? ?????????????? ????????, ? ????? ?????????????? ??? ??????????
??? ?????????? ??????, ?????????? ??? ?????? ??? ????? ?????????????? ??????????????, ???
???? ?????????????? ??? ?????? ?????? ??????. ??? ??? ????? ?????? ?????? ?????? ???
Trybuna? Konstytucyjny (????????????? ???????????, ??????) ?????? ?????? ???
????????????????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ?????
????????????? ??? ?????????? ??? ??? ??????.

12. ?? Trybuna? Konstytucyjny (?????????????? ????????????) ????????????? ??? ? ???????????
??? ?????????? ????????????, ??? ???? ?????????? ??? ?????? ???, ?? ?????????? ???
????????????? ?????????????? ?????? ??? ?????? ?????????????? ?????????? ??? ??????????
?????????. ?????????? ??? ???? ?? ?????? ??? ?????? ?????????? ??? ?????????? ???.
??? ?????? ????, ????, ??? ???? ?????????? ?????????? ??? ?????????? ??? ?????????? 2009/47,
?? ??? ?????? ?????????? ?? ?????? 6 ??? ?????????????? III ??? ?????? ??? ?????? ??? ??? ?? ???
????????? ???, ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ???? ?????????? ???????????. ????????, ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ?????????? ??
????????????? ?? ??? ?????? ??? ?????????? ??? ???? ?????????? ?? ?? ?????????? ?? ?? ?????? ???
????????????? ?????????? ?????????? ??? (streaming) ?? ?? ?????????? ?? ??? ??? ???
????????????? ????????????, ?? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????????
?? ??? ??? ???.

13. ?? ?? ??????, ?? Trybuna? Konstytucyjny (????????????? ??????????) ??????? ?? 20
?????? 2015 ??????? ?? ?? ????? 267 ????. ?? ??????? ????????:

2. ?????? ?? ?????? 98, ??????????? 2, ?? ?????????? ?? ?? ?????? 6 ??? ??????????? ???

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

14. ???? ?? ?????????? ??????? ?? ???? ???????????, ??????? ?????????????? ??? ?? ???? ??????? ?????????? ?????? Rzecznik Praw Obywatelskich, ? Prokurator Generalny (?????? ??????? ??????????), ? ??????? ??????????, ? ?????????? ??? ???????, ?? ?????????? ??? ???????, ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???' ???????' ?????????????? ?????????? ??? 14?? ??????? 2016 ??????? ? Rzecznik Praw Obywatelskich, ? ?????????? ??? ???????, ?? ?????????? ??? ??????????.

IV – ?????? ??????????

15. ?? ?? ?????????????? ?????????? ?? ???????, ?? Trybuna? Konstytucyjny
(????????????? ??????????) ?????? ???' ?????? ?? ?????????????? ??? ? ??? ??????
????????? ??? ?????? 6 ??? ?????????????? ??? ??? ?????? ??? ???, ??? ??????????????
?? ?? ?????? 1, ?????? 13, ?? ??????? ?? ?? ?????? 1 ??? ?????????????? ??? ??????
2009/47, ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??? ?????? ????.

? - ?? ????? ?? ?????? ?????????????????? ?????????: ?????????????? ??? ?????????? ??????

16. ?????????????????????????????, ?????????? ?? ?????????????????? ??? ? ?????????????
????????????? ?????????? ??? ??????? 2009/47, ? ?????? ?????????? ??? ?????? 6 ???
????????????? III ??? ?????? ?????? ??? ?? ?????????? ?????? ???, ?????????? ??????????. ???
????? ??? ?????????? ?? ?????????????? ?? ??? ?????? ?????? ?????????? ?? ?,?? ?????? ??? ??
????? ??????????.

17. ? ?????????????? ?????? 2009/47 ?????????? ?????? ??? ?????? 93 ?. ????? ?? ?? ?? ??
?????, ?? ?????????? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????????,
????? ?????, ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??????????.

18. ? ?????????? ??????????? ?? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??????????????
????????????? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??????????, ? ?? ??????
??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? (7).

19. ????? ??????????? ??????????, ??????? ?????????? ?? ? ? ?????????? ??????? ??
??? ?????? ??????? ??????? ??? ???????, ??? ??? ?????? ?? ?????????? ??????? ??
?????? ?????? (8). ? ?????? ??????? ?????????? ?????????? ??? ?????????? ??? ?????????? III, ?????? 6,
??? ?????? ???, ??? ?? ?????????? ??? ?????? ??? ?????? «??????», ??? ???
????? ?????????? ??? ?????????? ? ?????????? ?????????? ?????????? ??????????, ??? ???
?????????????, ??? «????????? ?????? CD, CD-ROM ? ??? ??? ?????????? ???
?????????, ??? ?????????? ??? ??? ?????????? ?????? ??? ?????????? ??? ?????? ???
?????» (9).

20. ???????, ??? ?????????? ??? ?????????????? ??????????????, ?? ?????????? ?????????????? ???
??? ??????? ????. ? ??????? ?????????? ??????? 2009/47 ?????????????? ?? ??? ??????????
?????? 6 ??? ?????????????? ??? ??? ??????? ????, ?????????????? ?????? ??? ??????????
?????? «????????? [...] ??????» ??? ?????? «?? ??? ?????? ??? ??????» (10). ??????????, ??
????????????? ??? ?????? ?????? ?????? ??? ?????? ?????????????? ??????? ???
?????????????.

????????????? ?????????? ?????? ?? ??????? ?????????? ????????, ?????????????? ??? ??????
???, ?????????? ??????? ?? ?????? ??? ?? ?????? ?? ?????????? ?? ??????? ??
?????????????, ??? ?? ?????????? ?????? ??? ?? ?????????? ?? ??????? ??????????????,
???' ??????, ??? ?????? ?????? ??? ?????? ?? ?????????? (11).

22. ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????????????? ?????? ?????? ?????????? ???
?????????????, ?? ??? ?????? ??? ?????? ?????? ??? ?? ?????????? ?????? ?? ?????? ?? ?????????? ???
?? ?? ??????????, ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? 2009/47 «????????? ???
??? ?????? ???» ?? ??? ?????? ?? ??? ?????? ??? ??????????.

23. ?? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? Trybuna? Konstytucyjny
(????????????? ??????????), ?? ?????? ?????? ??? ? ?????????? ??? ?????? 6 ???
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ???
????????? ?? ??? ?????? ??? ??????????.

24. ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????????? ??????????, ?? ?????????? ?? ??? ?????? ???
??? ??????????, ?? ?????????? ?????? ?? ?????????? ??????, ??? ??? ?? ?????? ??
Trybuna? Konstytucyjny (????????????? ??????????) ?????? ??????????. ??? ?????? ???
????????? ??? ?????? ?? ?????????? ?????? ?? ?????????? ?? ?????? ?????? ?????? (12).

25. ?????????? ??? ?????? ?????? ?????????? ?? ?????? ?? ?????????? ??? ?????? ???
????????? ??? ?? ?????? ?????????? ?????? ?? ?????? 6 ??? ?????????? ??? ??
????????? ??? ?? ?????? ?????????? ?????? ?? ?????? ?????????? ??? ?????? ???
????????? ??? ?? ?????? [?????? ??] «????????? ?????? ?? ?????? ??? ?????? ?????????? ???
????????? ?? ?? ?????? ??????». ???????, ??? ?????? ??? ?????????? ??? ?????? ???
????????? ?????????? ?????????? ??? ?????????? ??? ?????????? , ??? ?????????? ?????????? ???
????????? ?????????? ?? ?????????? ?????? ??? ?????????? ?????? ?????? ?????????? ???
????? ?????????? ??????, CD ??? CD-ROM (13), ??? ?? ?????? 6 ??? ?????????? III ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?? ??? ??? ?????? ?????????? ???
?? ?????? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ??? ?????? ???
?? ?????? ??? ??? ?????? ??? ?????????? (14).

26. ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ?????? ??? ?????? ???
????????? ??? ?????????? ?? ?? ?????????? ??? ?????? ??????, ??? ?? ?????????? ???
????????? ??? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? (15).

27. ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ?????? ??? ?? ??????????
????????? ??? ?????????? ?? ?????? ??? (16). ??????????, ? ?????????? ??? ??????
????????? ??? ?????????? ?????????? ??? ?? ?????? ?????????? ?????????? ??? ??????
????????? ??? ?????????? ?????? «????????? ?????????? ??? ?????? ?????????? ??? ?????? ???» (17).

28. ?????? ??? ?????? ??? ?????????? ?????? ??? ?? ?????????? ??? ?????????? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????????? ??? ??????????
????????, ? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ???
????????? ??? ? ?????????? ??? ?? «?????????» ?? «????? ??????» ?????????? ??? ?????? ???
????? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
????? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???.

29. ???????, ?? ???????, ??? ?????? ??? ?????????????????? ??????????????,
???? ?? ??? ?????????? ?? ?????????? ?? ?????????? ????? ?? ??? ?????? ?????, ??????
?? ?????????? ??? ?????? ?????????, ?? ?????? ?????? ??? ??????, ?????????? ???
????? ??? ?????? ?????????? ??? ?????? (18).

30. ?????????? ??? ??? ??????? ?? ?????????? ?????? ?????????? ??? ??????????
????????? ? ??? ?????? ?????? ??? ?????? ??? ?????? 2009/47, ??? ?????? ??? ??? ???
??? ?? ??? ??? ??? ?????????? III, ?????? 6, ??? ?????? ??? ??? ??? ?? ??? ??????
????? ???.

? – ?? ??? ?? ?????? ?????????? ??????: ?????????? ??? ?????? ??????

31. ?? ?? ?????? ?????????? ???????, ?? ?????? Trybuna? Konstytucyjny
(????????? ??????) ??????? ?? ?????????? ??? ?? ?????? 6 ??? ??????????
??, ?? ??????? ?? ?? ??? 98, ?????????? 2, ??? ?????? ???, ??? ?????? ???
?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????? ???
????????? ?? ?????? ??? ?????? ??? ?? ?????? ?????????? ??????.

32. ??????? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??????????????, ??? ?? ???
??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??????????
????? ??? ??? ??? ?????????? (19).

33. ???????, ???' ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????????? ???
?????????, ??? ?????? ?????? ??? ?????????? III, ?????? 6, ??? ?????? ???
?? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????????? ????. ? ??? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? (20).
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???
????? ??? ?????? ??? ?????? ?????? (21) ???????
????????? ??? ?????? ??? ?????? ?????????? (22). ??????????, ?? ??? ??????????, ?
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ??????????????, ?????? ??? ?????? ???
????????? ??? ?????????? ???, ??? ?? ?????????, ??? ?????? ??? ??????????
????????? ??? ??? ?????? ?????? ??? ?????? ??????????.

34. ??? ?? ?????????? ???, ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???,
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (23)– (????? ?????? ??? 1).
?????????, ?? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (????? ??? 2)
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (????? ??? 3).

35. ?? ??????????? ?? ?????? ?????? ?????????? ?? ?????? ?? ???? ???????????????
?????????. ?? ??? ?? ???? ?????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?? ???? ??????????? ?? ????
????? ?? ??????????? ?? ??? ?????? ?? ?????? ?? 6 ?? ??????????????? ?? ??? ?? ?????? ?? ????
?? ?? ??????????? ?? ??????????? ?? ?????? ?? ??????, ?? ??????????? ?? ?????? ?? ????
?? ?????? ?? ???? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????? (24).

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

36. ?????????? ??????? ?? ?????????????????? ??? ?? ?????? 6 ??? ?????????????? III, ??
?????????? ?? ?? ????? 98, ?????????? 2, ??? ?????? ????, ?????????? ??? ?????? ??
???? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? (?????????) ?????? ?????? ?????? ?????????? ??? ??????
?????????, ??? ?????? ?????? ?????????? ??? ?????????? ?????????? (25).

37. ????? ?????? ??????????, ? ????? ??? ?????????????? ??? ?????????????? ?????????????? ???
????????? ??? ?????? ?? ??? ?????????????? ?????????????? ?????????????? ??? ??????????????
?????, ????? ??? ? ?????????????? ?????????????? ?????????????? ?????????????? (26). ?
????? ??? ??? ??? ????? ?????????????? ?????????????? ??? ????? ??? ????? 20 ??? ??? (27).

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

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

39. ????? ?????? ?????? ???????????, ? ?????????????????? ?????? ??? ?????????????? ??????????
????????? ??? ?? ??? ?????? ??? ?????????????? ?????????? ??? ?????? ??? ??? ?????? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? (28). ?? ?? ??????, ??? ??? ?????????? ??????????
?? ???? ?? ?????? ?????? ?????????? ?????????????? ?????? ??? ?????????????? ??? ??????
????? ? ?????????? ?????????????? ?????????, ?????? ?? ?????????????? ? ?????????? ???
??? ?????? ?????? ??? ?????????? (29), ???? ? ?????? ?????? ??? ?????????? ??? ??????????
??? ?????? (30).

i) ?????? ??? ?????? ??? ?????????? ??? ??? ??? ??????

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

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

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

????????????? ??? ???? ?????? ??? ?? ?????????? ??? ?????? ??? ??? ?????????????? ???
????? ??? ??? ??? ?????????? ??? ?? ?????????? ?????????????? ??? ?????????? ???
(31). ??????, ??? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (32).
???????, ?? ?? ?????????? ?? ??? ?????? ?????????? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ??? ???
???? ??? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? (33).

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

44. ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? –???
????? ??? ??' ?????????? ??? ?????????? – ?? ?????????? ??? ?????? ??? ?????? ???
????????? ????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??????, ??
????????? ?? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????
(34). ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
?????, ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? –????? ???
????????? ??? ?????????? ??? ?? ??? ?????? ?????????? ??? – ?? ??? ?????? ?????????? ???
??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ??? ???? ?????? ?????????? ??
????? CD-ROM ??? ??? ?????????? ??? ?? ?????????? ??? «??? ?????????? ???
[...] ??????» (35).

45. ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?????? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??? ?? ?????? ??? ?????????? ??? ??????????.

ii) ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??? ??????

46. ?? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????????? ?????? ?????? ?????? (????? 14,
????????? 1), ???, ???????, ? ?????? ??? ?? ?????????? ??? ?????? ?????? ??????
????????? (????? 24, ?????????? 1, ??? ?????? ???) ??? ?????? ??? ?????????? ???
????? (36).

47. ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ???, ? ?????? ???
????????? «????? ???? ??? ?? ?????? ??????????», ?????? ?? ?????? ??? ???
??? ???????. ??? ?????? ?????????? ??? ?? ?????? 1, ?????????? 2, ?????? ????, ???
????? ????, ??? ?? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ????
????? ?????? ?????? ???????. ?? ?? ??????, ??? ?????????? ??? ?????????? ???
????????? ??? (????? 2, ?????????? 1, ?????? ???) ??? ?????? ??? ?????? (????? 2,
????????? 1, ?????????? ?, ??? ?????? ???) ?????????? ??? ??????????
??????????. ???????, ? ??? ?????? ?? ?????????? ??? ?????? ??? ??? ??????
?? ?????????? ??? ?????? ??? ?????? ??? ??????.

48. ????? ?? ?????????? ??????? ?? ?? ?????? ??????? ?? ???? ?????????? ???' ????????
????????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????????? ?? ?????? ?????.. ??? ?????? ?????????????? ?????? ??? ?????????? ??? ??????
???? ?????????????? ?????? (????? 31 ??.. ??? ?????? ??? ??) ?????? ?? ?????? ??? ?????? ??????
????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????.

49. ??????, ??? ?????????? ??????? ?? ?? ?????? ??? ?????????? ??? ?????? ???
????????????? ?????????? , ? ?????????????? ?????? ??? ?????? ?? ?????? ?????????? ???
????????? ??? ?????? ??????. ??? ??? ?????????? ??? ?????????? , ? ?????? ??? ??? ???
????????? ?????? ?? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??????????.
????????? , ?? ?????? 96 ??? ?????? ?????? ??? ?????????? ?????? ??? ? ??????????
????????? ?????? ?? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ??? ??? ??????
????????? . ?????? , ?? ?????? 98, ?????????? 2, ?????? ?????? , ??? ?????? ??? ???
????????? ?? ?????????? ?????? ?????????? ?????????? ??? ?????? ??? ??? ??????????
????? ??? ??? ??? ??? ?????? ??????????.

iii) ?????? ??? ??? ?????? ??????????

50. ?????, ? ?????????? «?????» ??? ?????????? ?????????? ?????????? ???????
????? ??? ?????????? ?? ?????? ?? ??? ?????? ??? ?????????? ??? ??? ??? ??????
?????.

51. ?? ?????? 6 ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ?????? ?????? ?????? , ?????????? ??? ?????? ??? ??????????.
????? , ??? ??? ?? ?????? ??? ?????? 92/77/?? (37), ?? ??? ?????? ?????????? ??
????? ? ?????? , ??? ??? ?? ?????? ?????????? ??? ?????????? ? ?????? ??? ???
????????? ? ?????? ??? ?? ?????? ?????????? ??????????.

52. ??? ?? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ?? ??????
????????? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? . ??? ??????
????? , ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 2007 ? ???
????????? ??? ?????? ?????? ??? , ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
«??? ?????????? ?? ??? ??? ?????? ??? ?????? ?????? » ??? «?????????????»
????? ??? ?????????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
????'90» (38). ?? ?? ?????? , ? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??????
(39).

53. ?? ?????????? ?? ?? ??????? -??? ?? ?????? ?????? ?????? ??? ?????? ??????
????? ??? ??' ?????????? ?????? - ? ?????? ?????? ?????? ???' ?????? , ?????? ???,
??? ? ?????? ?????? ?????? ??? ?????? , ?????? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????
????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
??? ?????? ?? ??? ?????? ?????? ??? ?????? ???.

54. ????? ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??
????? ?????? ??? ?????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????
????????? . ??? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? . ??? ?????? ??????
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
????????? ??? ?????? ??? , ??? ?????? ??? ?????? 98, ?? ?????? ??? ?? ?????? ???
??? ?????? ??? , ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
??? ?????? ??? ?????? ?????? ?????? , ?????? ?????? ?????? ?????? ?????? ??? , ???
??? ?????? . ?? ?? ?????? , ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? . ??? ?????? , ??? ??

55. ?????? ????? ?????????? ??????????? ?????? ?? ?????????? ?????? ??? ? ?????????? ??????????
???? ? ?????? ??? ?????? ?????? ?????????? ?????????????? ????????, ?????? ??????????
????????? ??? ? ?????????? ?????? ?????????? ?????????? ?????????????? ?????????? ??? ?????? ???
????????? ?? ?????????? ?????? ?????????? ??? ?????????? ?????????????? ?????????? ??? ??? ?? ???
????? ?????? ?????????? ?????? ?????????? ?????????? ?????? (40). ??? ?????? ?????? ???
????????? ?????????? ?????????? ?????? ?????? ?????????? ?????? ??? ?? ?????? ??? ?? ???
????????? ?????????? ?????????? . ? ???' ?????? ??? ?????? ?????????? ??? ??????????
????????? ?????? ??? ?????? ?????? ??? ?????????? ?????? ?????????? ???, ?? ?????? ?????? ???,
????? ?????????? ??? ??? ??? (41).

56. ?????????????????? ??? ?????? ?? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ?????????????? ??? ????
????????? ??? ?????? ??? ?????????????? ??? ?????? ??????. ? ?????????? ?????????? ?????????? ??? ???? ??
??????, ??? ?????????? ??? ?? ?????????? ?????????? ??? ?????????? ?????? ?????????? ?????? . ? ??????
????? ?????? ? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
??? ??????????, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??????????, ??? ????
?????????, ?????????? ? ?????????????? ?????????????? ?????????????? ?????????????? ??? ?????????? . ??? ??????
????????? ?? ?????? ??? ?????? ?????????? ??? ?????? 6 ??? ?????????????? ??? ??? ?????? ??? ??????
???? ???, ??? ?????????????? ? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
«????????????? ?? ?????????? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??????». ??? ??????
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ??? ??????
? ?????? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???, ???
????????? ???, ?????????????? ??? ?????? 132, ?????????? 1, ?????????? ?? ??? ??, ???
????????? ??? ???, ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????????.

57. ? ?????????? ??? ?????????????? ??? ????? ?????? ?????????? ??? ????? ?????????????? ??? ??
????????????? ??? ??? ??? ??? ??? ????? ?????????? ??? ????? ?????????? ??? ??????. ?? ?? ???,
?????? ?????????? ??????? ??? ?????????? ??? ?????????? ??? ????? ?????????? ??? ?????????? ???
????????????? ??? ?????????? ??? ?????????? ??? ????? ?????? ??? ?????? ?? ?????? ?? ???
????????????? ??? ????? ??? ?????????? ?? ?? ?????? 6 ??? ?????????????? ??? ??? ??????
???? ????. ??? ??????, ?? ??? ??? ????? ?????? ?????? ?????? ?????????? ??? ??? ?? ??
?????? ??? ?????? ??? ?????????? ??? ??????????

iv) ?????????? ??????????

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

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

?????????? (43), ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? (44).

61. ???? ? ?????? ? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ?????????????? ?
????????????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?
????????? ?? ?????? ?? ?????? ?? ?????? ?????????????? ??? ?? ?????? 21 ??? ?????? ?????? ?
?????????????, ??? ?? ?????? ?????????? ?? ?????? ?? ?????? (45), ? ?????????? ?????? ??? ??????
????????????? ?????? ?????? ?? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? (46). ??????????,
?? ?????????? ??? ? ?????????????? ?????????? ?? ??? ?????? ?????? , ? ?????? ??? ??
????????? ?? ?????? ?????? ?????? , ?????????? ? ?????? ?????? ?????? ? ?????? ?????? ?????? ??????
?? ??? ?????????? ?????? ??? ?????? ?????? ?????? (47). ??? ? ? ?????????? , ???
????? ?????? ??? ?????? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ,
????????? , ?????? ?????? ? ?????? ?????? (48). ?????? , ?????? ??? ?????? ???
????????????? , ??? ??? ?????? ?????? ??? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ??????
????????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ???
????????? ??? ?????? ?????? (49).

i) ??? ??? ?????????? ??????????????

