

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

?????? ??? ?????????? (?????? ????)

??? ?? ??????? 2020 (\*)

«????????????? ?????????? – ????? ?????????? ?????????? ?? ????? ?????? ??? ?? ????? ???????  
??? ?? ?????????? ?????????? ?????????? ?????? ????? – ?????? 2011/96/?? – ?????? 2,  
????????? ??, ?????? i ??? iii, ??? ?????????? I, ????? A, ?????????? ???, ??? ????? B,  
????????? ?????????? – ?????? ??? “????????? ??? ????? ?????????? ?????? ??? ?????? ???  
??? ?????????? ??????????” ??? ??? “corporation tax ??? ?????? ?????? ??????” – ???????  
????????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
?????????»

???? ?????? C458/18,

? ? ?????????? ??? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???  
????????? ?? Administrativen sad Sofia-grad (????????????? ?????????????? ??????, ??????????) ??  
????????? ?? 5?? ?????? 2018, ? ?????? ?????????? ??? ?????????? ??? 12 ?????? 2018,  
??? ?????? ??? ?????

### **GVC Services (Bulgaria)» EOOD**

????

**Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» – Sofia,**

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

????????? ??? ??? E. Regan, ??????? ????????, I. Jarukaitis, E. Juhász, M. Illeši?  
(?????????) ??? ?. ????????, ????????,

????????? ??????????: G. Hogan

?????????: C. Strömholm, ?????????? ??????????,

????????? ??? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??? ?????????? ???  
11?? ?????????? 2019,

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

– ? «GVC Services (Bulgaria)» EOOD, ?????????????? ??? ??? D. Yordanov, advokat,  
????? ??? ??? ??? D. Tench, V. Nagrani, P. Montegriffo, G. Jackson ??? ??? E. Sheard,  
solicitors,

– ? Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» – Sofia,  
????????????? ??? ??? N. Kalistratov ??? ??? S. Atanasova,

– ? ?????????? ????????, ?????????? ??? ??? L. Zaharieva ??? E. Petranova,

– ??????? ??????????, ?????????????? ??? ??? J. Nymann?Lindegren, ????? ??? ???  
??? S. Wolff ??? P. Z. L. Ngo,

– ?????????? ??? ??????? ?????????, ?????????????? ??? ??? F. Shibli,  
????????????? ??? ??? D. Yates ??? ??? L. Ruxandu, barristers,

– ?????????? ???????, ?????????????? ??? ??? A. Armenia ??? Y. Marinova,  
???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? 24?? ??????? 2019,  
?????? ??? ??????

???????

1 ? ?????? ?????????????? ?????? ??? ?????????? ??? ?????? 2, ?????????? ?,  
?????? i ??? iii, ??? ?????? 2011/96/?? ??? ?????????, ??? 30?? ?????????? 2011, ???????  
?? ?? ????? ?????????? ??????? ?? ????? ?????? ??? ??? ?????? ??? ??? ?????????? ??? ???  
????????? ?????????? ??????? (?? 2011, L 345, ?. 8), ??? ??? ?????????? i, ???  
?, ??????? ???, ??? ??? ?, ?????????? ???????, ??? ??? ?????? ??????.

2 ? ?????? ??? ?????? ?????? «GVC Services(Bulgaria)»  
EOOD, ??? ??? ?? ?????? (??? ????: GVC), ??? ??? Direktor na Direktsia «Obzhalvane i  
danachno-osiguritelna praktika» – Sofia (????????? ??? ?????????? «????????? ??? ??????»  
????? ?????? ??? ?????????? ??? ??? ?????????? ??????????» ??? ??????, ??????????)  
(??? ????: ??????????), ?? ?????????? ?????????? ????? ?????? ??? ??? ??????  
????????? ?????????? ??????? ??? ?????????? ?? ?????? ? GVC ??????? ???  
????????? ??? ?????? ??? ?????? PGB Limited – Gibraltar, ?? ??? ?? ???????, ??? ??  
????????? ??????? ??? 13 ?????? 2011 ??? 21 ?????? 2016.

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

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

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

3 ?????????? ?? ??????? ???, ?????????? ??? ? ?????? ??? ?????????? ??????????  
??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????????  
????????? ??? 1?? ?????????? 2020, ??? ?????? ?? ?????? ??? ?????, ??? ?????? ??? ???  
????? ???????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ??? ??????  
????????? ?????? (?? 2020, L 29, ?. 7).

