





9. Rct" wpg" t<sup>2</sup>uq<sup>n</sup>wkq<sup>p</sup>" fw" 45 f<sup>2</sup>eg o dtg" 4237." nøCuug o dn<sup>2</sup>g" i<sup>2</sup>p<sup>2</sup>tcng" c" tghwu<sup>2</sup>" føcrrtqwxgt" ng" r tqlg<sup>v</sup>" fg" dwf i gv" eqpegtpcpv" nc" tguvtwevwtcvkq<sup>p</sup>" fw" J cwv-Eq o o kuuctkv" gv" rtk<sup>2</sup>" ng" Uget<sup>2</sup>vcktg" i<sup>2</sup>p<sup>2</sup>tcn" fg" nwk" rt<sup>2</sup>ugpvgt" wp" r tqlg<sup>v</sup>" t<sup>2</sup>xku<sup>2</sup>0

10. Rct" wp" eqwttkgn" fw" 46 f<sup>2</sup>eg o dtg" 4237." ng" J cwv-Eq o o kuuctkg" c" kphqt o<sup>2</sup>" vqwu" ngu" hqpevkppcktg<sup>u</sup>" fw" J cwv-Eq o o kuuctkv" swg" ngu" o wvcvkq<sup>p</sup>" nc<sup>v</sup>2tcngu" gp<sup>x</sup>kuc i<sup>2</sup>gu" fcpu" ng" ecftg" fw" rtqegu<sup>u</sup>wu" fg" tgejgtejg" fg" rquvgu" <sup>2</sup>swkxcngpvu" fgxtckgpv" vtg" t<sup>2</sup>gzc o kp<sup>2</sup>gu" gv" swg" ng" t<sup>2</sup>uwnvcv" fg" eg" t<sup>2</sup>gzc o gp" ugtckv" eq o o wpksw<sup>2</sup>" kp<sup>f</sup>kxkf wgnng o gpv" «" e j cewp0

11. Rct" wpg" ngvvtg" fw" 37 lcp<sup>x</sup>kg<sup>t</sup>" 4238" f<sup>q</sup>ppcpv" uwkv<sup>g</sup>" «" uc" rt<sup>2</sup>e<sup>2</sup>f<sup>g</sup>pv<sup>g</sup>" eq o o wpkcvkq<sup>p</sup>" gp" fcvg" fw" ; f<sup>2</sup>eg o dtg" 4237." ng" E j gh" fgu" Ugtxkegu" fg" nc" i gv<sup>u</sup>kq<sup>p</sup>" gv" fg" nøcrrwk" cw" r tqi t c o o g" fw" J cwv-Eq o o kuuctkv" c" kphqt o<sup>2</sup>" eq o o g" uwkv" ng" tgs<sup>w</sup>2tcpv" fg" nc" f<sup>2</sup>ekukq<sup>p</sup>" fw" J cwv-Eq o o kuuctkg" eqpegtpcpv" uqp" è<sup>2</sup> xgpv wgnng" o wvcvkq<sup>p</sup>" nc<sup>v</sup>2tcng i <

Eq o o g" xqwu" ng" ucxg | f<sup>2</sup>uqt o cku." nøCuug o dn<sup>2</sup>g" i<sup>2</sup>p<sup>2</sup>tcng" c" f<sup>2</sup>ekf<sup>2</sup>" fg" fkh<sup>2</sup>tgt" uc" f<sup>2</sup>ekukq<sup>p</sup>" føcrrtqwxgt" ngu" r tqrqukvkq<sup>p</sup>" dwf i<sup>2</sup>vcktg<sup>u</sup>" fw" J cwv-Eq o o kuuctkv" fcpu" ng" ecftg" fg" nøkp<sup>k</sup>vkcvkxg" r qwt" ng" e j c p i g o g p v." gp" cvv<sup>g</sup>pfcpv" fg" r tgpftg" eqppckuucpeg" føwp" t c r r q t v" f<sup>2</sup>vckm<sup>2</sup>" swk" f q k v" n w k" v t g" r t<sup>2</sup>ugpv<sup>2</sup>" w n v<sup>2</sup>t k g w t g o g p v" e g v v g" c p p<sup>2</sup>g" «" uc" u q k z c p v g" g v" q p | k<sup>3</sup> o g" u g u u k q p 0" F c p u" e g u" e q p f k v k q p u." k n" p g" u g t c" r c u" r q u u k d n g" f g" f q p p g t" u w k v g" c w z" f<sup>2</sup>ekukq<sup>p</sup>" u w u" o g p v k q p p<sup>2</sup>g u 0

