

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

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

??? 25?? ??????????? 2021 (\*)

«????????????? ?????????? – ?????????? ?????????????? ?????????? ?????????????? ??? ?????????? –  
????????????? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??? ??  
????????????? ?????????? – ?????????????? ?????????? ??? ?????????????? ?????????????? ??? ??  
????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????????? ?????? ??? ??  
????????????? ?????????? ??? ?????????? – ?????????????? ?????????? ??? ?????????? ??? ??  
????????????? ?????????? ??? ?????????? – ?????????? ?????? ?????????????? ?????? (???) ?????? 2006/112/??  
????? 401 ?????????? ?????????? ?????? ?????? ?????? ?? ?????????? ?????? ?????? ?????? ??????  
????????? ?????? “????? ?????? ??????” ?????? ?????????????? ??? ??? ???  
?????????»

????? ??????? C?712/19,

? ? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???  
?????? ?? Tribunal Supremo (?????? ??????????, ???????) ?? ??????? ??? 16?? ??????  
2019, ? ?????? ??????? ??? ?????????? ??? 24 ?????????? 2019, ??? ??????? ??? ???

### **Novo Banco SA**

????

**Junta de Andalucía,**

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

? ?????????? ??? ??? A. Kumin, ??????? ????????, T. von Danwitz (???????) ??? P. G.  
Xuereb, ????????,

? ?????? ??????????: M. Szpunar

? ??????????: A. Calot Escobar

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

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

- ? Novo Banco SA, ?????????????? ??? ??? J. Igual Gorgonio ??? A. Morillo Méndez,  
abogados,
- ? Junta de Andalucía, ?????????????? ??? ??? A. Velázquez Párraga, letrada,
- ? ?????????? ????????, ?????????????? ??? ??? M. J. Ruiz Sánchez,
- ? ?????????? ????????, ?????????????? ??? ??? L. Lozano Palacios ??? N. Gossement,  
?????? ??? ??????? ??? ???, ??? ?????? ??? ?????? ????????????, ?? ?????????? ???

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

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

????????

1 ? ?????? ?????????????? ?????????? ?????? ??? ?????????? ??? ?????? 49, 56 ??? 63  
????? ?????? ??? ?? ??????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006,  
????????? ?? ?? ?????? ??????? ?????? ?????? ?????????????? ?????? (?? 2006, L 347, ?. 1, ??? ????:  
?????? ??), ?????? ?? ??? ?????? 135, ?????????? 1, ?????????? ?, ??? ??? ?????? 401.

2      ? ??????? ???. ??????????? ???. ??????? ???. ??????? ???. Novo Banco SA  
???. ???. Junta de Andalucía (?????????? ???. ??????? ???. ??????? ???. ??????? ???.  
??????) ??????? ???. ???. ??????? ???. ??????? ???. ??????? ???. ???. ???. ???.  
?????????????? ???. ??????? ???. ??????? ???. ??????? ???. ???. ???. ???.  
????? ??????? (???. ????: IDECA).

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

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

3      ?? ?????? 135, ??????????? 1, ?????????? ?, ??, ??? ??????? ??? ??????? ?? ?????:

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

[...]

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

4 ?? ?????? 401 ??? ?? ??? ??????? ??? ?? ????:

«?? ??? ?????????? ?????? ?????????? ??????????, ?? ?????????? ??? ?????????? ?????????? ???  
????????? ??? ?? ?????? ?????? ?????? ?????? ?????????? ? ?????????? ?????? ??? ?????? ??????????  
????????? ??? ?? ?????? ?????? ?????????? ??? ??????????, ?????????? ?????? ?????? ??????????,  
????????? ?????? ???, ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?  
????????? ??? ?? ?????? ???, ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ???, ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? »

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

5 ?? ????? 6 ??? Ley 11/2010 de medidas fiscales para la reducción del déficit público y para la sostenibilidad (????? 11/2010 ??? ??????????? ?????? ??? ?? ?????? ??? ??????? ?????????? ?????????? ??? ?? ??????????) ??? ?????????? ?????????? ??? ??????????, ??? 3?? ?????????? 2010 (BOE ????. 314 ??? 27?? ?????????? 2010, ?. 107193, ??? ????: ??? 11/2010), ??????? ??? IDECA. ?? ?????? ??? ?????????? ?? ???:

«[...]