4 ?? ?????????? ?????? ?????? ?????? ??? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ???, ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ???  
?????????, ??? ??? ?????? ??? ?????? 355, ?????? 3, ???, ??? ??? ??? ?????? ???  
????????? ?? ?????????? ??? ???????.

5 ??????????, ? ?????? ??? ?????? ?????? ?????????????????? ??? ?????????? ??? ???????, ???  
????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????????  
???? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? (JO 1972, L 73, ?, 14,  
??? ????: ????? ?????????? ??? 1972) ?????????? ??? ?????????? ?????????? ??? ???????  
??? ????? ?????? ??? ??????????.

6      ?? ?????? 28 ??? ??????? ?????????????? ?? 1972 ????

«?? ??????? ?? [?????????] ?? ??????? ?? ?? ?? ??????? ??  
????????? ?? || ?? ??????? ?? ?? ?? ?? ??????? ?? ??????? ?? ??  
???? [?????] ??????? ?? ?? ??????? ??????? ?? ??????? ?? ?? ?? ??  
?????????, ?? ?? ??????? ?? ?? ?? ??????? ?? ??????? ?? ?? ?? ??  
?? ?? ??????? ?? ?? ??????? ?? ??????? ?? ??????? ?? ?? ?? ??, ?? ??  
?? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ?? ?? ?? ??, ?? ??»

7      ?????? ??? ??????? 29 ??? ??????? ?????????????? ??? 1972, ?? ?????????? ?? ??  
????????? ?, ????, ?, ?????? 4, ??? ?????? ???????, ?? ?????????? ??? ?????????? ?????? ???  
????????? ?????? ??? ??????.

? ?????? 2011/96

8      ?? ??????????????? ?? ?????? 3 ?? 6 ?? 8 ?? ???? 2011/96 ???:

(4) ?????????????? ?????????? ??? ?????????????? ?? ?????????????? ?????? ??? ?????? ???  
?????? ?????????? ??? ?? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ?? ???  
????????????? ?? ??? ?????????? ??? ?? ?????????????? ??? ? ?????? ?????????? ??? ??  
?????? ?????????? ????. ?? ?????? ?????? ??? ?? ?????? ?? ?????????? ??? ?? ?????????? ???  
????????? ??????????, ?????????????? ? ?????????????? ??? ?? ?????????? ??? ?? ?????????? ??? ??  
????????? ?????????? ??? ?????? ??????. ??? ??????????, ??' ?????? ??? ??????????  
????????? ?????????? ?? ?????????? ??? ?????????? ?????? ?????? ?????????? ??? ?? ??? ??  
?????????, ??? ?? ?????????? ?? ?????? ?? ?????????? ?????? ?????????? ??? ?? ?????????? ???  
????????? ????, ?? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?? ?????????? ???  
????????? ????

(5) ?????????? ?????? ?????? ?????? ?? ?????????? ??? ?????????? ?????? ???????  
??? ?????????? ??????????.

(6) ????? ??? ?????? ??????? ??????? ?? 90/435/??? [??? ???????????, ??? 23??  
?????? 1990, ??????? ?? ? ? ????? ?????????? ??????? ?? ?????? ?????? ??? ??  
????????? ?? ? ? ?????????? ?????????? ?????????? ?????? ?????? (?? 1990, L 225, ?. 6)],  
?? ?????????? ?????????? ?????????? ?? ? ?????????? ?? ? ?????????? ?????? ?????? ?????? ???  
????????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ?????? ?????? ??? ?? ?????? ???  
?? ????? ?? ?, ??????, ??????? ??????? ?? ? ?????????? ?????? ?????? ?????? ?????? ??????  
????????? ?? ? ?????????? ??????? ?????????? ?????????? ?? ? ?????? ?????? ??????. ??????? ??  
????????? ?? ?, ? ?????????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ??  
????? ?????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ?? ? ??????????  
?? ?????? ?????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ?? ? ?????????? ?? ? ??????????

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

[...]

(8) ?????? ??????, ??????????? ?? ?????????? ? ?????????? ?????????????? ??????????????, ??  
????????????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ?? ??????????  
????????? ??? ?? ?????? ???, ?????? ??? ?????????? ?????? ?????????? ??????».

