

@import url(../../../../css/generic.css); EUR-Lex - 62000J0267 - EL

Avis juridique important

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62000J0267

????????? ??? ?????????????? (???????) ??? 21?? ??????? 2002. - Commissioners of Customs and Excise ??? Zoological Society of London. - ?????? ??? ??? ??????
????????????? ??????: High Court of Justice (England & Wales), Queen's Bench Division (Crown Office) - ?????? ??????. - ??? ?????? ??? ?? - ??? 13, ?, ?????????? 2,
??????? ??, ?????? ?????? - ?????????????? ?????? - ?????????? ??? ?????? ?
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(?????? 77/388 ??? ??????????, ??? 13, ?, § 2, ??????. ?_, ??????? ??????????)

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\$\$\$\$?????? 13, ?, ??????????? 2, ??????? ?_, ??????? ??????????, ??? ?????? ??????
77/388, ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ????????, ??? ?? ?????? ??? ? ?????????? ??? ?????????? ??? ?????? ??? ?? ???????????
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????? ??? ?? ??? ??, ?????????? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??
????, ??????? ?? ?? ?????????? ???, ?????????? ??? ?? ?????? ??? ?????? ?? ?????????? ??? ??
?????? ???????, ?????? ?????? ??? ?? ??? ?????? ??????, ?? ?????? ?????? ??? ?????????? ???
?? ???????????, ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
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???????, ? ??? «????????? ??????» ?????????? ?????????? ??? ??? ??? ???????????
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(???. ??????? 17-18, 23, 26, 28, ??????. 1-2)

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?? ??? ?? ?????????? ??? High Court of Justice (England & Wales), Queen's Bench
Division (Crown Office) (???????, ???????), ??? ?? ??????????, ???' ?????????? ?? ??????
234 ??, ?? ??? ?????? ???????, ??? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ??
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Commissioners of Customs & Excise

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Zoological Society of London,

? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? 13, ?, ?????????? 2,
????????? ?, ?????? ???????, ??? ?????? ??????? 77/388/???, ??? ???????????, ??? 17??
??_?? 1977, ??? ??????????? ?? ??????????? ??? ?????? ??? ?????? ??? ??????? ?? ??????? ??
?????? ?????? ??????? - ????? ?????? ?????? ????? ?????????????? ?????: ??????????
????????? ??? (?? ????. ????. 09/001, ?, 49),

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

????????? ??? ??? P. Jann (??????), ?????? ???????, S. von Bahr ??? C. W. A.
Timmers, ???????,

????????? ??????: F. G. Jacobs

?????????: L. Hewlett, ??????? ???????????,

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

- ? Zoological Society of London, ?????????? ??? P. Hopkins, barrister, ??? ??? R.
Cordara, QC, ?????????? ??? Ernst & Young, Tax advisers,

- ? ?????????? ??? ??????? ???????, ?????????????? ??? ??? G. Amodeo,
????????? ??? N. Paines, QC,

- ? ?????????? ??? ??????? ???????, ?????????????? ??? ??? R. Lyal,

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

???? ?????? ??? ?????????? ?????????? ??? Zoological Society of London, ???
????????????? ??? R. Cordara ??? ??? . Smith, barrister, ??? ?????????? ??? ???????
?????????, ??? ?????????? ??? R. Magrill, ?????????? ??? ??? N. Paines, ??? ???
?????????, ??? ?????????? ??? R. Lyal, ??? ?? ?????????? ??? 26?? ???????????

2001,

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?? 13?? ?????????? 2001,

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1 ?? ?????? ??? 21?? ?????? 2000, ??? ?????? ??? ?????????? ??? 3 ?????? 2000, ??
High Court of Justice (England & Wales), Queen's Bench Division (Crown Office), ???????, ???
??? ?????? 234 ??, ?????????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? 13, ?,
????????? 2, ??????? ?_, ?????? ???????, ??? ?????? ??????? 77/388/?? ??
?????????, ??? 17?? ??_?? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
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2 ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? *Commissioners of
Customs & Excise* (???: ???: ??????), ??? ?????? ?????? ??? ??? ?????? ??? ?????? ???
????????????? ??? (???: ??) ??? ?????? ??????, ??? ??? ?????? *Zoological
Society of London* (???: *Zoological Society*) ?????? ?? ??? ?????? ?? ?? ??????
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3 ?? ?????? 2 ??? ?????? ?????? ??????:

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1. ?? ?????????? ??? ?????? ?? ?????? ??????????, ??? ?????????????????? ?? ??????
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2. ?? ?????????? ??????»