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

? [IDECA] ?????? ?????? ??? ?????????? ?????????? ??? ?????????? ?? ??? ?????? ????????, ?  
??????, ??????? ?? ??? ?????? ??? ?????????? ? ?????? ?????, ??????? ?? ??? ?????? ???

????????????????? ??? ?????????????? 5 ??? ?????????? ??????? ??? ?????? ??? ?????? ?????????? ?????????????? ??????.

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

? ?????????????? ?????? ??? [IDECA] ?????? ? ?????? ?????????????? ?????????? ?? ??? ?????? ??? ??????  
?????? ?????????? ??????????.

[...]

5. ?????????????? ????

(1) ????? ?? ????? ????? ??????????????, ?? ??????????????????, ?? ?????????? ?????????? ????? ??  
 ?????????? ?? ?????????????????? ?? ?????????? ?? ?????????? ?????????????? ? ???  
 ????????????????, ?? ????? ?????????????? ?? ??????????.

[...]

6. ??????????? ???

(1) ? ?????????? ???? ???? ? ??? ? ?????????? ???? ???? ???? ???? ???? ???? ???? ????  
????????? “4. ?????????? ???? ??????????” ??? ?????????? ???? ???? ?????????? ????  
????????? ?????????? ???? ?????????? ???? ?????????? ???? ???? ?????????? ???? ????  
????????? ??????????, ??? ?????????? ???? ?????????? ???? ?????????? ???? ???? ????  
????????? ???? ?????????? ???? ???? ?????????? ???? ???? ???? ???? ???? ???? ????  
?????????.

[...]

7. ??????????? ??? ???

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

?????????? ?? ?? ???? (?? EUR)

????????? ????? ?? ??????? ????? ?????????????? ????? (?? EUR)

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

150 000 000

0,3

150 000 000

450 000

450 000 000

0,4

600 000 000

2 250 000

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

0,5

(2) ??????? ??????????. ??? ?? ?????????? ??? ?? ?????? ??????????, ??? ??  
????????????? ??? ?????????????? ?? ?????????????? ???????, ?? ?????????? ????:

a) 200 000 ??? ?? ???? ? ??????? ??? ?? ?????????? ?????????? ?????????? ????  
?????????????

b) 5 000 ??? ?? ???? ?????????? ??? ?? ??????????. ?? ?? ???? ??? ?????????? ??? 7  
500 ??? ?? ?????????????? ?????????? ?? ??? ?? ?????? ?? ?????? ? ??????????????  
????????? ?????? ?????????? ??? 2 000 ???????.

(3) ??????? ??????????. ?????? ??????????:

a) ?? ??? ?? ???? ???????, ??????? ?? ???? ?????????? ?? ?? ???????????, ??? ?? ???? ??  
??? ??????????? ????, ??? ?? ???? ?????????? ?? ?? ??????? ?? ?? ??????????? ???  
?????? ??????????, ?? ??? ?? ?????????????? ?????? ?????????????????? ?????? ??? ??????

b) ?? ??? ?? ???? ?????????? ?? ?? ??? ?????????? ??????? ?? ?? ?????????????? ??? ?? ?? ??  
?????? ??????????? ??? ?????????? ?? ?? ?????????????? ???????????, ?? ??? ?? ??????????  
????????????? ??? ?????????? ??? ?? ?????????? ??? ?????????????? ???????????.

[...]

(4) ?? ?????? ??? ?? ?????? ?????????? ?? ?? ??????? ?? ?? ?????????? ??? ?? ??????????????  
??? ?????? 2 ??? 3 ??? ??????? ??????????. ?? ??????? ?? ?? ?????????? ??? ?? ?????????? ??????????????  
??? ?????????? ??? ?? ??????, ????? ?? ?????? ??? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ???  
????????? ??? ?? ??????. ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ?? ?? ?????? ??? ?? ??????  
??? ?????? ??? ?????? ?? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ?? ?? ?????? ??? ?? ?????? ????

[...]

8. ?????????? ??????? ??? ???????

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

[...]»