9      ??? ?? ????? 1, ?????????? 1, ??? ?????? 2011/96:

«???? ?????? ??? ?????? ?????????? ??? ?????? ??????:

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

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

[...]».

10     ?? ????? 2, ??????? ?, ??? ?? ??? ?????? ?????? ?? ?????? ?? ????:

«??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ??? ??????:

? )    ?? “????????? ?????? ??????” ?????? ??? ??????:

i)    ? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????????? ???  
????????? | ????? ??

ii)    ? ??????, ????, ??? ?????????? ??? ?????????? ??? ?????? ??? ??????, ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??????????

iii)    ? ??????, ??????, ??? ?????? ?? ?????? ??? ?????? ?????????????? ??? ?????????? |  
????? ? ??????, ??? ?????????? ??? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ».

11     ?? ????? 5 ??? ?? ??? ?????? ?????????? ??? «[?] ???? ?? ??? ?????? ???? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ???  
????????? ??? ?????? ??? ?????? ».

12     ?? ????? A ??? ?????????? | ??? ?????? 2011/96 ?????????? ??? ?????? ???  
????????? ??? ?????? ?????????? ?? ?????? 2, ??????? ?, ??? ?????? i, ??? ?????? ???  
??? ??????????, ??? ?????? ???, ??? «????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ».

13     ?? ????? B ??? ?????????? ??? ?????? ?????????? ??? ? ?????? ??? ?????? ???  
????????? ?????????? ?? ?????? 2, ??????? ?, ???, ??? iii, ??? ?? ??? ?????? ???, ???  
????????? ??? ?????? ??? ?????? ???, ??? «corporation tax ??? ?????? ??? ?????? ».

**?? ?????????? ??????**

14     ??? ?? ??? 194, ?????????? 1 ??? 3, ??? Zakon za korporativnoto podohodno

oblagane (????? ???? ????? ??????????) (DV ????. 105, ??? 22?? ?????????? 2006):

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

1) ?? ?????????? ?????? ?????? [...]

[...]

3. ? ?????????? 1 ??? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ?????????????? ??? ?????????? ??? ?????????? ???:

[...]

3) [...] ?????????? ?????? ?????? ??? ??? ?? ?????????? ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? [?? 2?? ??? 1992 (?? 1994, L 1, ?. 3)], ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????.

**? ?????????? ??? ?????? ?????? ??? ?? ?????????? ?????? ??? ??????????**

15 ? GVC ?????? ?????????? ?????? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ? ?????? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????? 1? ?????????? 2016, ?? ?????????? ??? ?????? ?? ?????????? ??? PGB Limited – Gibraltar, ?????? ?????????? ??? ??????????.

16 ??? ? ?????? ?????? ?????????? ??? 13 ?????? 2011 ??? 21 ?????? 2016, ? GVC ?????? ??? ?????? ??? ?????? PGB Limited – Gibraltar ??????, ?? ?????? ?????? ?????? ?? ?????????? ?????? ??? ?????? ?????????? ?????? ?? ?????????? ??? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? 194, ?????????? 3, ??? ?????? ??? ?????? ?????? ??????.

17 ? ?????? ?????? ?????????? ?????????? ???, ? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??? ?????????? ?? ?????????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? 930 529,54 ?????????? ??? (BGN) (?????? 467 000 ???), ?? ??? ?????? ?? ?????? ?? 669 690,32 BGN (?????? 42 000 ???) ?????? ?????? ??? ?????? ?? 260 839,22 BGN (?????? 134 000 ???) ?????? ?????? ?????? . ? GVC ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ? GVC ?????? ?????? ?????? ?????? ?????? ?????? ?????? .

18 ? GVC ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 355, ??? 3, ???, ??? ?????? ?????? ?????? ??? ?????? ??? ?????? 28 ??? 30 ??? ?????? ?????? ??? ?????? ??? 1972. ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 2 ??? ?????? 2011/96, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «corporation tax ??? ?????? ??????» ??? ?????? ??? ?????? ??? ?????? B, ?????? ?????? ??? ?????? ??? ?????? ???.