Ng" t c r r q t v" s w g" p q w u" r t<sup>2</sup>ugpvgtq<sup>p</sup>" gp" u g r v g o d t g" f g" e g v v g" c p p<sup>2</sup>g" u g t c" r q w t" p q w u" n ø q e c u k q p" f ø g z r q u g t" r n w u" g p" f<sup>2</sup>vckn" v q w u" n g u" c u r g e v u" m" k p k v k c v k x g" r q w t" n g" e j c p i g o g p v 0

Gp" cvv<sup>g</sup>pfcpv." m" " u q n w v k q p u" e q p v k p w g p v ø f i t g" g z c o k p<sup>2</sup>g u" g p" x w g" m" o g v v t g" g p" ò w x t g" n g u" c u r g e v u" f g" n ø k p k v k c v k x g" t g n g x c p v" f g" n ø c w v v t k v<sup>2</sup>" f w" J c w v - E q o o k u u c k t g" g v" p q w u" g u r<sup>2</sup>t q p u" s w g" e g v" g z c o g p" f<sup>2</sup>d q w e j g t c" u w t" f g u" r q u u k d k n k v<sup>2</sup>u" e q p e g t p c p v" e g t v c k p u" o q w x g o g p v u" f ° r q u v g u" g v" m" r g t u q p p g n 0" K n" h c w f t c" «" e g v" <sup>2</sup>i c t m" t g e q p u k f<sup>2</sup>t g t" n g u" k p e k f g p e g u" u w t" n g" t g e t w v g o g p v" g v" n g u" c h h g e v c v k q p u." u w t" n c" d c u g" f g u" r t q e g u u w u" f g" t g e j g t e j g" f g" r q u v g u" <sup>2</sup>swkxcngpvu" swk" q p v" <sup>2</sup>v<sup>2</sup>" o g p<sup>2</sup>u" «" d q p p g" h k p 0" E g n c" h g t c" d k g p" <sup>2</sup>x k f g o o g p v d l g v" f ø w p g" <sup>2</sup>v t q k v g" e q p e g t v c v k q p" c x g e" n g u" h q p e v k p p c k t g u" e q p e g t p<sup>2</sup>u 0

12. Fcpu" wpg" ngvvtg" føkphqt o cvkq<sup>p</sup>" rwdnk<sup>2</sup>g" gp" h<sup>2</sup>xtkgt" 4238." ng" J cwv-Eq o o kuuctkv" c" eqphkt o<sup>2</sup>" ngu" p g w h" o wvcvkq<sup>p</sup>" swk" r q w t t c k g p v" c x q k t" n k g w" k o o<sup>2</sup> f k c v g o g p v." c w" v g t o g" f g" n c" r t q e<sup>2</sup>fwtg" m" " t g e j g t e j g" f g" r q u v g u" <sup>2</sup>swkxcngpvu" o g p<sup>2</sup>g" m" p u" n g" e c f t g" m" ø k p k v k c v k x g" r q w t" n g" e j c p i g o g p v." k p f<sup>2</sup> r g p f c o o g p v" f w" h c k v" s w g" n ø c r r t q d c v k q p" f g" u q p" d w f i g v" c x c k v" <sup>2</sup>v<sup>2</sup>" f k h h<sup>2</sup>t<sup>2</sup>g 0"