4 ??? ?? ?????? 13, ?, ?????????? 1, ??? ?????? ??????:

«?? ?? ?????????? ??? ?????? ?????????? ??????????, ?? ?????? ??? ?????? ??????????, ??? ??
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5 ? ?????????? 2 ??? ?????? ?????? ?????? ? ?????? ? ?????????:

«?) ?? ?????? ????, ??????????? ?? ????????, ?????????? ??? ????? ????? ???????????, ??? ? ?????????? ??
?????????????, ????? ?? ??????????? ?????????? ????????, ????? ????? ?? ??????????? ??
????????????? ??? ??????????? 1, ??????????? ?, ?), ?, ?, ?, ?), ??) ??? ??), ?????????? ???
?? ?????? ??? ? ??????????????? ??? ?? ?????? ??????????????:

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- ? ?????????? ??? ??????????? ?????? ?????? ?? ?????????? ?????????????? ?????? ?????, ???
?????? ?? ?? ??????, ??? ????? ?? ????, ??? ????? ?????? ???????, ??? ?????? ?????????? ???????,
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[...]]>.

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6 ?????? ?????????????? ?????? ?????????? ?????? ??? ?????????????? ?????? ??????????????
????? ?????????? ??? ?????? ???????, ? Value Added Tax (Cultural Services) Order 1996
(????????? ??? 1996 ??? ?????? ?????????????? ?????? ??? ?????????? ??????????????
?????????), ??? ?????? ?? ??? ??? 1? ??????? 1996, ?????????? ??? Value Added Tax Act
1994 (???? ??? 1994 ??? ?????? ?????????????? ????) ?????????? ??? ??? ??????????
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«?????? 2

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a) [...] ?? ?????????? ????

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2) [...] "????????????? ??????????" ?????????? ?????????????? ?????????? (????? ??? ??????)
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a) ??? ??????? ?? ?????????? ??? ??? ?????????? ?????? ??? ??????????????.

b) ?????????? ????? ?????? ??? ??????????????? ??? ?????????????? ?????? ??? ?????????
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c) „????????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ????»

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7 ? Zoological Society ??????, ??????? ?? ?? ?????????? ?????? ??? ??????? ???????????, ??
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8 ??????? ?? ?? ?????????????? ???, ? Zoological Society ?????????????? ??? ?? ?? ??????????????
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?? ??????? ???. ??? ?? ?? ??????? ?? ?????????? ?????????? ?????????????? ?????????????? ???
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?? ?? ?? ?? ??????????, ??????? ?? ?? ?? ?? ?? ?? ?????? ???? ?? ?? ?? ?? ?? ?? ?? ?? Zoological
Society, ??? ?? ??.

9 ??? ?? ??????? ?? ?? ?????? ?? ?????? ?????????? ?????????? ?? ? Zoological Society
????????? ?? ?? ?????? ?? ?????? ?????????? ?? ?? 350 ?? 400 ??????, ?? ??
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?? ?? ?? ?? ?? ?????????? ?? ?? ?????? ?????? ?????????? ???????????, ?? ?? ??????????
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Zoological Society ?? ?? ?? ?? ??.

10 ? Zoological Society ??????? ??????????? ??????????? ?? ??? ????? ??????? ??? ??
?????????? ??????? ?????? ??????????? ??????, ??? ??? ??????? ??? 1?? ??????????
1990 ??? 31?? ??_?? 1996, ? ?????? ??? ??????? ??? ??????? ?? ??? ????? ??????????? ??? ??
????????? ??????? ??? ??????? ?? ??????? ?? ??????? ??? ?????????????? ?????? ???
????????? ??? Value Added Tax (Cultural Services) Order 1996. ? ?????? ?????????? ???
????? ??? ? Zoological Society ??? ??????????? ??? ??????? ??? ??? ?? ?????
????????? ??? ??, ? ??????????? ??? ?? ?????, ? ???????? ??? ? ??????????? ??? ??????? ??
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?? ??????? ??? ??????????? ??? ?? ??????????? ??? ??????? ??.