19 ? ??????????, ??????, ?????????? ??? ?? ?????? I ??? ?????? 2011/96 ?????? ??? ?????? ??? ?????? ??? ?????? (????? ?) ??? ??? ??? ??? ???.

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

20 ?? Administrativen sad Sofia-grad (?????????? ??????????? ??????, ??????????),  
?????????? ?????????? ?? ??? ???? GVC, ?? ?????????? ?????????? ?????????? ??? ???  
?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???  
?????????, ?????????? ??? ????? ?????????? ??? ?????? 2011/96 ??? ?, ??? ??????????,  
????? ?? ?????????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????????, ?????????? ??  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ???? ?????????? ??? ?????????? ??  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??  
????????? ??? ?????????? ??? ??????????;

«1) ??? ?? ????? 2, ????????, ???, ?????? i, ?? ????????, ?? ???? ?????? I, ??? A,  
???????, ???, ??? ?????? [2011/96] ??? ?????? ??? ???? “?? ?????????? ??? ?????  
????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??????????” ?????????? ??? ??? ?????????? ???  
????? ?????????? ??? ??????????;

2) ??? ?? ????? 2, ????????, ???, ?????? iii, ?? ????????, ?? ???? ?????? I, ??? B, ???  
???????, ??? [2011/96] ??? ?????? ??? ???? “corporation tax ??? ?????? ??????” ??????????  
??? ??? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????????? ??? ??????????;»

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

21 ? ?????????? ??? ????????, ?????????? ??? ?????????? ?????????? ?????? ??????  
???????????, ?????????? ?? ??? ?????? ?????????? ?????????????? ??? ??? ???? ?????????? ???  
???????????, ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????  
?????.

22 ??? ??? ?????? ???, ?????????????? ??? ?????, ?????????????? ??? ?????? ??? ?????????? ???  
????????? ?????? ??? ??????, ??? ????? ?????????????? ??? ???? ??????????, ? PGB Limited –  
Gibraltar, ?? ?????? ?????????????? ??? ??????????, ?????? ??? ??? ?????????? ??? ??????  
194, ?????????? 3, ??? ?????? ??? ?????? ??????, ?????? ?????????? ?????????? ??????  
????????? ?? ?????????? ?????????? ?? ?????? ?????? ??? ??????. ?? ?? ??????, ?????????? ???  
??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? 2011/96.

23 ?????????????? ?????? ???, ??? ?????? ??????????, ?? ?????? ?? ??? ?????? ???  
????????? ??? ?????? ?????????? ??? ?????????????? ??? ???? ?????? ??????????, ?????? ???  
????????????? ??? ?????????? ??? ?????? ??? o?????? ?? ?????? ??? ?????????? ??? ?????????? ???  
????????? ???????. ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??????????  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
I.G.I., C?394/18, EU:C:2020:56, ??? 56 ??? ?????? ?????????? ??? ??????????).

24      ?? ????????????, ???? ????? ?????????????? ? ?????????? ??? ?????????? ???????????, ??  
????????? ???? ????? ????? ????? ?????????? ??? ?????? ?????? ?????????? ?????????? ??????  
????????? ??? ?????? 2011/96 ??? ?????????? ??????.

25 ???????, ??? ?????????? ?? ???? ??????? ????? ???????????, ?? ?????? ???????????  
?????? ?????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??????????? ?? ? PGB Limited –  
Gibraltar, ?? ??????? ??????????? ?? ???? ???????, ??????? ?? ???? ??????? ?? ???? ??????? ?? ?  
?????? 2011/96, ??????????? ?? ???? ??????????? ? ?????????? ?? GVC, ?? ??????????? ??,  
?? ?? ??????????? ?? ???? ???????, ??????? ?? ???? ???????, ??????? ?? ???? 5 ?? ??????  
?????.

26      ??? ??? ?????????? ??????, ??? ?????? ?? ?????? ?????????? ?? ?????????? ??? ? ?????????  
??? ??????? 2011/96 ??? ????? ?????? ?? ?????????? ?? ??????? ?????????? ??? ??????? ??? ??? ?????  
?? ?? ??????? ?? ?? ?? ?????????? ?? ??????? ?? ??????? ?? ??????? ?????? ?? ?? ?? ??????  
????????? ?????????? ????, ??????? ? ??????? ?? ??????? ?? ?????? ?????? ?????? ??? ?? ?????? ???  
?????????.

