

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

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

JULIANE KOKOTT

??? 30?? ?????????? 2017 (1)

?????? C?8/17

Biosafe – Indústria de Reciclagens SA

?????

Flexipiso – PavimentosSA

[?????? ??? Supremo Tribunal de Justiça (???????, ???????????, ??????????)
??? ??? ?????? ??????????? ??????]»

«????????????? ?????????? – ??? – ??????? ?????? ??? ??? ?????? – ??????????? ???
????????? – ?????? ??? ?????????? ??????»

I. ????????

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

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

3. ?????????????? ?????? ?????????? ?? ?????? ????, ??? ??????? ?????? ???? ??? ?????????????
????? ??? ???? ?????????????? ?????????? ?????????? Volkswagen AG (2), ?????????? ?? ??
????? ?????????? ?? ?????????? ?????????? ?? ?????? (?????? ?????????????? ????) ??????. ??
????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ????? ?????????????? ??? ?????????? ??? ??
????????? ??????????, ??? ???? ?? ??? ????? ?????????? ?????????? ??? ?????? (?? ??????????
????? ?? ??? 2008). ???????????, ? ?????? ??? ?????????? ?????????? ??? ?????? ?? ?????? ????
????? ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ?? ?????? (?????????)
????? ??? (?? ?????????? ???? ?? ??? 2012).

4. ???????, ? ??? ????? ??????? ??????? ?? ?????????? ?? ?????? ?? ??? ?????????
Barlis06 (3) ??? Senatex (4). ??? ?????????????? ???????????, ?? ?????????? ???????
????????? ?????????? ??? ????? ?????? ?????? ??? ??? ?????????? ??? ??????????
?????????. ??? ????? ??????, ?? ?????????? ??? ?? ?????????? ?? ?????????? ??????????
?? ???? ????? ???????.

II. ?? ?????? ????????

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

5. ?? ?????? 168 ?? ?????? 2006/112/? ?? ?? ???????????, ?? 28?? ?????????? 2006,
?????? ?? ?? ?????? ??????? ?? ?????? ?????????? ?????? (5), ?????????? ?? ???:

«???? ?????? ??? ?? ?????? ??? ???? ?????????? ?????????????????? ??? ??? ??? ??????? ???
????????????? ??? ?????? ???, ? ?????????? ??? ????? ??? ??? ??? ???? ??????, ??? ??????
????? ??? ????? ?????????????? ??? ?????? ???, ?? ?????????? ??? ??? ??? ?????????? ???
????????? ????:

?) ???? ?????????? ? ?????????????? ??? ?? ??? ????? ?????? ?????? ??? ??? ?? ?????? ??? ??? ???? ????
????????????? ? ?????????? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ??????????????
? ?????????? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?,

[...] »

6. ?? ?????? 178 ??? ?? ??? ??????? ??????? ?? ???:

«???? ?? ?????? ?? ??????????? ??????? ?? ??????????? ????????, ? ??????????? ?? ??? ?????????? ?? ????????:

?) ??? ??? ?????????????? ??? ??? 168, ????????? ??, ????????, ??? ??? ?????? ??? ??????????
?????? ??? ??? ??????? ??????????, ?? ??????? ??????????, ?? ??? ????? ??? ?????? ??????
?? ?? ??????? 3 ??? 6 ??? ?????????? 3 ??? ?????? XI.

[...] »

7. ?? ?????? 226 ??? ??????? ?????????? ??? ?????????? ??????????

[...]

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

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

[...]»

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

8. ??? ??????????? ????, ?? ????? 7 ??? Código do Imposto sobre o Valor Acrescentado (?????? ????, ????: CIVA) ?????? ?? ???:

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

a) ??? ?????? ??? ??????????? ????, ???? ??? ?????? ??? ?????? ??? ?????? ?? ????
????????? ??? ?????? ??? ??????? ??? ??????????».

?? ????? 8 ??? CIVA ?????????? ?? ???????:

«1. ??? ??? ?????????? ??? ?????????? ??? ?????????????? ??????, ???? ? ?????????? ????,
? ?????? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ? ??????????
?????????, ??????? ?? ?? ????? 29, ? ?????????? ?????? ??? ????? ??????????:

a) ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??????????
????????? ?????????? ??? ?????? ??? ?????? ??? ??????????».

9. ?? ????? 36 ??? CIVA ?????? ?????? ?? ???:

«[...]