13. Gp cxtkn" 4238." fgu" fkueuukq<sup>p</sup>" qp<sup>v</sup>" <sup>2</sup>v<sup>2</sup>" vgpwgu" cw" J cwv-Eq o o kuuctkv" «" r t q r q u" f g" r ø<sup>2</sup> x g p v w g n" t c p u h g t v" «" P g y" [ q t m" m" " r q u v g" q e e w r<sup>2</sup>" r c t" g" t g s w<sup>2</sup>tcpv" ckpuk" swg" føcwtv" rquvgu" fg" nc" Ugevq<sup>p</sup>" fgu" qdlgevku" fg" f<sup>2</sup>xgnqr rg o gpv" fwtcdng0

14. Ng" 39 cxtkn" 4238." ng" tgs<sup>w</sup>2tcpv" c" tg±w" wp" eqwttkgn" fw" Fktgevgwt" fg" nc" Fkxkukq<sup>p</sup>" fgu" cev<sup>k</sup>xk<sup>v</sup>2u" j<sup>2</sup> o cvkswgu." fgu" r t q e<sup>2</sup>fwtg<sup>u</sup>" ur<sup>2</sup>ekcngu" gv" fw" ftqkv" cw" f<sup>2</sup>xgnqr rg o gpv" fw" J cwv-Eq o o kuuctkv." fcpu" ngs wgn" egnwk-ek" nøgpvtgvpc<sup>k</sup>v" fg" nø<sup>2</sup>xgpvwc<sup>n</sup>kv<sup>2</sup>" fw" vtcpuhgtv" fg" uqp" rquv<sup>g</sup>" ckpuk" swg" føwp" cwtv" rquv<sup>g</sup>" R





egvvg" t<sup>2</sup>chhgevcvkqp." ckpuk" swg" ngu" cwvtgu" t<sup>2</sup>chhgevcvkqpu" rt<sup>2</sup>xwgu" fcpu" ng" ecftg" fg"  
nøKpkvckvxg" swk" uqp" cevngng o gpv" rgpfcpgvuo

28. Rct" wp" eqwttkgn" gp" fcvg" fw" 38 h<sup>2</sup>xtkgt" 4239." nc" Uqwu-Uget<sup>2</sup>vctg" i<sup>2</sup>p<sup>2</sup>tcng" <" nc"  
i guvkqp" fgu" tguuqwtegu" jw o ckpgu" c" t<sup>2</sup>rqp fw" eq o o g" uwkv <

Lg" pqvg" swg" ngu" t<sup>2</sup>chhgevcvkqpu" nc<sup>2</sup>tcngu" qp<sup>v</sup>" 2<sup>v</sup>" cr rtqwx<sup>2</sup>gu" <" nc" hkp" fg" 4237" gv"  
swg" nøCuug o dn<sup>2</sup>g" i<sup>2</sup>p<sup>2</sup>tcng" cxckv" tgrqt<sup>v</sup>" <" 4238" uqp" gzc o gp" fgu" f<sup>2</sup>rnqk o gpvu"  
t<sup>2</sup>ikqpcwz" rtqrqu<sup>2</sup>u" i vcpv" fqp<sup>2</sup>" swg" ngu" f<sup>2</sup>ekukqpu" qp<sup>v</sup>" 2<sup>v</sup>" rtkugu" cxcpv" ng"  
53 f<sup>2</sup>eg o dtg" 4237." cnqtu" swg" nøkpvtwevkqp" cf o kpkvctvxg" UVICKI423215." cwz"  
vgt o gu" fg" ncs wngng" ngu" ejghu" fg" dwtgcw" qw" fg" f<sup>2</sup>rctvg o gpv" 2<sup>v</sup>ckgpv" jcdknkv<sup>2</sup>u" <"  
o vwt" nc<sup>2</sup>tcng o gpv" ngu" hqpevkppctgu." 2<sup>v</sup>ckv" gpeqtg" gp" xki wgt." lg" eqphkt o g" swg"  
ng" Jcwv-Eq o okuuctg" cwz" ftqkvu" fg" nøjq o o g" guv" fÅ o gpv" jcdknkv<sup>2</sup>" <" gz<sup>2</sup>ewvgt" ngu"  
o wvcvkqpu" fg" hqpevkppctgu." { " eq o rtku" egng" swk" eqpegtg" ]ng" tgs w<sup>2</sup>tcpv." "  
nqtusw" ngu" f<sup>2</sup>ekukqpu" { " chh<sup>2</sup>tgpvgu" qp<sup>v</sup>" 2<sup>v</sup>" rtkugu" cxcpv" ng" 53 f<sup>2</sup>eg o dtg" 4237" qw"  
<" egvvg" fcvg