27      ????? ??????????, ? ?????? ?????????????? ?????????? ?????????? ??????????.

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

28      ?? ?? ?????????????? ??????????, ?? ?????? ?????? ?? ??????????? ??? ??????, ??  
?????? ?????????? ????, ???' ??????, ?? ??????????????? ?, ???' ??? ?????????? ???  
?????? 2, ??????? ??, ?????? i ??? iii, ??? ?????? 2011/96, ?? ?????????? ?? ?? ??????????  
I, ????? A, ??????? ??, ??? ????? ?, ?????????? ????????, ??? ?????? ??????, ??  
?????? «????????? ?? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??????????» ???  
«corporation tax ??? ?????? ??????», ?? ?????? ?????????? ??? ?????? ?????? ???,  
?????? ?? ??????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????.

31      ????? ?????. ??? ?????? 2011/96, ?????????????????? ??? ????? ?????? ?????????? ?????? ??? ??????  
115 ????, ?? ?????? ??????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ???  
???????????, ?????????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? . ???????? ??? ???

????????????? ??????? ?? 3 ??? 6, ?????? ?? ??????? ?????? ?????? ?? ??????????? ??  
????????? ?? ???? ?????? ??????? ?????? ?? ?????????????? ?? ???? ???????????  
????????? ?? ???? ??????? ?????? ?????? ?????????? ?? ???? ?????? ?????? ?? ???? ??  
????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?????? ?????? ?????? ?? ???? ??  
????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?????? ?????? ?????? (????., ???)  
????? ??? ?????? 90/435, ?????? ??? 19?? ?????????? 2019, Brussels Securities, C?389/18,  
EU:C:2019:1132, ?????? 35 ??? 36 ??? ?????????????? ??????????).

32   ????? ?????????? ? ??????? ?????????? ?? ?????? 30 ??? ?????????? ???, ???  
????????????? ??? ? ?????? ??? ?????? ?? ?????? ?? ???? ?????? ??? ???? ?????????? ???  
????????? ??? ???? 28 ??? 29 ??? ?????? ?????????? ??? 1972.

33   ?????, ?????????? ?? ?????????? ?? ???? ?????? ?????? ?? ???? ?????? ?????? ??????  
??? ?????????? ?? ???? ?????????? ?? ???? ?????? ?????? ?????? ?? ???? ?????? ??  
????????? ?? ???? ?????????? ?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ?????? ??  
????????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?? ???? ?????? 5 ???  
????? 2011/96, ?????? ?? ?????? ?????? ?? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??  
???' ??? ?????? ?????? ???, ?????? ?? ?????????? ??? ?????? 2, ?????? ??, ???  
????? 2011/96, ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ?? ?????? I,  
????? ?, ?????? ???, ??? ?????? ?, ?????? ???, ??? ?????? ???, ??? ?????? ???.

34   ????????? ??????, ??????, ???, ??? ?????????? ??? ?????? 29 ??? ??????  
????????, ?????????? ?? ???? ?????????? ??? ?????????? ??? ?????? ?????????? ???' ?????? ??  
????? ?? ???? ?????? ?? ???? 90/435, ? ?????? ??? ?????? ?? ???? ?????? ?? ???? ?? ??  
????????? ?????? ?? ???? ?????? 2011/96 (????? ??? 14?? ??????  
2018, GS, C-440/17, ?? ??????????, EU:C:2018:437, ??? 30). ?? ?????????? ???  
?????, ???, ??? ???? 90/435 ??? ??? ?? ?????? ?? ?????? ?????? ?????? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?? ?????? ?????????? (????????? ???  
22?? ?????????? 2008, Les Vergers du Vieux Tauves, C?48/07, EU:C:2008:758, ??? 49, ???  
??? 1?? ?????????? 2009, Gaz de France – Berliner Investissement, C?247/08, EU:C:2009:600,  
????? 36).

35   ?? ?? ??????, ??? ??????? ? ?????? ?????????? ?? ?????? 36 ??? ??????????  
??, ??? ?????? ??????? ???????, ?????????? ??? ?????? ?????????? ???' ??????????  
????????? ?? ???? ?????? ?????? 2011/96 ?????????? ?? ???? ?????????? ??  
????? ???????, ??? ?????? ?????? ?????????? ?? ???? ?????? I, ??? A, ??? ?????? ???,  
????? ?? ???' ??? ?????? ?????????? ?? ?????? ??? ?????????? ?? ?????? ?????? ???.