5. ?? ?????????? ? ?????????? ??????? ??? ?????? ?? ?????? ???????????, ?????? ?????? ????
????????? ?? ?????????? ???????:

[...]

d) ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ????

10. ?? ????? 98 ??? CIVA ?????????? ?? ?????????? ??? ?????????? ?????????? ????
????????? ???????:

«[...]

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

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

11. ?????? ?????????? 2008 ??? ?????? 2010, ? Biosafe – Indústria de Reciclagens SA (???:
Biosafe), ??????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???????????, ?????? ????
??????????, Flexipiso – Pavimentos SA, ??????? ?????????? ?????????? ?????? 664 538,77 ???,
????????????? ??? ??? ?? ?????? ?????? 5 %.

12. ??????, ?? 2011, ??????? ?????????? ?????? ??? ?????? ??? ?????????? ??? 2008 ???
2010, ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ??? ?? ?????????? 21
%. ???????, ? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ??

?????? ????? 100 906,50 ????, ???? ??? ? ???????? ???????? ??? ??????.

13. ??? 24 ?????????? 2012 ? ???????? ???????? ??? ???????? ?????? ?????? ?????? ???
????? ??? ???????, ???? ? ?????????? ???????? ??? ??????.

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

15. ? ???????? ?????????? ??? ?? ??? 98, ?????? 2, ??? CIVA ???????? ??????????
????????? ???? ??? ?????? ??? ?????????? ?????? ??? ?????????????? ??? ??
????? ??? ???????????. ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ?????? –?? ??? ?????? ??? ?????? ??? ?????????? ???, ??? ?? ?????? ??????????
????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???.

16. ?? ?????????? ??????????, ???? ??? ?? Tribunal da Relação de Lisboa (???????,
?????????, ??????????) ?????????? ??? ? ?????? ???????? ??? ?????????? ???, ???????,
? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????????? ?? ?????? ?????????, ???? ?? ??? 2008, ??? ?? ??? ? ??????
????????? ??? ?????????? ?????????, ???? ? ?????? ?????????? ??? 2012. ??? ?? ???
????, ? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ?? ???????, ?
????????? ?????? ?????? ?????????? ?????? ??? Supremo Tribunal de Justiça (???????,
?????????, ??????????).

IV. ? ?????????? ?????? ??? ??????????

17. ?? Supremo Tribunal de Justiça (???????, ??????????, ??????????), ?? ?????? ????????
?? ??????, ?????? ??? ?????????? ?? ?????? ?????????? ??????????:

1. ?????????? ? ?????? 2006/112/?? ??? ?????? ?? ?????? ??? 63, 167, 168, 178, 179, 180,
182 ??? 219, ????? ??? ? ??? ?????? ???????????, ?????? ??? ?????????? ??? ? ??????????
????? ??? ?????? ? ?????? ?????? ?? ?????? ?????????? ??? ?????????? ?????? ?????????? ???
??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ??? ?????? ??????; ??? ?????? ?????????? ??? ?????? ???;

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

18. ?????????? ??? ?????????? ?????? ??? ???????????, ? ?????????? ???
??????????, ? Biosafe, ????? ??? ? ?????????? ?????? ?????? ?????? ??????????
??? ??? ?????? ??????.

V. ?????? ????????

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

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

20. ?????????? ???, ??? ?????? ?????? ?????? ??? ?????????? ??? ???????????, ?? ?????? ??
?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???????????,
????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????
??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??????????. ? ?????? ?????????? ?? ?????????? ?????????? ??????
????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????????
????????? ??? ? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??
????????? ? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????, ??? ?? ?????????? ???
????????? ?????? ? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ?????? (6).

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

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

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

22. ?? ?? ?????? ??? ??????, ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? «?

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

23. ?????????? ??????????? ?????????? -????? ??? ?????????????????? ?????????????????? ???
?????????? ??? ??? ?????????????? ??? ?????????????- ?? ??? ????? ?????? ? ?????????? ??????????
??? ??????????? ??? ?????? ??????. ??????????, ?????? ?? ?????????????? ?? ?? ??????
????????? ??????? ?? ?????? ?????? ??? ?????? ??? ????? ?????????????? ??? ?????????? ??????
(?? ?????????? ?? 2008), ?????? ??? ?? ?????????????? ??? ????? ????? ?????????? ??????????
??? ?????? ?? ?????????? ?????? ?????????? ??? ?????? ??? ????? ????? ??????????
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??????????.