29. Rct" wpg" ngvvtg" fw" 8 octu" 4239." ng" Itqwr" gw" eqpvt<sup>1/2</sup>ng" jk<sup>2</sup>tctejkswg" c" tglg<sup>2</sup>" nc"  
fg o cpg" fg" eqpvt<sup>1/2</sup>ng" jk<sup>2</sup>tctejkswg" fw" tgs w<sup>2</sup>tcpv" eq o o g" kttgegcdng" 0"  
Ng" Itqwr" c" 2 i cng o gpv" kpfksw<sup>2</sup>" swøkn" eqpukf<sup>2</sup>tckv" eq o o g" t<sup>2</sup>wnk<sup>3</sup>tg" nc" o wvcvkqp" fw"  
tgs w<sup>2</sup>tcpv" cw" I wevg o cnc

30. Rct" wp" o<sup>2</sup> o qtcpfw o" gp" fcvg" fw" 9 octu" 4239." ng" Ejgh" fgu" Ugtxlegu" fg" nc"  
i guvkqp" gv" fg" nøcrrwk" cw" rtqitc o o g" fw" Jcwv-Eq o okuuctkv" c" kpfksw<sup>2</sup>" cw" tgs w<sup>2</sup>tcpv"  
swg" nøqt fppcpeg" fw" Vtkdwpcn" rqtvcpv" uwurgpukqp" fgu" f<sup>2</sup>ekukqpu" eqpegtcpv" uc"  
o wvcvkqp" nc<sup>2</sup>tcng" cw" I wevg o cnc" gv" nc" t<sup>2</sup>chhgevcvkqp" fg" uqp" rquvg" <" Pgy" [ qtm" cxckv" 2<sup>v</sup>"  
ngx<sup>2</sup>g" 0" Kn" nøc" rct" cknngwtu" kphqt o<sup>2</sup>" swg" uc" ecpfkfcvwtg" cxckv" 2<sup>v</sup>" tgeq o o cpf<sup>2</sup>g" rqt" wp"  
rquvg" <" rqtqxkt" rtqejckpg o gpv" fcpu" ng" ecftg" fw" rtqegu" fg" u<sup>2</sup>ngvkv" fw" t<sup>2</sup>ugcw"  
Rckz" gv" swgukqpu" rqnkvks wgu" gv" jw o cpkvctgu" \*RQNPGV+" gv" swøkn" eqpvkpwgtckv" gp"  
eqpu<sup>2</sup>swgpeg" føgzgtg" ugu" hqpevkqpu" <" nc" Ugevkv" fgu" qdlgevkv" fg" f<sup>2</sup>xgnr rg o gpv"  
fwtcdng" <" Igp<sup>3</sup>xg." cw" o qkpu" lwuswøcw" 53 octu" 4239