6 ?????? ??? ??????????, ??? ?? ?????????? ???????, ??? ?????? ??? ?? ??????????????

??????????????????, ?? ??? 1?? ?????????? 2013, ?????????? ? ?????? ???  
????????? ??? Ley 7/2013, del Presupuesto de la Comunidad Autónoma de Andalucía  
para el año 2014 (????? 7/2013, ??? ?? ?????????????? ??? ?????????? ?????????? ???  
????????????? ??? ?? ??? 2014), ??? 23?? ?????????? 2013 (BOE ????. 18 ??? 21??  
????????? 2014, ?. 3380), ? ??? ?????? ?? ???:

«?? ??? 6 ??? [????? 11/2010], ?? ??? ?????? ???????? ??? IDECA, ??? ?????? ??????????????  
?? 1?? ?????????? 2013 ??? ?? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ?????? ??  
????? ?? ?????? ?????????? ???»

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

7 ??? ?????? ??? Novo Banco, ?????????? ?????????? ??? ??? ?????? ??? ?????????? ???  
????? ?????????? ??? ?????????? ?????????? ?????????? ??? ??????, ?????????? ??????????  
????????? ?????????? ??? IDECA ??? ?? ?????????? ??? 2012.

8 ?? ?????????? ?????????? ??? Novo Banco ??? ?? ?????? ??????????????  
????????????? ?? ?????????? ??? Junta Superior de Hacienda de Andalucía (?????????  
????????????? ?????????? ??? ?????????? ?????, ??????) ??? 12?? ?????? 2015. ??????, ?  
????????? ??? ??? ?????????? ????? ?????????? ?????? ?????????? ?? ?????? ??? Tribunal  
Superior de Justicia de Andalucía (????????? ?????????? ??? ?????????? ?????, ??????) ???  
27?? ?????????? 2017.

9 ? Novo Banco ?????? ??????? ??? ?? ?????????? ?????? ?????? ?????? ??? ??????????  
??????????, ??? ??? Tribunal Supremo (????????? ???????????, ??????).

10 ?????? ??? ?????????? ???????????, ? Novo Banco ??????????, ??????, ??? ??  
????????? ??? IDECA, ?????? ?? ?????????? ?????????? ??? ?????? ???, ?????????????? ???  
????? 49, 56 ??? 63 ???, ?????? ?????? ?????????? ?????????????? ?????????? ??????????????  
????? ??? ?????????? ?????????? ??? ?????????? ??? ?? ?????? ??? ??? ?????? ?????????? ???  
????? ??? ?????????? ?????????? ??? ?????????? ?????????? ???, ? ?????? ?????? ??? ?????? ??? o  
IDECA ?????? ?? ?????????????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ???  
????????? ?? ?????????? ?????????? ???, ?? ?? ??????, ??? ?????????? ?????????????? ???  
????????? ??? ??? ?????????? ?????? ???, ? ?????? ?????? ???, ??? ?? Novo Banco,  
????????????? ??? ?? ?????? 135, ?????????? 1, ?????????? ??, ??? ?? ?????? 401 ??? ??????  
??.

11 ??? ?????? ?? ?????????? ??? IDECA ?? ?? ??? 49, 56 ??? 63 ???, ?? ??????  
????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???,  
? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ?????????? ??? ?????????? ???,  
????, ? ?????? ?????? 200 000 ??? ?? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? o IDECA ?????? ?????? ?????? ??????, de facto, ?? ?????????? ??????????  
?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ???,  
????, ?? ??? ?????? ???, ? ?????? ?????? ?????? ??? ??? ?????? ??? ?????? ?????????? ???  
????? 6, ?????????? 7, ?????? 3, ??? ?????? 11/2010.

12 ?? ?? ??? ?????????? ?????????? ???, ??? ?? ?????????????? ??? ?? ??????  
????? ??? ?? ??? 11/2010, o IDECA ?????? ?? ?????????????? ?? ?????? ??????, ???  
????? ??? ??????, ??? ?? ??? ?????? ???, ?????????? ??????. ?????? ?????? ?? ??????  
?? o IDECA ?????????? ?? ?? ??? 135, ?????????? 1, ?????????? ??, ??? ?? ?????? 401  
?? ?????? ???, ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????? ?????????? ?????????? ??? ?????? ?????????? ??? (???) ?????? ???