24. ????????, ????????, ??? ???? ??????????. ?? ????????, ?????????? ??????? ?? ???????
???? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ,?
?????? ??? ?? ??? ?????????? ??? ??? ?????????? ?????????? ?? ?????????? ?? 2008. ??
????????? ?????????? ??? ?????????? ?? ?????????? ?? ?????????? ?????????? ?????????? ?? ??
????????????? ??? ??? ??? ??? ?????????? ??? ?????????? ?????????? ?????????? ?? ??????
?????????, ?? ???????, ??? ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? 5
% ??? ?? 2008, ??? ?? 2012 ?? ?????????? ?? ??? ?? ??????? ??? ?? ???????, ?? ???????, ?? ???????, ?? 21 %.

25. ?????? ??? ? ??????? ?????????? ?????????? ?????? ? ????. ???? ??? ?????????? ???, ??????, ?
????????????? ?????? ??? ?????????? ?????? (???????, ??? ?????? 26 ??.) ?????? ??
????????? ??? ??? ?????? ??? ???? ?????????? (???????, ??? ?????? 34 ??.).
?????? ?????????????? ????????, ?????? ??????? ??? ?? ?????????? ??? ??????????????
?????? ?? ??? ?????????? ??????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????
?????? (???????, ??? ?????? 53 ??.).

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

26. ???? ??? ?????????????? ???????? ??? ?????????????? ??? ?????????????? ?????????????? ??? ??
????????????? ??? ????? ????, ????? ??????, ?????? ??? ?????? ?????????????? ??????????????
????????????? ??????????.

27. ????? ?? ?????????? ????? ?? ????????????, ?? ?????????? ?????????? ??????????
????????????? ????? ?? ?????????? ????? ?? ????????, ????????, ?? ??????????????. ??
?? ????? ?????????? ????????, ?? ?????? ????? ?????? ????? ?????? ????? ?????????? ?? ??????????
?????? (7).

28. ??????????????, ?? ??????? ??? ?????????? ??? ?????? ?? ?????????? ?????? ???
????????????? ?? ???? ?? ?????? ??? ??? ?????? ?????? ???? ?????????? ?? ?????? ??? ??????
??? ?????????? ?? ???? ???????????. ?? ?????? ?????? ??? ???, ??????, ??????????
????? ?????????? ?? ???? ?????? ?? ?????????? ?????????? ?????? ??? ??????????
?????????????, ?????? ?? ???? ?? ?????? ?????? ??? ?????? ??? ?? ?????? ?? ??????????????
????, ?????? ?? ?????? ?? ?????????????? ?????? ?????????? ?? ?????????? ?? ?????? (8).

29. ????? ?????? ??? ?????????????? ?????????????? ??? ?????????????? ??? ?? ??????? ???
????????????? ??????????, ?? ?????????????? ??? ????? (9) ???, ????? ?? ?????? 168,
????????? ??, ?? ?????????? ??? ???, ?? ?????? ? ?? ?????????? ??? ?????????????? ???
????????? ??? ?????????????? ??? ????? ?????? ?? ?????????????????? ??? ??? ?????? ??? ???
????????? ??? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ???, ??
????????? ??????, ?? ?? ??? ?????? ??? ?????? ?? ?????????????? ??? ?????? ??? ?????????? ???

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

30. ?????????? ??? ?? ?????? 168 ??? ??????? ????? ?? ????? ?????????? ?????? ???
????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????????????? ?? ?????? ?
????????? ?? ??????????, ?????????? ?? ?????????? ???, ?????? ?????????? ?? ???
????????? ??? ?????????????? ??? ?????????? ??????, ? ?????????? ??? ?????? ???,
???????, ??????? ?????????? ??? ??? ??? ?????????? ??? ??? ?????? (10).

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

32. ?????????????????? ??????????? ?????? ??? ?????? ?????????? ? ?????????????????? ?????? ???
????????????? ?????????? ??? ? ?????? ???, ?????? ?????????? ??? ?????????????? ??????????????
????????????? ??????????????. ??? ?????????????????? ??? ?? ?????????? ?????????????? ??? ?????? ???
????????? (?? ?????????? ??? Flexipiso – Pavimentos SA) ?? ?????? ?????? ?? ?????????????? ???
????????????? ??? ?????????? 5 % (11) ?????????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ???
??? ??? ?? ??? ?????? ??? ?????? ???.