### Arguments des parties

31. Ngu" rtkpekrcwz" ctiw o gpvu" fw" tgs w<sup>2</sup>tcpv" rgwxgpv" vtg" t<sup>2</sup>uw o<sup>2</sup>u" eq o o g" uwkv <

c0" Wpg" f<sup>2</sup>ekukqp" rqtvcpv" o wvcvkqp" nc<sup>2</sup>tcng" guv" uwuegrvkdng" fg" uwurgpukqp" gp"  
crnkecvkqp" fw" rctcitrjg" 4" fg" nøctvkeng" 32" fw" Uvcvww" fw" Vtkdwpcn" ect." ugnqp" nc"  
lwtkurtwfgpeg" fgu" Vtkdwpcwz" føcrrgn" gv" fw" eqpvpgvkwz" cf o kpkvctvxh." gng" pøguv" rcu"  
eqpukf<sup>2</sup>t<sup>2</sup>g" eq o o g" wpg" f<sup>2</sup>ekukqp" eqpegtcpv" è wpg" pq o kpcvkqp." wpg" rtq o qvkqp" qw" wp"  
nkepeg o gpv" i=

d0" Nc" fg o cpg" fg" eqpvt<sup>1/2</sup>ng" jk<sup>2</sup>tctejkswg" hqt o<sup>2</sup>g" rct" ng" tgs w<sup>2</sup>tcpv" 2<sup>v</sup>ckv"  
qr rqtvpwpg" Nc" f<sup>2</sup>ekukqp" eqpvgu<sup>2</sup>g" c" 2<sup>v</sup>" pqvkhk<sup>2</sup>g" cw" tgs w<sup>2</sup>tcpv" rct" ng" o<sup>2</sup> o qtcpfw o" fw"  
Ejgh" fgu" Ugtxlegu" fg" nc" i guvkqp" gv" fg" nøcrrwk" cw" rtqitc o o g" fw" Jcwv-Eq o okuuctkv"  
gp" fcvg" fw" 44 lwkngv" 4238" Ngu" eq o o wpkecvkqpu" swg" ng" tgs w<sup>2</sup>tcpv" cxckv" tg±wgu"  
rt<sup>2</sup>e<sup>2</sup>fg o o gpv" pg" hcuckgpv" 2<sup>v</sup>cv" føcwevpg" f<sup>2</sup>ekukqp" rquwcpv" ug" rt vtg" <" wp" eqpvt<sup>1/2</sup>ng"  
2<sup>v</sup>cpv" fqp<sup>2</sup>" swg" uc" o wvcvkqp" 2<sup>v</sup>ckv" cnqtu" uq w o kug" <" fkgxtugu" eqpfvkqpu." pqv o o gpv" <"  
nøcrrtqdcvkqp" fw" Eqpvt<sup>1/2</sup>ngwt=