11 ?? VAT and Duties Tribunal, London (????????? ??????????), ???. ?????? ?????????? ? Zoological Society, ?????????? ??? ? ??????? ??? ? ?????????? ??? ? ?????????? ??? ?????? ?????? ??? ??? ?????? ?????????? ??? ?? ?????? ?????????? ??? ???? ?????? ??? ?????????? ??? .. ?? ?????????? ?????? ???, ??? ??? ??? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ???, ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? VAT and Duties Tribunal ?????? ??? ??????.

12 ?? High Court of Justice (England & Wales), Queen's Bench Division (Crown Office), ???
????????? ??????? ??????? ?? ?????, ?????? ?? ?????, ??? ?????? ?? ?????, ??????? ?? ?????
?? ??????? ?? ?????, ??????? ?? ?????, ??????? ?? ?????, ?? ?????, ?? ?????, ?? ?????, ?? ?????
????? ????????. ?? ?????, ?? ?????, ?? ?????, ????????, ?? ?????, ?? ?????, ?? ?????, ?? ?????
?? ????????, ????????????, ????????:

«???? ?????? ? ??????? ??? ??????? "?? ??????? ?? ???? ?????????? ?????? ?????? ?? ???????
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?????????, ??? ??????? 77/388/??? ??? ???????????, ??? 17?? ??_?? 1977, ??????????????
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?) ??? ?????? ?? ??????? ???? ???? ?????? ?????????????????? ? ?????? ?? ?????? ???

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- ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???;»

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13 ?? ?? ??????? ?_, ?? ?????? ?????????? ????, ??? ? ?????, ?? ?? ???? 13, ?,
????????? 2, ??????? ?_, ?????? ???????, ??? ?????? ??????? ??? ???? ???? ???? ???? ?
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14 ??? ?? Zoological Society ??? ?? ???????, ? ?????????? ??? ?????????? ??? ??
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Zoological Society ??? ?????? ?????????? ??????? ??? ?????? ?? ?????????? ??? ?????? ???
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15 ? ??????? ??? ??????? ?????????? ?????????? ??????????, ?????????, ??? ?????? ?? ???????
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????????? ??? ??????? ?????????? ?? ?????????? ?????????? ??? ?????? 13 ??? ???
????? ??? ???? ?? ?????????? ?????? ???????, ??????, ?????? ?? ??????????, ?????? ???
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16 ??????? ??? ?? ??????? ??????? ??? ?? ??? 13, A, ?????????? 2, ??????? ?_,
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17 ??????? ?? ??? ??????? ??? ??????? ?????? ?????? ???????????, ??? ??? ?????? ???
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?????? 13, A, ?????????? 1, ??? ??? ?????? ?????? ??? ?????? ??? ?????????? ????????

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????? 13, A, ?????????? 1, ??????? ?_, ??? ?????? ??????, ?? ?????????? ???????, ?? ?????????? ??????? ??? ??
????? C-174/00, Kennemer Golf, ??? ?? ?????? ?????? ?????????? ??? ?? ???????, ??? ?? 34).