33. ??????? ?????? ?????? ?? ? ?????? ?????? ?????????? ?????????? ?? ?????? ?????? ?? 2008
?????? ?????? 21 % (12), ?????????? ?? ?????? ?????? ?????? ?????? ?????????????? ??????????????,
????????? ?????????? ?? ?????? ??? ?????? ?????? ?????????????? ?? ?????????????? ?? ?????????? ??.

34. ???????, ?????? ?? ?????????????? ? ?????? ??????? ?? ?????????????? ?????????? ?? ?????? ?? ?????? ?? ?????? ???. ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 168 ??? ?? ??????? ?? ?????? 178, ??????? ??, ?? ??????? ?? ?? ?? ?????? 226, ?????? 10, ??? ?????? ????.

1) ? ?????? ?????????? ?? ?????????????? ?????????????? ???

35. ???????, ?????? ?? ??????????? ???, ??? ???? 179, ?????????? 1, ??? ??????
???? ??, ? ?????? ?????????? ?????? ?? ??? ??????, ??? ?? ?????????? ??? ???? ??
??? ?????????? ??? ??? ?????????? ???????, ??? ?????????? ?????? ??? ??? «??? ??? ?????
????????? ??? ???????, ??????? ?? ?? ????? 178, ?? ??????? ??????????, ??? ??
????????? ??? ?????? ??????».. ?? ????? ?????????? ??? ?? ?????????? ?????????? ??? ??
????????, ???????, ?? ??? ?? ?????? ??? ?? ??????? ??? ?? ???????, ??????, ??????????
?? ?? ??? ?????????? ???, ???????, ??????? ??? ?????? ??? ?????????? ??? ?????? ??
????????? (13).

36. «????? ??????, ??????, ??? ?????? ??? ?????????????? ???????????, ?? ?????? 178, ??????????
??, ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ?????????????? ??????????. ??
????????? ??? ?????? ??? ?????? ?? ??? ?????? ?????? ??? ?????? ?? ???? 219? ??? 240 ??? ??????
????? ????. ???? ?? ?????? 226, ?????? 10, ??? ?????? ??? ?????? ?????? ?????? «????????? ??? ?????? ???
«????????? ??? ?????? ?????? ??????».

37. ?? ?? ??????? ???. ?????? 178, ??????? ??, ???. ?????? ????? ??, ? ????????

38. ? ??????? ?? ?????????? ?????????????? ?????????? ?? ??? ?????? ?????????????? ?????????????? ??
?? ?????? -????? ??? ?????????????? ??? ?? ??????????????-, ??????, ?? ?????????? ???
????????????? ?????????????? ??? ?????????? ?? ?????????????? ?????? ??? ??????????????
????????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ???, ?????????? ???, ???
????????? ?????????? ?????????? ??? ??? (15). ?????? ?????? ?????? ?????????? ?????????? ?? ??
????????? ??? ??????, ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? ??
?????????.

39. ???????, ? ??????? ?? ???? ?????? ??? ?????????????? ??? ???? ?????? ?????????? ??? ????
????? ??????. ?????? ?? ???? ?????????? ?? ???? ?????? ?????????????? ??? ???? ??????????
?????????? ?? ???? ??????????. ?????????? ?? ???? ?????????? ?????????? ???? ???? ????
????????? ?? ???? ?????? ?????????? (????? ?? ???? ?????????? ??????????) ?? ???? ?????? ??
????????? ?? ???? ?????? ?????? ?? ???? ?????????? ?????? ?????? ?? ???? ?????? ??????
?? ??????? ?? «????? ?? ???? ?????????? ??????» (??????? ?? ???? ?????????? ??? ???? ??????????).

40. ????????, ? ?????? ??????? ?? 226, ?????? 10, ??? ?????? ?? ?? ????
???? ??????? ???. ? ?????? ????? ????????, ??? ???? ??????? ??, ???
?????????? ?? ??????????? ?????? ?? ??????????? ?? ?? ??????????? ???????
?? ?????? ?? ???????.