?? ???. ?????? 135, ?????????? 1, ?????????? ?.?

13      ??? ??? ????????, ?? Tribunal Supremo (????????? ??????????) ?????????? ??  
????????? ??, ?? ?????? ??, ?? ?????????? ??, ?? ?????????? ??, ?? ?????????? ??, ?? ??????????  
????????? ??, ?? ?????????? ??:

«1) ??????? ?? ?????? 49, 56 ??? 63 ???, ?? ?????? ??????????, ????????????, ??? ??????????  
?????????????, ??? ???????? ?????? ?????? ?????????? ??? ??? ?????? ?????????? ?????????? ???  
?????????, ?? ??????????? ??? ??? ?????? ??? ????????????, ????????????, ?? ??????  
????????? ??? ?? ????????????, ??? ??? IDECA ??? ??? 6, ?????????? 7, ?????? 2 ??? 3,  
??? [????? 11/2010];

2) ?????? ? IDECA ?? ??????????????? ?? ??????? ??????, ??? ???? ?????????????? ??? ??  
?????? ????? ?? ?? ????? 6, ??????????? 2, ??? ????? ??????, ???, ?? ??????????  
?????????? ????????, ??????????? ? ?????? ??? ? ??????? ??? ?????? ??? ?????? ??? ??  
??? ??? ?? ??? ??? ??????? ??? ?????? 401 ??? 135, ?????????? 1, ??????? ?, ??  
?????? ???;»

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

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

14     ?? ?? ?????? ?????????????? ????????, ?? ?????? ?????????????? ?????? ?? ??????????????  
?? ?? ?????????????? ?? ?????????????? ?? ?????????????? ?? ?????? 49, 56 ?? 63 ?? ?????? ?? ?  
????????????? ?? ?? ?? ?????? ?? ?????????????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?? ??????  
????????????? ?? ?? ?????????????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?? ??  
????????????? ?? ?? ?????? ?? ?????????????? ?? ?? ?????? ?? ?????? ?? ?????????????? ?? ?? ??  
????????????? ?? ?? ?????? ?? ?????????????? ?? ?? ?????? ?? ?????? ?? ?????????????? ?? ?? ??.

15 O IDECA ?????? ?????? ??? ??? ???????????? ??? ??????????????? ?? ?????????? ???  
?????????? ?????? ?? ?????? ??? ?????????? ????? ?????????? ?????????? ?????????? ?  
?????????????. ?? ?????? 6, ?????????? 7, ??? ????? 11/2010 ?????????? ??? ???  
?????????, ????, ??????, ??? ?????? 2, ?????? ?????????? ???, ????????, ??? ?????? 3,  
???????? ???????.

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

16 ????? ?????? ??? ??????? ??????????, ?????????????? ??? ? ?????? ?? ??????, ???  
????????????? ??? ?????? 6, ??????????? 7, ?????? 2, ??????? a, ??? ?????? 11/2010, ?????  
????????? ??? ???? ?????????? ??? IDECA ??? ?????? ??? 200 000 ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ? ?????????? ??? ?????????????? ??? ??????????????. ?  
????????, ??? ?????????? ??? ?????? 6, ?????????? 7, ?????? 2, ??????? b, ??? ?????  
?????, ??? ?????? ?????? ??? ?? ?????????? ??? IDECA ??? ?????? ??? 5 000 ??? ???  
???? ?????????? ??? ?????????? ??? ??????????????, ??? ?? ?????? ?????????? ??? 7 500  
???? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? 2 000  
?????????.

17    ??? ?????? ??? ?? ??????? ??????????? ?????? ??? ?? ??????????? ?? ??????????? ??  
????? 49 ????, ?? ?????? ?????? ??? ?????????? ??????????? ?? ????????, ?? ?????? 56 ????, ?? ??????  
????? ??? ??????? ?????? ???????????, ??? ?? ?????? 63 ????, ?? ?????? ?????? ??? ???????  
?????????? ??? ???????, ?????? ?? ?????? ?? ?? ??????? ?????? ??? ?????? ??? ???????  
??? ?????????? ??? ?????????? ??????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ???????  
????????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???????.