18 ? ?????? ??? ?????????? ?????? ?????? ?????? ?? ?????????? ?? ?????????? ??? ?? ?????????? ??? ??
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19 ???????, ? ?????????? ??? ?????????? ?????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ??? ??
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????????? ??? ??????????. ??????, ??? ?????????? ? Zoological Society, ??? ?? ?????? ??? ??
????? ?????? ??? ?????????? ?????? ?????????? ??? ?? ?????? 13, A, ??? ?? ??
????????????? ?????? ?????????? ???, ??????, ? ?????? ?????????? ?????? ?????? ?????????? ?????? ??????????
??? ?????????? ??? ?????? ?????????? ??? ?????????? ?????, ??? ?????? ?? ?????????? ?????? ?????????? ??? ??
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20 ??? ?? ?????????????? ?? ??????? ??? ?????????? ?????? ?? ?? ?????????? ??? ?? ?????????? ??? ??
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????? 13, A, ?????????? 2, ?????????? ?_,
?????? ??????????, ??? ?????? ??????, ?????? ?? ?????? ?????? ?????, ??????????, ??
????????????? ??? ?????????????? ?????????? ??? ?? ?????????????? ?? ?????? ??? ??
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21 ??? ??????? ??? ?????? ?? ?????????? ?????? ?????? ?? ?????? ??? ?? ?????? ?????????? ??? ??
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?? ?????????? ???, ?? ?????????????? ?????? ?????? ?????????????? ??? ?? ?????? ??? ?? ?????? ??? ??
?? ?? ?????????? ?????????? ?? ??? ?????? ?????? ??? ?? ?????????? ??? ?? ?????????? ? ?????????? ???,
????? ???????, ?????????????? ??? ?????? ?????? ??????. ?????? ?? ?????????? ??? ?? ??????????
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22 ?????? ??? ?????? ??? ?????????? ?????, ??? ?????? ?????? ?????? ?????? ?????????? ??? ??
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????????? ?_, ?????? ??????????, ??? ?????? ?????? ?????? ??? ?? ?????? ?????????? ?????? ??? ??
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23 ?????? ??? ?????? ?_ ?????? ? ?????? ??? ?? ?????? 13, ?, ?????????? 2, ??????????
?_, ?????? ??????????, ??? ?????? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????????? ??? ??
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????? ??????, ?? ?????? ?????? ??? ?????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ??
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24 ?? ?? ??????? ?_, ?? ?????? ?????????? ?????? ??? ?? ??????? ?? ?? ?????? 13, ?,
?????????? 2, ??????? ?_, ??????? ???????, ??? ?????? ??????? ????? ?? ?????? ???
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25 ? Zoological Society, ? ?????????? ??? ?????????? ?????????? ??? ? ?????????? ??????????? ??
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26 ???????, ??? ?? ?????? ??? ?????????? ? ??????? ??? ?????? 13, ?, ?????????? 2,
????????? ?_, ??????? ??????????, ??? ?????? ???????, ??? ?????? ?????????? ??? ???? 17
??? ??????? ??????????, ?????????? ??? ? ?????????? ??? ?????? ?????????? ?????? ???
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27 ??? ?????? ?????? ?????? ?????? ?????????? ?? ???????, ??? ? ?? ?????????????? ??????????
?? ? ?? ?????? ??? ???? ?????? ?????? ??????????, ??, ??? ? ?? ?????????? ?????????? ???
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????? ?_, ??????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ? ??, ???
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28 ???????, ??? ?????? ?_ ?????? ? ??????? ??? ? ?? ?????? 13, ?, ?????????? 2,
????????? ?_, ??????? ??????????, ??? ?????? ??????? ??? ?????? ??? ?????? ??? ????
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29 ?? ?????? ??? ?????? ??????????? ? ?????????? ??? ?????????? ??????????? ??? ? ??????????
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Court of Justice (England & Wales), Queen's Bench Division (Crown Office), ???????????:

1) ?? ????? 13, ?, ??????????? 2, ??????? ?_, ??????? ?????????, ??? ?????? ???????
77/388/??? ??? ???????????, ??? 17?? ??_?? 1977, ??? ??????????? ??? ??????????? ???
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????????????? ?????: ?????????? ?????????? ???, ??? ??? ?????? ??? ? ?????????? ???
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2) ?? ????? 13, ?, ??????????? 2, ??????? ?_, ??????? ?????????, ??? ?????? ???????
77/388 ??? ??? ??????? ?? ??? «?????????? ?????? ?????» ?????????? ??????????? ???
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????, ?????? ??? ?????????? ??? ?? ???????????, ?????? ????? ??????? ?? ??????????? ???,
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