41. ?????????? ????????, ??? ???? ????????????, ??? ?????? ??? ????????, ??? ?????? ??? ????????, ??? ?????? ??? ????????,
???????, ??? ???? ????????, ???, ??? ?????? ??? ??? ????????????, ?? ?????? ??? ????????, ??? ?????? ??? ????????,
????? ??? ????????. ?? ??? ?????? ????????????, ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ????????,
??? ??? ???? ????????, ??? ????????????, ????????????????, ?? ??? ??? ??? ??? ??? ?????? ??? ??????.,
????? ????????????, ??? ????????, ?? ?????? (?)?????) ?????? ?????????? ?????????? –? ????
???????????, ?? ??? ??? ?????? ????????????, ?????? ??? ??????????.

2) ? ?????????????? ??? ?????? ??? ?????????????? ??????????????

42. ??????????, ? ?? ??? ????? ?????? ??? ????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ???????????
????????????? ? ????? ?????????????? ??? ?????????? ?????? ??? ?????? ????. ? ????? ??? ??????????
????????????? ?????? ?????????? ??? (16) ??? ??, ? ????? ?????? ??? ?????? ??? ??????????
??? ?? ??? ????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???????.

43. ???????, ? ??? ?? ?????????????? ?? ?????????????? ?????????????? ??????????????, ??
????????? ?????????? ??, ?????????????????? ?? ?????????? ?? ?????? ?????? (17). ?????????,
????????? ?? ??? ?? ????? ?? ?????????????? ??????????????, ?? ?????????????? ?? ?????? ??
????????????????? ?? ?????????????? ?? ?????????????? ?? ?????????, ?????????, ?? ?????????????? ??
?? ?????? ?????????? ?? (18), ?????? ?? ?????? ?????????????? ??????????????
????????? ?? ?????? ?? ?????????? (?????????) ?????????? ?? ?????? ?? ?????? (19).

44. ??? ??????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ??????????. ??? ??????????
-????? ?????????? ?????????? ??? ? ?????? ?????????? ?. Campos Sánchez-Bordona (20) -
?? ??????? ?????????? ?? ?????????? ?????? ??? ? ?????? ??? ?????? ??? ?????????? ?????????? ??
??? ??? . ? ?????????? ??? ??? ??? ?????????? ??? ??? ?????????? ??? ??? ?????????? ??? ??? ??????, ???
????????? ?? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ??? ??? ?????? ???
????? ?????????? ?????????? ??? ?????????? ?? ??? ?????? ???.

45. ?????? ??????????? ?????? ??? ????? ?????????????? ?????????? ??? ?????????????? ???
????? ?? ??????????? ????? ?????????? ?????? (21) ??? ? ?????? ?????? ?????? ???
????????????? ?????????? ?????????? ???, ???????, ?? ?????????? ??? ?????? ???

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

46. ????????????????, ?? ???? ???? ? ?????? ??? ?????? ?????????????? (? ??
???????????) ?? ??? ?????????? ??? ??? ?????????? ??? ??? ??? ?????????????? ???
????????? ??? ?????? ?????? ?? ?????????? ? ??????. ??????, ?? ?? ??? ?????????????? ?
?? ?????????? ?????? ??? ?? ?????? ?????? ?????? ??? ??? ??? ?????????? ???
????????????? ??? ??? ?????????? ??? ?????? ???, ?????? ??? ?? ??????????.

47. ?????? ??????? ??????? ??? ?????? ?????????? (???????????) ? ??????
??? ?????? ??? ?????? ??? ??? ?????????? ?? ?????????? ??? ??? ??????????. ??? ???
????? ????, ?????? –????. ?????? ?????????? ? ?????? ?????????? ?. Campos Sánchez-
Bordona (22)–, ? ?????? ??? ?????? 178 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????????? ??????????.

48. ?????' ??? ?? ??????? ??????? ?? ? ??????? -????? ??? ?????????????? ???????????- ???
????? ?????????? ?? ???? ?????????? ?????????????? ?????????????? ?? ???? ?????? ?????????????? ??
????? ?????? ?? ???? ?????? ?? ???? ?????? ?????? ?????? ?????????????? (????? ?? ???? ?????? ?????? ??
????? ?? ???? 2008), ??? ? ?????? ?? ???? ?????? ?????????????? ?? ?? ?????????? ??? ?? ???? ?????? ???.
?? ???? ?????? ?????? ?????? ?? ???? ?????? ?????? ?? ???? ?????? ?????? ?? ???? ?????? ?????? ??
????????? (23) ??? ???? ?????? ??????????????. ? ?????? ??? ?????? ?? ???? ?????? ?? ???? ?????? ???.
????? ?? ???? ?? ???? ?? ???? ?? ???? ? ?????? ?? ???? ?? ???? ?????????? ?? ???? ?????? ???.
?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ???.