Affaire n°











53. Egvyg" f<sup>2</sup>enctcvkqp" ugodng" eqpvtgftg" ngu" eq o wpkecvkqpu" swg" ng" Jcwv-

58. Gp"eqpu<sup>2</sup>swgpeg."ng"Vtkdwpcn"eqpukf<sup>3</sup>tg"swg"fgu"fqwvgu"u<sup>2</sup>tkgwz"gv"tckuqppcdngu"  
gpvqwtgpn"nc"swgukqp"fg"ucxqkt"uk"nc" f<sup>2</sup>ekukqp"fg" o wvgt"ncv<sup>2</sup>tcng o gpv"ng"tgs w<sup>2</sup>tcpv"cw"  
I wcvg o cnc" <sup>2</sup>vckv" eqphqt o g" cwz" fkurqukvkqpu" fg" nøkpvtwevkqp" cf okpkvutcvkxg"  
[UVICKI4238130](#)" Eg" xkeg" fg" rtqe<sup>2</sup>fwtg" ug o dng" fg" rtk o g" cdqtf" htr rgt" fg" pwnkv<sup>2</sup>" nc"  
f<sup>2</sup>ekukqp"eqpvguv<sup>2</sup>g0" Egvg"kt t<sup>2</sup> i wnctkv<sup>2</sup>" rtk o c" hcek"tg o gv" rct" eqpu<sup>2</sup>swgpn"gp" swgukqp"  
nc" t<sup>2</sup> i wnctkv<sup>2</sup>" fg" nc" f<sup>2</sup>ekukqp" fg" o wvgt" nøcwvtg" hqpevkqppckt" cw" rquvg" qeewr<sup>2</sup>g" rct" ng"  
tgs w<sup>2</sup>tcpv0" Uk" nc" f<sup>2</sup>ekukqp" fg" o wvgt" ng" tgs w<sup>2</sup>tcpv" «" wp" cwvtg" rquvg" guv" fg" rtk o g" cdqtf"  
kt t<sup>2</sup> i wnkv<sup>3</sup>tg. "kn" uøgpukv" swg" ng" rquvg" swøkn" qeewr g" pg" rgwv" ucpu" fqwv g" r cu" 'vtg" o ku" gp"  
vqwv g" t<sup>2</sup> i wnctkv<sup>2</sup>" «" nc" fkurqukvkqpu" føwp" cwvtg" hqpevkqppckt g0

63. Ngu"2n2 o gpvu" fg" rtgwxg" xgtu2u" cw" fquukgt" kpfks wgpv" swøkn" gzkuvg" wpg" rquukdknk2"  
t2gnng" rqwt" swg" nc" f2ekukqp" rqtvcpv" o wvcvkqp" nc2tcng" cw" I wcvg o cnc" fw" tgs w2tcpv."  
fqp" egnw-ek" c" tg±w" pqvkhkecvkqp" ng" 44 lwkngv" 4238. "uqkv" gz2ewv2g" «" vqvv" o q o gpv" crt3u"  
ng" 53 octu" 42390" Kn" { " c" cuuwt2 o gpv" fgu" kpfkecvkqpu" hkcdngu" ugnqp" nguswgnggu" nc"  
f2ekukqp" fg" o wvgt" nøcwvtg" hqpevkppcktg" cw" rquvg" qeewr2" rct" ng" tgs w2tcpv" ugtc"  
rtqejckpg o gpv" gz2ewv2g." ng" f2hgpfgwt" c{cpv" f2enct2" ucpu" c odkiw1v2" swg" egv" cwvtg"  
hqpevkppcktg" vtcxckng" cevwgng o gpv" fcpu" ng" ecftg" føgpici g o gpvu" vgo rqtcktg"  
hkpcpe2u" uwt" fgu" tguuqwtegu" gzvtcdwfi2vcktg" gp" cvgpfcpv" uc" pqokpcvkqp" qhhkekgng"  
cwfkv" rquvg0

64. I vcpv" fqp2" swg" fgu" 2n2 o gpvu" fg" rtgwxg" o qpvtpv" «" eg" uvcfg" swg" nc" o wvcvkqp"  
nc2tcng" fw" tgs w2tcpv" cw" I wcvg o cnc" gv" nc" rgtvg"

d0" Qtfqppg" nc" uwurgpukqp" fg" n0gz2ewvkqp" fgu" f2ekukqpu" rqtvcpv" o wvcvkqpu"  
ncv2tcngu" fw" tgs w2tcpv" cw" dwtgcw" fg" rc{u" fw" Jcwv-Eq o okuuctkv" cw" Iwcvgo cnc" gv"  
f0wp" cwtg" hqpevkppcktg" cw" rquvg" cevngng ogpv" qeewr 2" rct"ng" tgs w2tcpv" «"nc"Ugevkqp"  
fgu" qdlgevkhu" fg" f2xgnqr rg ogpv" fwtdng. "lwusw0«"eg" sw0kn" ckv"cejgx2" n0gzc ogp" uwt"ng"  
hqp f" fg"nc" tgs w'vg"gp" n0gur 3eg0

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