36   ???????, ?????????? ?? ???? ?? ?????? ?? ???? 2, ??????? ??, ??? ??????  
2011/96, ?? ??????? ?? ???? ?????? I, ??? A, ?????? ??, ??? ?????? ?, ??????????  
????????, ??? ?????? ?????? ?????? ???, ??? ?????? ?? ?????? ?????? ?, ??????  
2011/96 ?????????? ?????? «????????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? ??????» ??? ?????????? ??? «corporation tax ??? ?????? ??????».

37   ?? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????  
????????, ??? ?????? ?? ?????????? ?????? ?? ???? ?????? ??? ?????? ??? ?????? ??  
????????? (????. ??? ?????? ?? 22?? ?????????? 2012, Bank Handlowy ??? Adamiak, C-116/11,  
EU:C:2012:739, ??? 50).

38   ????????? ??? ? ?????????? ?? ???? ?????? ?????? ?????????? ?????????? ?? ??  
????????? ?????????? ??? ???, ?????? ?? ???? ?????? ?????? ?????? ??? ?????? ??????  
?????, ?? ?????? ??? ?????? ?????? ?????? ?? ???? ?????? ??? ?????? ?????? ???  
????????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???,

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

39    ???????, ? ?? ??? ?????????? ???????????, ?????? ? ?????????? ??? ??????? ??  
??????????, ???, ?????? ?? ?? ?????????? ?????? ??? ?????? ??? ?????????? ??????????, ?  
????????? ??? ?????????? ?????? ??? ?????? «corporation tax ??? ?????? ??????».

40    ???????, ??????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????????, ??  
????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????? 2, ????????, ???, ?????? i, ??? ?????? 2011/96, ?? ?????????? ?? ?? ?????? i,  
????? A, ????????, ???, ??? ?????? ?????, ??? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ???  
????? ??? ?????????? ?????? 2, ?????????? ??, ?????? iii, ??? ?? ??? ?? ???  
??????, ?? ?????????? ?? ?? ?????????? ??? i, ?????? ?, ?????? ?????? ??????????.

41    ?? ??????? ??????? ??? ?????? ??? ?????????? ?????????? ???????, ??? ?? ??? ?????? ???  
?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????, ??? ?????? 49 ?? 63 ???,  
???? ?? ?????????? ?? ??????????, ???????????, ?? ? ?????????? ??? ??????? ???  
?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
(?????? ?? 12?? ??????? 2017, Fisher, C?192/16, EU:C:2017:762, ?????? 26 ?? 27)  
??, ?? ?????????? ???????????, ?? ??? ?????? ?????????? ?????????? ??? ???????.  
??????????????.

42    ??????? ??? ?????? ??? ???????, ??? ?????????? ?????????????? ?????????? ??? ??????? ??  
????? ? ??????? ???, ???' ??? ?????? ??? ??????? 2, ??????? ??, ?????? i ??? iii, ???  
?????? 2011/96, ?? ?????????? ?? ?? ?????? i, ??? ?, ??????? ???, ??? ??????,  
????????? ???????, ??? ?????? ?????, ?? ?????? «????????? ??? ?????? ?????????? ???  
??? ?????? ??? ?????? ??????» ??? «corporation tax ??? ?????? ??????», ??  
????? ?????????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

## ?? ?? ?????????? ????

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

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

???' ??? ?????? ??????? ??? ?????? 2, ??????? ??, ?????? i ??? iii, ??? ??????  
2011/96/?? ?? ???????????, ??? 30?? ??????? 2011, ??????? ?? ?? ???  
????????? ??????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ?????????? ??? ?????? ?????, ?? ?????????? ?? ?? ?????????? i, ??? A,  
????????? ???, ??? ?????? B, ?????????? ???????, ??? ?????? ???, ?? ??????  
«????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
«corporation tax ??? ?????? ??????», ?? ?????? ?????????? ??? ?????? ???  
?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???.

(???????????)

\* ???? ??? ??????????; ? ??????????.