49. ????????, ??? ? ?? ? ?? ?????? ??? ????? ?????????????? ?????????????????? ??????????????
?? ?????????? –?????? ?? ? ?? ? ?? ?????? ??? ?????????? – ?? ? ?? ? ?????? ?? ? ??????????
????????? ?????????? ?? ? ?? ? ?????? ??? ?????? ?? «????? ?? ? ?????????? ??»
?? ?????????? ?? ? ????????, ??? ?????? ?? ?????? 226, ?????? 10, ??? ?????? ???
???.

51. ??????????, ? ??????? ??? ?????? ?????? ?????????????? ?????? ??? ? ??????? ?? ???
????? ?????????? ??? ?????? (? ??? ?? ?????? ?????????? ??? ?????? ??? ?????????? ???
?????) ?? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ?????????? ???
?????????????. ????? ?? ?????????????? ?? ?????????? (??? ?????? ?????? ??????) ??
????????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?? ?????? ?????? (??? ?????? ???
????????? ??????) ??? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ???
????????? ?????? ?? ?????????? ? ?????? ??? ?????????? ??? ?????????? ?? ?????????? ??

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

3) ???????????

52. ??? ????????, ?? ??????, ????? ?? ?????? ??? ? ?????? ??? ???? 178,
????????? ?, ?? ?????????? ?? ???? 226, ?????? 10, ??? ?????? ??? ???? ??? ????
????????? ??? ????? ?? ?????????? ?????????????? ?????????? ?? ?????? ???
????????? ?????? ??? ?????? (????????????? ???) ?????? ??? ???? ??? ????
????????? ??? ??????. ????????, ?? ?????? ?????????? ??? Flexipiso Pavimentos SA
(????? ??? ???? ?? ?????? ?? ?????? ?????????? ?? ??? ??? ??? ???? ?????????? ???
????????? 5 %) ??????? ?? ?????? –????????? ??? ?? ??? ?????????? ??? ??????????
?? ??? Biosafe– ?? ??? 2012 ?? ?? ??? ??? ?????????? ?????????? ??? ??????
????????? ? ?????????? ???.

4. ? ?????????? ??????? ?? ??? ?????????? ?????????? ??????????

53. ?? ??????? ?????????? ??? ?????????? ??? ???? ?? ?????? ??? ???? ??????
????????? ??? ?????????? ?? ?????????? ??? ?????? ?????????? ?????????? ?????????? . ???????,
?? ?????????? ??? ?????? ?????? ??? ?????????? ?????????? ??? ?????????? ??????????
????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?? ?????? ?????????? ??? ?????? X, ?????? 1 («????? ??? ??????
?? ?????????? ?????»), ??? ?????? ????. ???????, ?? ?????? ?????????? ???
?? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ???, ??? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????????? (26).

54. ??????, ? ?????????? ??? ?????? ??? ?????????? ??? ???? ?? ?????? ??? ???? ??????
????? ?????? ?? ?????????? ??? ?????????? ??? ???? ?????? ??? ?????????? . ???
????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ?????????? ??????
????????? , ?????? ? ?????????? ??? ?????? ?????? ??? ?????????? ?????????? ??? ????
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? , ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (27).

55. ?? ??????????, ??????, ?????? ?? ?????????? ??? ? ?????????? ??? ???? ?? ??????
?? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? 226, ?????? 6
?? 7, ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? (28).

56. ?? ??? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??? ???? ?? ?????? ??? ???? ??????
????? ??? ?????? ??? ?????? ?????? . ?????? ?? ?????? ??? ?????? ??? ??????
????????? . ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? 168 ??? ?????? ???, ? ?????? ?????? ?????? ?????????? ???
?? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? 178, ?????? ??, ??? ?????? ??? ?????? ???, ??
????????? ???, ?????? ???, ?? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ?????? (29). ??????, ?????? ?????? ?????? ??? ?????? ??? ?????? ??????
????????? ??? ??? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

59. ??????? ??? ?? ?????? ??? ?? ?????????? ??? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ??????? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
????. ??? ?? ?????? ?? ?????????? ??? ?? ??????? Senator (30), ? ?????????? ??
????????????? ?????????? ?????????? ??? ?? «? Senator ?????? ?????????? ??? ??
????? ??????? ??? ?? ?????????? ??? ?? ??????? ??? ?? ?????????? ??? ?? ?????? ??? ??
??? ?? ??????».