62. ??? ?????? ??? ?????????? ??? ?????? , ?????? ?????? ?? ?????????? ?
????? ??? ?????? ? ?????? ?????? ?? ?????? ?????? ?? ??? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??? ?????? ?????? ?????? ??????
?????.

63. ? ?????????? ?????? ?????????? ??? ?????? ?? ??? ?????? 2009/47. ? ?????????? ??
????? ?????????? ??? ?????????? ?????? ?????? ?????? ??? ?????? III, ?????? 6,
??? ?????? ??? ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?? ?????? , ??? ?????? ?????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????? 2009/47, «?? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ? ?????? ?
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ». ?????? ? ?????? 2009/47 ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? 98, ?????? 2, ?????? ?????? , ??? ??????
???? ???, ??? ??? ?????? ?????????? ? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? ?????? ?????? . ?? ?????? ?????? ?????? , ?? ?????? ??????
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ??????
????????? (50).

64. ??? ? ?????? ?????? ??? ? «????? ??????» ??? ?????? ?????? ?? ??? ??? ?
?????. ?????? ? «?????» ??? ?????? ?????? ?????? ?????? , ??? ? ??????????
????????? , ??? ?? ?????? ?? ?????? ?????? ?????? ?????? , ?? ?????? ?????? , ?
????????? ?????? ?????? ??? ?????? ??? ?????? 98, ?????? 2, ?????? ?????? ,
??? ?????? ??? ?? , ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????
????????? ?? ??? ??? ?????? ?????? ?????? ?????? ?????? (51), ??? ??? ?????? ??????
????? ??? ?????????? ?????? ?????? ?????? . ?? ?? ?????? , ?????? ??? ??
????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ? ?????? ??? ?????? ??????
????? ?????? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? , ?

65. ?? ??? 98, ?????? 2, ?????? ???, ??? ?????? ???, ??? ?????? ???, ?????? ??????
?? ?????? ??? ?????? 12, ?????? 3, ?????? ??, ?????? ?????? , ?? ?????? ?????? ??
?? ??? 9, ?????? 2, ?????? ??, ?????? ?????? , ??? ?????? ?????? (52), ?
????? ?????? ?? ??? ?????? 2002/38/?? (53). ?? ?????? ?????? ?????? ??? ??????
2002/38 ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????? ??????.

66. ???????, ? ??????? ??????? ??? ?????????? ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ???
????????????? ?? ??????? ?? ??????? ?????????????? ?????????????? ?????????????? ??? ?????????? ??? ?????? ??? ??????????
????????????? (54). ??? ?????? ?????? ?? ??? ?????? 2002/38 ?????????? ??? ?????? ?????? ??????????
????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ? ?????????? ??
????????????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????????? ?????? ??? ?????? ??? ?????? ?????? ?????????????? ? ?????????????? (55), ?? ??? ??????
????? ?????????? ? ?????? ?????????? ??? ?????????? ??? ?????????? (56), ?? ?????? ?? ??????????
?? ?????????? ??? ?????? ?????????????? ?????????? ?????? ??????. ? ?????????? ???
????????????? ??? ?????? ??? ?????????????? ?????????? ??? ?????????? ?????????????? ?????????????? ???
????????? ?????? ??? ?????? ?????? ?????????????? ??? ?????????? ??????????.

67. ?????????? ?????? ?? ?????? ?? ?????????????? ?????? ??? ?????? ?????? ??????????????????
????? ??? ?????? ?? ?????????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ????
????????????? ????, ???????, ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ????
??? ?????????? ??? (57). ???????, ?? ?????????? ?? ?????? ??? ??? ????
????????? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ?????????????? ??? ???? ??? ????
????? (58). ? ?????? ?????? ?? ?????????????? ?????? ?? ??? ?????? ?????????? ??? ????
????????? ??? ?????? ??? ?????? ?? ?????????????? ??? ?????????? ??? ?????? ?? ??? ????
????? ??? ?????????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?? ??? ????
????? (59). ???????, ?? ??? ?????????? ?????? ??? ?????? ??? ?????? 98, ?????????? 2, ??????
?????, ??? ?????? ??? ?????? ?????? ??? ?????????????? ??? ?????? ??? ?????? ?????????? ??????????
????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ??????
????? ? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ???.

68. ??????????, ?? ????? ??? ????? ?????????????????? ??????? ?????????????? ?????????
????????? ?????????????? ??????????????????. ??? ????? ?????? ??' ?????? ??? ?? ??????????
????? ??????????. ?? ???? ?????? ?????????? ?? ?????????? ?? ?????????????? ??? ??? ??????????????
????????? ??? ?? ?????? ?????? ??? ?????? ???, ?????????? ??? ??? ??? ????? ??????????????
?? ?????????? ?????????? (60), ?? ?? ?????????? ??? ?? ?????????? ?????????? ?????? ???,
?? ???, ?????????????? ?????????? ??? ?? ????? ?????????? ??????.

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

70. ??????, ??? 1?? ?????????? 2015, ? ?????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??????. ??? ???? ?????? ?????? ??? ?????? 58, ?????????? 1, ??????? ??,
??? ?????? ??? (61), ??? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??????????????
????? ??? ?????? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????????
????? ??? ?????? ?????????????? ??? ????: ?? ?????????? ?????? ?????????? ??????????
????????? ??? ?????? ?????? ??? ?????? ??????????. ??? 1?? ?????????? 2015, ???
????????? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????? ??? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? (62).

71. ?????????? ?????????????????? ??? ?????????????? ?????? ??? ?????? 98, ??????????? 2,

? ?????? ?????, ??? ?????? ??? ???? ???? ?????????????? ?????? ??????????, ?? ??????
????????????? ?????? ?????????? ??? ???? ?????? ?????: ? ?????????? ??????????
????????? ??? ???? ?????????? ?????? ?????? ?????? ?????????? ??? ???? 31 ?????????? 2014
????? ? ? ?????????? ??? ???? ?????????? ?????? ?????? ??? ?????? ?????????? ??? ???? ????
????? ? ???? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? ?????? ??? ??????
?? ?????????? ?????????? ?????????? ?????? ??? ?????? ?????? ?????? ??? 1?? ??????????
2015 ??? ??????, ? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ???
????????? ?????? ??????????, ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????????? ??????
?????????.

ii) ?????????????? ??? ???? ???? ?????????????? ?????????? ??? ??????

72. ? ?????????? ?????????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ?????????? ?????? ??????
????? ??? ?????? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ???, ?????? ??
????????? ??? ?????????? ??? ?????? ?????????????? ??? ???? ?????????????? ???
????????? ??? ??? ?????????? ??? ???? ?????? ??????. ?????? ?????? ??? ?????????? ?????? ???
????? ??? ?????? ??? ?????????? ?????? ? ?????????? ??? ?????? ?????? ?????? ?? ?????????? ??
????????? ??? ?????????? ??? ?????????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? (63).

73. ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ??????????????
????????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ?????????????? ???, ?????? ??
????? ??????????????. ??? ?????? ?????? ? ?????????? ?????????? ?????????????? ??? ???
????????? ?????? ?????????? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ??? ??? ??? ???
????????? ?????? ??? ?????? ??? ?????? ?????? (64).

74. ? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?? ??????
????? ?? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??????????
????????? ??? ?? ?????????? ?????? ?????????????? ?????? ??????. ??? ?????? ?????? ??
????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??????????
????????? ??? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ?????????? ??
????????? ?? ?????????? ?????????? ?????? ??????. ? ?????? ?????? ?????????? ??????????
????????? ??? ??? ??????????. ??????, ? ?????????? ??? ??? ?????? ?? ?????????? ?????? ??
????? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??
????? ?????? ???.

75. ? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????????
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ???
????????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? -??? ?????? ?????? ?????? ??? ???
????????? ??? ?????????? ?????? ?????????? ?????? ?????? ?????? (65). ?????? ??? ??????
??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???,
????????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????? ?????? (66).

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

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

77. ???????, ?? ??????????? ??? ???? ??????????? ??? ??? ???? ??????????? ??????????? ?
????????? ?????????? ??? ???? ?? ??????????? ?? ?????????? ??? ?????????? ??? ???? (67).
?? ?????, ??? ???? ?? ???? ?????????? ???? ?????????? ??? ?????????? ??? ???? ???? ??????????
????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ?????? ?????.. ??? ?????? ??? ???? ?? ???
????? ??? ???? ?????? ?????????? ?????????? ?????????? ?????? ?????? ??? ?????????? ??
????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ?????????? ?????? ?????????? ??
????????? ?? ?????????????? ??????????.

78. ?????????? ??? ???? ?????????? ?????????? ??? ?????????? ?????? ?????? ??????????????
????????? ??? ???? ???? ?????? ?????? ?????????? ?????????? ??? ?????????? ?????????? ??????????
(68). ? ???? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????????? ?????? ?????????? ?????????? ???
????????? ????. ??? ???? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ???? ???? ??????????
??? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ???
??? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????????? (69). ???????, ? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ?????????? ?????????? ?????? (70).

79. ??????? ??? ???? 31 ?????????? 2014 ? ?????? ??? ?????????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ?????? ??????
????????? ????, ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ??
????? ?????? ????, ?????? ?????????? ?????? ??? ?? ?????????? ?????? ?????? ?????? ?????? ??????
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? (71).

80. ???????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

81. ???????, ?? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ?????? ??????
????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??????
????????? ??? ?????? ?????? ?????????? ????. ??? ?????? ????, ??? ?????? ?????? ?????? ?
????????? ??? ?????? ??? ?????? ???' ?????????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???.

82. ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ??? Rzecznik Praw Obywatelskich– ??? ??????
??? ?????? ??? ?????? ??? ?????? (72).

83. ?? ???? ??????, ?? ?????? ?????? ?????? ?????? ?????? ???? ???? ???? ???? ???? ?
????? 98, ?????????? 2, ?????? ??????, ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

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

84. ??? ???? ?????? ?????????? ??? ???? ?? ?????? 6 ??? ?????????? ???, ??
????????? ?? ???? 98, ?????????? 2, ??? ?????? ???, ?????? ?????? ?????? ???,

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

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

85. ???????, ?????? ?? ?????????? ??? ????? ?? ??????? ??? ?? ?????? 6 ???
?????????? ???, ?? ?????????? ?? ?? ??? 98, ?????????? 2, ??? ?????? ???, ???
?????? ?? ?????????? ?????????? ?????????? ?????????? ?? ??????? ?????????? ???
????????? ??? ?????? ?????????? ?????? ?????? ?? ??? ??? ??? ??? ?????????? ???
????????? ??? ?????? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ??????????.

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

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

87. ? ?? ?????? ??? ????? ?????????? ??? ?????? ??? ????? ?????????????? ?? ?????????? ??
?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ??? ???
??????, ???????, ?????????? ?????????? (73).

88. ?????? ??? ??????. ?? ?? ??? ?????????? ??? ?????? ?????????????? ??? ?????? ???
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
(74).

89. ??????? ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ?? ?????????????? ?? ?? ???
?? ?????????? ??? ?????? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ???
??????????, ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? (75).

90. ???????, ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???
?????????? ??? ???????, ??? ?????, ?????????? ??? ?????????? ???, ???????,
???????. ? ?????????? ??? ?????? ??? ?????????? ?? ?? ?????????? ???, ?????? 6, ???
??????? ??? ??? (76) ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
??????? ???????. ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??????????
??????? ??? ?????? ???, ??????? ???, ?? ?????? ??? ?????? ?????? ?????????? ???
????????????? ??? ?????????? ? ?????????? ??? ?????? ?????????? ?????????? ????. ???
?????????, ?? ?????? ??? ?????????? ???, ??? ?????? ??? ?????????? ???, ?? ?? ??????????
??????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
??????? ??????????.

91. ? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????
?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ???
??????? ??? ??? ??? ??????????.

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

92. ?? ??????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??????????
????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??? ?????????? ??? ??

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

93. ???? ??? ?????? ??? ?????? ?????????? ??? ?????????? ?????????????? ??? ?????????????? ???
????? ??????????????, ??? ?????? ?? ?????????? ??? ?????? ?????????? ?? ?????? ?????? ???
????????? ?? ?????????? ?????????????? ?? ?????? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??????????.

94. ? ?????????????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???
????????????? ??? ?????????? III, ?????? 6, ??? ?????? ???, ?????????? ???
????????? ??? ?????? ?????? ?? ?????????? (77).

95. ???? ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??? ?????????? ??? ??????, ???
??? ?????? ?????????? ??? ?????????? (78). ??? ?????? ?????? ?????????? ?? ?? ??????
?? ?????????? ??? ?????? ??? ?????????? ??? ?????? K ??? ?????? ??? ?????????? ??????????
????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ???' ??????
?????????????. ? ?????? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??????????, ??
????? ??? ?????? ?????????????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??
????????????? ?? ??? ?????? ??? ?????? (79). ???????, ??? ?????? ??? ?????? ?????? ?????
????????????? ??????????, ?????????? ?????????? ??? ?????? ?????? ??? ?????? –???

?? ?????????? – ?? ??????, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????, ???
????????? ?????? ??? ?????? ?????????? ?? ??? ?????? (80).

96. ?? ?? ??????, ??? ?? ?????? ??? ?????? ?? ?? ?????? 6 ?? ?????????????? ???, ??
????????? ?? ?? ?????? 98, ?????????? 2, ??? ?????? ???, ?? ?????????? ??????????
?? ?? ?????? ?????????? ??? ?????? ??????????, ?? ?????????? ?? ?? ?????? ?????? ???,
?? ?????? ?? ?????? ?? ?????? ??? ?????? ??????????, ?????????? ??? ?????? ??? ?????? ???
????? ??????????.

3. ? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????????? ?????????? ?? ?????? ??
??? ?????? ???????

97. ?????, ?????? ?? ?????????? ?????? ?? ?????? ??? ? ?????????? ?????????????? ???
??? ?????????? ?????????? ?????? ?????? ?????? ?????????, ?? ?????? ?? ?? ?????? ??????????
? ?????? ?????????? ??? ?? ?????? 6 ?? ?????????? ???, ?? ?????????? ?? ?? ?????? 98,
????????? 2, ??? ?????? ???, ?????? ?? ?????????? ??? ?????? ??? ?????? ???
?????????.

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

99. ??????, ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ???
?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?????? ????. ??????????
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ?????? ??????????, ????
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (81). ???????,
????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????? ??? ?????? ??? ?????? ?????? ?????? (82).