60. ??? ??????? ????, ?? ?????????? ????, ????? ?????? ???, ?????????? ??? (????????????)
????????? ??????? ?????????? ??? ?????????? ??? ?????? ?????????????? (??? ????
?????? «????? ?????????? ??????????») ??? ?????? ??? ?????? ??? ?????? -? ????
???? ??????? ?? ??? ??? ??? ?????????? ??? ??????????, ??? ?????????? ???, ???????,
??? ??????????. ??????, ? ?? ??????? ? ? ??????? ?????????? ?????? ??? ?????????? ???
??? ??????? ??? ?????????? ?????? ? ??? ??? ?????????? ?????????? ? ??? ??????????
????????? ??????. ?? ??????? ??? ?????? ?????? ?????? ?????? ??? ??? ?????? ???
????????? ??? ?? ?????????? ???.

61. ??????????, ?? ?????????? ????? ??? ???? –????? ?????????????? ??????? ??? ?????
39 ??? –????? ?????? ??? ?? ??? ??? ?????????????? ??? ?????? ??? ?????? ???, ???'
?????????, ??? ?? ??? ??? ?????????????? ?????????? ??? ?????? ??? ??????????. ?? ??????????,
??????, ??? ?? ?????????????? ??? ?? ?????????? ?????????? ??? ?????????? ?? ?????? ??????
?? ?????? 226 ??? ??????? ??? ??, ?? ?????? 226, ?????? 10, ??? ?????? ??? ?? ???
????????? ?????? ?????? ?????????? ??? ??????????. ??????????, ?? ?? ??? ?????? ?????????? ???
????????? ??? ?? ?????????????? ??? ?????????????? ??? ??? ?????????? ??? ?????? (??.
????? 203 ??? ??????? ???) ??? ??? ?????????? ??? ??? ?????? ??? ???????, ??????????,
????????????? ?????? «????? ??? ?????????? ???» ??? ?????? ?? ??????
????????????? ??? ?? ?????? ??? ?? ??? ?????????????? ??? ??????????????.

62. ? ??????? ??? ? ??????? ?????? ??? ??? ?????????????? (???????) ??? ??? ???
?????????) ?? ?????????? ??? ??????? ?????? ?????? ?????? ?????? ??????. ??????????,
?????? ?????????? ?????? ??????? ?? ??? ????? ?????? ?????? ??????????. ??? ?????????? ???,
??????, ? ??????? ??????? ?????? ??? ??? ??? ??? ????? ?????????? (?????????????).
??????, ? ??????? ??? ??????? ?????? ?????? ??? ??? ????? ?????? ??? ??? ??? ???
(?????????????) ??? ??? ??????? ??????????????, ??? ?????? ??? ??????????
(?????????????) ??? ??? ??????? ??? ?????????????? ??????????.

63. ?????? ? ?????????????? ?????????????? ?????????????? ?????? ??? ?? ?????? ???
?????????? ??? ??????? 90 ??? 185 ??? ??????? ????. ?????????? ?? ?????????? ???
?????????? ?? ?????????????? ?????????????????? ?????????? ??? ?????? ?????????? ????. ???
????? ??? ?????????? ????, ????, ?????? ?????????? ?? ?? ?????? 90 ??? ?????? ????, ???,
??? ??? ??? ?????????? ??? ?????????? ?????? ?? ?????? 185 ??? ?????? ??? (31). ???
????????? ??? ?? ?????? 184 ??? ?????? ????, ? ?????? ?????????????? ex nunc. ??
???? ?????? ??? ?? ?????? ?? ?????? 90 ??? ?????? ???, ?????? ???, ?????? ??? ?? ???
????????? ?????????????? ?? ?????? ?? ?? ?????? ?????? ?????????? ?????????? ????. ?
?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?????????? ?? ?????????? ?????? ???
????????? ?????? ?? ?????? ?? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ???
????? ?????????? ?? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? (??
????????? ??? 5 % ?? 21 %).

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

5. ??????