100. ?????? ??? ?????? ?? ?????????? ??? ? ?????????????? ??? ?????? ?????? ???, ?
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????.

????????????? ??? ???????????? ?????????? (83). ??? ?? ?????? ???, ? ???????????
????????? ??? ???????????? ?????????? ?????? ?????? ??? ?????? ??????????
????? ????, ?????????? ???, ?????? ??? ?????? ??? ?????? ?????? ?????? ??????????
????????? ??' ?? ?????? ?????????? ?????? ?????? ?????? (84).

101. ?? ?? ??????, ? ??? ?? ?????? ?????? ?????????????? ??? ?????????????? ??? ?? ?? ??
?? ?????? 6 ??? ?????????? ???, ?? ?????????? ?? ?? ??? 98, ?????????? 2, ??
????? ???, ?????? ??? ?????????? ?????????? ?????????? ??? ?? ?? ??
????????? ??? ?????????? ?????????? ??????????, ?? ?????? ??? ?? ?? ?? ?????? ??? ??
????? ??????.

V – ??????

102. ?? ??????????, ??????? ?? ?????????? ?? ?????????? ?? ??????:

??? ?? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ?????? ?????? ?? ??
?? ?????? ?? ?????? ?? ?????? ?? ?????? 6 ??? ?????????? ??? ?? ?? ??
2006/112/?? ??? ??????????, ??? 28? ?????? 2006, ?????? ?? ?? ?? ?????? ?????? ??
????????? ???, ??? ?????????? ??? ?? ?? ?????? 2009/47/??.

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

2 – ?????? ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?? ??
????? ??? ?????????? (?? 1997, C 340, ?. 173).

3 – ?? 2006, L 347, ?. 1.

4 – ?? . ?????? 2, ?????? 2, ??? ?????? 2008/?? ??? ??????????, ?? 12? ??????????
2008, ??? ??? ?????????? ??? ?????? 2006/112/?? ??? ?????? ?? ?? ?????? ??
????????? (?? 2008, L 44, ?. 11).

5 – ?? . ?????? 1, ?????? 13, ?? ?????????? ?? ?? ?????? 1, ??? ?????????????? ?? ?? ??????
2009/47/?? ??? ??????????, ?? 5? ?????? 2009, ??? ??? ?????????? ?? ?? ??????
2006/112/?? ??? ?????? ?? ?????? ?????? ?????????? ?????? ?????????????? ?? (??
2009, L 116, ?. 18).

6 – ?? . 16, ?????? 3, ??? ??? 7 ?????? 2008 ?????????? ?? ??????????, ?? ?? ??????
?? ?????????? ?? ?? ?????????? ?? ?????? 2006/112/?? ??? ?????? ?? ?? ??????????
????????? ?????? ?????? ?????? [COM(2008) 428 ??????].

7 – ??., ?????? ?????, ?????????? ?? 4? ?????????? 1982, Buyl ???. ??? ??????????
(817/79, EU:C:1982:36, ?????? 16), ??? 11? ?????? 1997, Eurotunnel ?.?. (C?408/95,
EU:C:1997:532, ?????? 45), ?????? ??? ??? 10? ?????? 2015, ?????????? ???
????????? (C?363/14, EU:C:2015:579, ?????? 82).

8 – ?? . ?????????? ?????? ?? ?????????? ?????????????? ?? 19? ?????????? 2009
?????? ?? ?? ?????? ?????? ?? ?????? ?? ?????????? ?? ?? ?????????? ?? ?? ??????
2006/112/?? ??? ?????? ?? ?????? ?????? ?????????? ?????? ?????????????? ??
[COM(2008) 428 – C6?0299/2008 – 2008/0143(CNS)] (?? 2010, C 76 E, ?. 110).

9 – ?? . ?????? 9 ??? ?????? ??????.

10 – ??????, ??? ?????????? ?????? 6 ??? ?????????? ?? ?? ?? ??????
????? ??, ?? ?????????? «Notenhefte oder -manuskripte» ?????????? ?? «Notenhefte oder

Manuskripte». ??????? ?????? ?????????? ??? ?????????????? ?????? ? ?????????????? ???
????????????? ??? ??? ??? ?????????????? ??? ?????????? ??????????, ??? ??????????????
??? ??? ?? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ??? (??
??????, ??? ??? ??? ??? ??? ??? ?????????? ?? ??? ?????? 2009/47, ?????????? ??: «music
printed or in manuscript form» ??? «les partitions imprimées ou en manuscrit» ??????????).

11 – ??., ?????? ??????, ?????????? ??? 16?? ??????? 1992, ?????????? ??? ??????????
(C?65/90, EU:C:1992:325, ????? 16), ??? 5?? ?????? 1995, ?????????? ??? ??????????
(C?21/94, EU:C:1995:220, ????? 18), ??? 11?? ???????? 1997, Eurotunnel ?.?. (C?408/95,
EU:C:1997:532, ????? 46), ?????? ??? ??? 25?? ?????????? 2003, Océ Van der Grinten
(C?58/01, EU:C:2003:495, ????? 100)? ?. ??? ?????? ??? 15?? ?????? 1970, ACF
Chemiefarma ??? ???????? (41/69, EU:C:1970:71, ?????? 69 ??? ??? 178 ??? 179).

12 – ?????????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ? ???? ??????????????
????? ??? ??????????, ? ?????? ??????????, ?????? ?????, ?????? ?? «????????? ?????», ???
????????????? ??? ?????? 209/47.

13 – ???. ?. 13 ??? (3) («audio books, CD, CD-ROMs or any similar physical support») ??? ?. 15 ??? 3) («de livres audio, de disques compacts, de céderoms ou d'autres supports physiques similaires») ??? ?????????? ??? ?????????? (????????????? ??? ?????????????? 6).

14 – ????? ??????? ??? 5?? ??????? 2015, ?????????? ??? ?????????????? (C?502/13, EU:C:2015:143, ??? 53), ?? ?????????? ?????????? ??? ??? «??? ?????? ??? ?????????» ??? ? ??????? ?????????? ??? ?? ?????????? ?????????? ??? «??? ?????????? [...] ??? ????? ?????????? ??????????» ??? ??????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??????????.

15 – ?????????? ??? 16?? ??????? 1992, ???????????? ??? ?????????? (C?65/90, EU:C:1992:325, ??? 19), ??? 5?? ??????? 1995, ???????????? ??? ?????????? (C?21/94, EU:C:1995:220, ??? 22), ??? ??? 10?? ??????? 1997, ???????????? ??? ?????????? (C?392/95, EU:C:1997:289, ??? 20).

16 – ???.?????? ???.????????? (????????????? ???.?????????? 6), ??????????? ???.3.1.

17 - ??????? ?? ?????????? (????????????? ?? ?????????????? 6), ?????????? ?? 5.3 ??
????? ?? ????? 1 ????? ?? ?????????????? ?????? 6 ??? ?????????? ??., ??????, ?????? ??
????????? ?????????? ?????????? ?? ?????????? ?????????? ?? ?????????? ?? ??????????
[SEC(2008) 2191], ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????????? ?? ?????? ?? ??????.

18 – ??., ?? ???? ?? ?????????????? ????. ????? ??????? ?????????????? ?????????????? ??????,
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19 – ??, ???????, ???, ??????????, ???, ???, 3.2.22.