65. ? ??????? ???????????, ??? ?? ?????? ??????????? ?????? ? ??????????? ??? ???, ???
????????? ??? ?? ?????? ???????, ??? ?? ?????????? ??????????? ??? ??????????. ???
????????? ??? ?? ?????? ??? ???????, ? ?????? ??????????, ?????? ???, ???
?????????? ??? ?? ?????????? ??? ??????? ??? ?? ?????????. ?????? ?? ?????????? ???????
?????????, ??? ?????????? ??? ??????, ??? ?? ?????????? ??? ??? ??? ??? ??????????
?? ??? ??? (????? ??? ??? ???????) ? ?????????? ?? ???
????????? (????? ??? ??????? ??????? ??????????), ? ?????????? ??? ?? ???
????????? ??? ?????????? ?????? ??????.

66. ?????? ???? ? ?????????? ?????????? ?????? ?????? ?????? ??? ?????????????????? ??? ?????? 226,
?????? 10, ??? ?????? ??? ?? ?????????? ?? ???? 203 ??? ?????? ??? ?? ????
?? ?????? 90 ??? 184 ??, ??? ?????? ??? ???.

68. ??????? ???????, ??????? ?? ??????????? ? ??????????? ??? ?????????? ?? ?????????? ?? ???????
?????? ?????????? ? ??????????? ??? ??????????? ??? ?????????? ??? ?????? ??? ??????? ?????????? ??????
??? ?????? ??????? ?? ?????????? ??????? ?????????? ??????? ?????????? ?? ?????? ?? ??????? ??????.
???????, ??? ?????????? ??? ?????????? ?????? ?????????? ??????? ?????????? ??? ?? ??????????
?????????, ??? ?? ?????? ??? ?????? ??? ??????? ??? ??????, ??? ?????????????? ??? ?????? ?????? ??????
????????? ?????????? ??? ??? ?????? ??????? ??? ?????? ??? ?????????? ?? ?? ?????????? ?????? ???

???.

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

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

70. ??????? ? ?????? ?????????? ??? ?????????? ?? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ?????? ??? ?????? ? ?????? ??? ?????????? ??? ??? ?????? ???
??? . ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??
?? ? ?????? ??? ??????, ? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??????, ?????? ??
????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ??????????,
????????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????? ??? ?? ??????
73 ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ? ??? ?????? ?????? ?????? ???
?? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????????? ??? ??????????
?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

VI. ??????

71. ?????? ??? ?????? ?????? ??????, ?????? ??? ?????????? ?? ?????????? ??? ?????? ???
????????????? ?????? ??? Supremo Tribunal de Justiça (????????? ??????????,
?????????) ?? ???:

? ???? ? ? ???? 168, ??????? ??, ?? ?????????? ?? ? ? ???? 178, ??????? ??, ??? ??
????? 226, ?????? 10, ??? ?????? ???, ?? ?????? ?????? ?? ? ???? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?? ? ???? ?????? ?????? ???
????????? ??? ?? ? ? ???? ? ? ???? ?????? ?????? (?????????)
????? ??? ?????? ??? ?????????? ??? ?? ?????????? ?????? ??? ??????????
????????? ??? ?????? ??? ?????????? ?????? ?????? ?? ? ???? ?????? ??? ?????????? ???
?? ?????????? ?????? ??? ?????? ??? ?????? ?? ? ???? ?????? ??? ? ?????????? ?,
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ??? ??? ??? ???
????????? ??? ?????? ??? ??????.

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

2 ?????? C?533/16 – Volkswagen AG.

3 ?????? ??? 15? ?????????? 2016, Barlis 06 – Investimentos Imobiliários e Turísticos
(C?516/14, EU:C:2016:690).

4 ?????? ??? 15? ?????????? 2016, Senatex (C?518/14, EU:C:2016:691).

5 ?? 2006, L 347, ?. 1.

6 ?????????? ??? 17? ?????????? 2014, Cruz & Companhia (C?341/13, EU:C:2014:2230,
????? 32), ??? 30? ?????? 2014, Pfleger ??. (C?390/12, EU:C:2014:281, ????? 26), ???
22? ?????? 2010, Melki ??? Abdeli (C?188/10 ??? C?189/10, EU:C:2010:363, ????? 27), ???
?? 22? ?????? 2002, Canal Satélite Digital (C?390/99, EU:C:2002:34, ????? 19).

7 ?????????? ??? 21? ?????????? 2017, SMS group (C?441/16, EU:C:2017:712, ?????
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