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21 – ??? ??? ?????????????? ??????? ??? ????? ??????, ???. ??????? ??? 15?? ??????????

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??????????????? ??? ?????????? ??? 17?? ????? 2001, Fischer ??? Brandenstein (C?322/99
??? C?323/99, EU:C:2001:280, ????? 76), ??? ??? 2?? ?????? 2015, NLB Leasing (C?209/14,
EU:C:2015:440, ????? 40).

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????? 48), ??? 10?? ??????? 2008, Marks & Spencer (C?309/06, EU:C:2008:211, ?????? 49),
??? 29?? ??????? 2009, NCC Construction Danmark (C?174/08, EU:C:2009:669, ?????? 41),
??? 10?? ??????? 2010, CopyGene (C?262/08, EU:C:2010:328, ?????? 64), ??? 19?? ???????
2012, Lietuvos geležinkeliai (C?250/11, EU:C:2012:496, ?????? 45), ??? ??? 28?? ???????
2013, MDDP (C?319/12, EU:C:2013:778, ?????? 38).

23 – ?. ??????? ??? ????????????, ??????? 3.2.30 ??? 3.2.31.

24 – ??????? ??? 5?? ??????? 2015, ??????? ??? ?????????????? (C?502/13,
EU:C:2015:143, ??????? 55 ??? 56).

25 – ??., ?? ??? ?? ??????????? ??? ?? ??? ?? ???????, ?????????? ??? 5??
?????? 2015, ??????? ??? ?????? (C?479/13, EU:C:2015:141, ??????? 17, 40 ??? 41),
????? ??? ??? 5?? ??????? 2015, ??????? ??? ?????????????? (C?502/13, EU:C:2015:143,
?????? 26, 47 ??? 49)? ??., ???????, ??? ?????????????? ?????? ??? ??????????????
????????? ??? ??? ??? ??? 92? ?????????? ??? 7??/8?? ?????????? 2010, ??????? A –
taxud.c.1(2011)157667 – 684, ????? ???, ?? ??? ?? ??????? ??? ?????????????? ???????,
????????? ??? ??? ????? RR Donnelley Global Turnkey Solutions Poland (C?155/12,
EU:C:2013:57, ?????? 47 ??? 50).

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?? 16/77, EU:C:1977:160, ?????? 7), ??? 12?? ??????? 1987, Raiffeisen Hauptgenossenschaft
(215/85, EU:C:1987:127, ?????? 23), ??? 17?? ??????????? 1998, Pontillo (C?372/96,
EU:C:1998:412, ?????? 41), ??? 16?? ?????????? 2008, Arcelor Atlantique et Lorraine ?..
(C?127/07, EU:C:2008:728, ?????? 23), ??? ??? 4?? ?????? 2016, Pillbox 38 (C?477/14,
EU:C:2016:324, ?????? 35)? ?? . ???????, ??? ??? ??????????? ?????????? ?????? ??? ??????
52, ?????????? 1, ??? ????? ??? ?????????? ???????????, ??????? ??? 29?? ???????
2015, Léger (C?528/13, EU:C:2015:288, ??????? 50 ??? 52).

27 – ?????? ??? ?????????? ?????????? ??? ?????????? ?????? ??? 7?? ??????????
2000, ??? ?????????????? ??? 12 ?????????? 2007 ??? ?????????? (?? 2016, C 202, ?. 389).

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EU:C:2008:728, ?????? 26), ??? 12?? ?????? 2011, ??????????? ??? ?????????????? ???
????????? (C?176/09, EU:C:2011:290), ??? 18?? ??????? 2013, Sky Italia (C?234/12,
EU:C:2013:496, ?????? 16), ??? 26?? ?????????? 2013, IBV & Cie (C?195/12, EU:C:2013:598,
????? 52), ??? ??? 6?? ?????????? 2014, Feakins (C?335/13, EU:C:2014:2343, ?????? 51)? ??.
????? ??? ?????? ??? ?????????? ?????????? ??? ??????? ??? ?????????? ??????????
????? ????? ?????????? ??? 27?? ?????????? 2008, Papillon (C?418/07, EU:C:2008:659,
????? 27), ??? ??? 2?? ?????? 2016, Pensioenfonds Metaal en Techniek (C?252/14
EU:C:2016:402, ?????? 48).

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SMW Winzersekt (C?306/93, EU:C:1994:407, ?????? 31).

30 – ?. ???, ??' ??? ?????? ??? ??????, ?????? ?? ??? ??? ???, ?????? ??? 13?? ???????

2014, Jetair ??? BTWE Travel4you (C?599/12, EU:C:2014:144, ????? 55).

31 – ???. ?????????? ??? 10?? ???????? 2008, Marks & Spencer (C?309/06, EU:C:2008:211, ????? 49), ??? ??? 25?? ???????? 2013, ???????? ??? ???????? (C?480/10, EU:C:2013:263, ????? 17).

32 – ??., ????????, ??? ????????, ??? 29?? ???????? 2009, NCC Construction Danmark (C?174/08, EU:C:2009:669, ????? 44), ??? ??? 19?? ?????? 2012, Lietuvos geležinkelai (C?250/11, EU:C:2012:496, ????? 45).

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34 – ?? ?????????? ??? ?????? ??? ?? ??????????? ?? ??? ?? ?????????? ??? ?????????? ??? 3?? ?????? 2012, UsedSoft (C?128/11, EU:C:2012:407).

35 – ?????? ??? 3?? ?????? 2012, UsedSoft (C?128/11, EU:C:2012:407, ????? 61).

36 – ???. ????????, ??? 5?? ?????? 2015, ????????, ??? ?????? (C?479/13, EU:C:2015:141, ?????? 17 ??? 35), ??? ??? 5?? ?????? 2015, ????????, ??? ?????????????? (C?502/13, EU:C:2015:143, ?????? 26 ??? 42).

37 – ???. ?????? 1, ?????? 5, ?? ????????, ?? ??? ?????????? 6 ??? ?????????????? ??? ??????? 92/77/???, ?? ??????????, ??? 19?? ?????? 1992, ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 77/388/???, (????????? ??? ?????????? ???) (?? 1992, L 316, ?. 1).

38 – ?????????? ??? ?????????? ??? 5?? ?????? 2007 ??? ?? ?????????? ??? ?? ?????????? ??? [COM(2007) 380 ?????], ??? 3.1.

39 – ?????????? ??? ????????, (????????? ?? ?????????? 38), ??? 4.2.

40 – ??., ??????, ?????????? ??? ?????????? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? 22?? ?????????? 2009 ??? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? 2006/112/?? ??? ????? ??? ????? ?????????? ?????????? ??? ????? ?????????? ??? ?????????? 2009, A6-0047/2009, ?. 6).

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42 – ??., ?????? ?????, ??????? ??? 16?? ?????????? 2008, Arcelor Atlantique et Lorraine ?.. (C?127/07, EU:C:2008:728, ????? 47), ??? 17?? ?????????? 2013, Schaible (C?101/12 EU:C:2013:661, ????? 77), ??? ??? 22?? ????? 2014, Glatzel (C?356/12, EU:C:2014:350, ????? 43).

43 – ???. ?????? ??? 16?? ?????????? 2008, Arcelor Atlantique et Lorraine ?.. (C?127/07, EU:C:2008:728, ?????? 57 ??? 58).

44 – ???. ??????? ??? 6?? ???????? 2014, Feakins (C?335/13, EU:C:2014:2343, ????? 56).

45 – ?? ??????? ?????????????? ?????????? ?????? ?????????????? ?????? ?????????? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? 27?? ?????????? 2005, Europe Chemi?Con (Deutschland) ????. ?????????? (C?422/02 P, EU:C:2005:56, ????? 33).

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47 – ???. ??? ??? ?????? ????, ?????? ????, ?????????? ??? 12?? ????? 2011, ?????????? ??? ?????? (C?176/09, EU:C:2011:290, ?????? 35), ??? 22?? ????? 2014, Glatzel (C?356/12, EU:C:2014:350, ?????? 64).

48 – ???. ?????????? ??? 16?? ?????????? 2008, Arcelor Atlantique et Lorraine ??. (C?127/07, EU:C:2008:728, ?????? 57), ??? ??? 22?? ????? 2014, Glatzel (C?356/12, EU:C:2014:350, ?????? 52)? ???. ?????? ?? ?????? ?? ??? ?????? ?????????? ?????????, ?????? ??????, ?????????? ??? 29?? ?????????? 1980, Roquette Frères ????. ?????????? (138/79, EU:C:1980:249, ?????? 25), ??? 5?? ?????????? 1994, ?????????? ??? ?????????? (C?280/93, EU:C:1994:367, ?????? 89 ??? 90), ?????? ??? ??? 30?? ?????????? 2016, Lidl (C?134/15, EU:C:2016:498, ?????? 47)? ???. ?????? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? (C?84/94, EU:C:1996:431, ?????? 58), ??? 1?? ?????? 2016, National Iranian Oil Company ????. ?????????? (C?440/14 P, EU:C:2016:128, ?????? 77), ??? ??? 4?? ?????? 2016, Pillbox 38 (C?477/14, EU:C:2016:324, ?????? 49).

49 – ??., ??? ??? ?????? ????, ??????? ??? 16?? ?????????? 2008, Arcelor Atlantique et Lorraine ??. (C?127/07, EU:C:2008:728, ?????? 59)? ???. ??????????, ??? ?????? ??? ?????????? ?????????? ?????????? ?????????? 8?? ?????????? 2014, Digital Rights Ireland ??. (C?293/12 ??? C?594/12, EU:C:2014:238, ?????? 47).

50 – ???. ?????????? ??? 5?? ?????? 2015, ?????????? ??? ?????? (C?479/13, EU:C:2015:141, ?????? 17 ??? 40), ?????? ??? ??? 5?? ?????? 2015, ?????????? ??? ?????????? (C?502/13, EU:C:2015:143, ?????? 26 ??? 47).

51 – ???. ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? 58, ?????????? 1, ?????????? ?, ??? ?????? ???, ??? ?????? ???, ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? 7 ??? ?? ?????????? | ??? ?????????? ?????? (??) 282/2011 ??? ??????????, ??? 15?? ?????? 2011, ??? ?? ?????? ?????? ?????? ??? ?????? 2006/112/?? ?????? ?? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (?????????????) (?? 2011, L 77, ?. 1).

52 – ????? ?????? 77/388/???. ??? ??????????, ??? 17?? ?????? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? - ????. ?????? ?????? ?????????? ?????: ?????????? ?????????? ?????? (?? ????. ????. 09/001, ?. 49), ? ?????, ?????? ?? ?? ?????? 411, ?????????? 1, ??? 413 ??? ?????? ????, ?????? ?? ?????? 31 ?????????? 2006.

53 – ???. ?????? 1, ?????? 2, ??? ??????? 2002/38/?? ??? ??????????, ??? 7?? ????? 2002, ??? ?? ?????????? ??? ?? ?????????? ?????? ?? ?????? 77/388/?? ??? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? (?? 2002, L 128, ?. 41).

54 – ??????? ??? ????????, ??? 7?? ??????? 2000, ??? ?????? ??? ?????????? ??? ?????? 77/388/?? ??? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? [COM(2000) 349 – ??????) ??? 3.1 ??? 5.2 ?? ??? ?? ????? 1, ?????? 2.

55 – ???. ?????? 9, ?????????? 2, ????????, ??? ?????? ??????? ??? ?????? 58, ?????????? 1, ????????, ??? ?????? ????.

56 – ???. ?????? ?????????? 23 ??? ?????? ????.
57 – ???. ??????? ??? ??????? (?????????? ?? ??????????? 54), ??? 3.1 ??? 3.2.

58 – ???. ??????? ??? ??????? (?????????? ?? ??????????? 54), ??? 5, ?????? ??????.

59 – ???. ?????????? 5 ??? ??????? 2002/38??? ?????? 358? ???. ??? ?????? ????.

60 – ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ????. ??? ?????? ????. ??? ?????? (?????????? ?? ??????????? 54), ??? 2.

61 – ? ?????? ?????????????? ??? ?????? 5, ?????? 1, ??? ?????? 2008/8, ???. ??? ?? 1?? ?????????? 2015.

62 – ???. ?????? 358 ??? 369?? ??? ?????? ????.

63 – ???. ?????? 61 ??? ?????? ????????

64 – ???. ?????? 67 ??? ?????? ????????

65 – ???. ?????? ??? 25?? ??????? 1978, Royal Scholten-Honig ??? Tunnel Refineries (103/77 ???. 145/77, EU:C:1978:186, ?????? 81 ???. 82/83).

66 – ???. ?????? ??? 24?? ??????? 2015, Sopora (C?512/13 EU:C:2015:108, ??? 33).

67 – ???. ??????? ??? 16?? ??????? 2008, Arcelor Atlantique et Lorraine ?..??. (C?127/07, EU:C:2008:728, ??? 57), ??? ???. 17?? ??????? 2013, Schaible (C?101/12 EU:C:2013:661, ??? 91).

68 – ??., ??' ?????? ??? ??????, ?????? ??? 16?? ??????? 2008, Arcelor Atlantique et Lorraine ?..??. (C?127/07, EU:C:2008:728, ??? 62).

69 – ???. ?????? 4 ??? 5 ??? ??????? 2002/38, ?????? ??? ?????? 6 ??? ??????? 2008/8.

70 – ???. ?????????? ??? ?????????? ??? ?? ?????????? ???????????, ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? [COM(2016) 148 ??????], ??? 5.

- 71 – ???. ?????? 69 ??? ??????? ??????????.
- 72 – ???. ???????? ?????? 26 ??? ????.
- 73 – ?? ????? ?? ??? ?????????? ????, ???. ?????? 37 ??? ??????? ??????????.
- 74 – ?? ????? ?? ??? ?????????? ????, ???. ?????? 39 ??? ??????? ??????????.
- 75 – ???. ?????? 40 ??? 42 ??? ??????? ??????????.
- 76 – ???. ?????? 55 ??? 56 ??? ??????? ??????????.
- 77 – ???. ?????? 56 ??? 57 ??? ??????? ??????????.
- 78 – ???. ?????? 40 ??? ??????? ??????????.
- 79 – ???. ??????? ??? 11?? ?????????? 2014, K (C?219/13, EU:C:2014:2207, ??????? 24 ??? 32).
- 80 – ???. ?????? 61 ??? ??????? ??????????.
- 81 – ???. ?????? 81 ??? ??????? ??????????.
- 82 – ???. ?????? 95 ??? ??????? ??????????.
- 83 – ???. ?????? 66 ???. ??? ??????? ??????????.
- 84 – ???. ?????? 81 ??? ??????? ??????????.