18    ??? ?????? ?? ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????  
????????? ???????, ??? ?????? ?????????? ?????????? ??? ?????? ?? ?????????? ??? ??????? ??  
????????? ??? ?? ??? ?????? (??????? ??? 10?? ?????????? 2011, Haribo Lakritzen  
Hans Riegel ??? Österreichische Salinen, C?436/08 ??? C?437/08, EU:C:2011:61, ??? 34 ???  
???? ?????????? ??????).

19    ??? ?????? ??? ?? ??????? ?????????? ??? ?????? 6, ?????????? 7, ?????? 2, ??? ????  
11/2010 ??????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ?? ??????? ? ?????? ??? ??  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ????. ??? ???????, ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?? ?????? ??? ?????? 49 ???.

20    ? ?????????? ???????????, ??? ?????? ?????????? ?? ?????? 49 ??? ?????? ?????? ???????  
??? ?????????? ?????? ??? ? ?????? ?????????? ??' ?????? ??? ?????? ??? ?????? ??  
????????? ???????????, ??? ?????? ??? ?? ?????? ??? ?????????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 54 ????,  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(??????? ??? 6?? ?????????? 2012, Philips Electronics UK, C?18/11, EU:C:2012:532, ???  
12 ??? ??? ?????????? ???????).

21    ??? ?????? ??? ???????, ?????? ?? ?????????? ??? ? ???? ??? ?????? ??? ?????? ??? ??????  
54 ??? ?????? ??? ???????, ??? ? ?????? ??? ?????? ??? ?????? ??? ???????, ?????????? ??  
????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
?? ?????? 43 ?? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ???????, ??????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? (??????? ??? 18?? ?????? 2007, Oy AA, C?231/05, EU:C:2007:439, ??? 30 ???  
???? ?????????? ???????).

22    ??? ?? ?????? ??????? ?? ??? ?????????? ?????????? ?? ?????????? ??? ??????????  
??? ??????? ??????? ??? ?????? ??? ?????, ?????? ??? ?? ?????? ?????????? ??? ??  
????????? ???????, ?????? ? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ?? ??? ??????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? (??????? ??? 1?? ?????? 2014, Felixstowe Dock and Railway  
Company ?.., C?80/12, EU:C:2014:200, ??? 25, ??? ??? 22?? ?????????? 2018, X  
??? X, C?398/16 ??? C?399/16, EU:C:2018:110, ??? 32).

23    ??? ?? ?????????????? ??? ?????????????? ??? ?????????????? ?????????????? ???  
????????????? ??? ?????? ?????????? ??????????, ?????? ?? ?????? ?? ?????????? ???  
????????? ??? ?????????????? ?????? ??? ?? ??? ?????????? ?? ?????????? ?????? ??? ???  
????????? ??? (????????? ??? 18?? ?????? 2007, Oy AA, C?231/05, EU:C:2007:439, ????? 44  
??? ??? ?????????????? ??????????, ?????? ??? ?? 12?? ?????????? 2013, Imfeld ???  
Garbet, C?303/12, EU:C:2013:822, ????? 64).

24    ???? ?????? ??? ?????? ???????, ??? ?????????????? ??? ?????? 6, ?????????? 7, ?????? 2,  
???????? a, ??? ????? 11/2010, ?????????????? ??? ??????? ?????????? ?????????? ??????????  
??????, ??????, ??? ?????????? ?????????? ?? ??????? ?????? ??? ?????? ?????????? ?? ??????  
????????? ??? ?????????? ?????????????? ?????????? ??? ??????? ??? ?????? ?????????? ???????, ???,  
????????, ??? ?????????? ?????????? ??? ??????? ???? ?????? ?????? ?????? ?????????? ??? ??  
????????? ??? ?????????? ?????????? ??? ??????? ???? ?????? ?????? ?????? ?????????? ??? ?????  
????????? ??? ?????????? ??? ?????? ?????? ?????, ?? ?????? ??? ?????????? ??? ?????????? ??? ?????  
????? ??? ?? ?? ?????? ?????????? ?? ?????????? ?????.

25    ?????????? ??? ?????? ?????????? ? ?????????? ??? ?????????? ?????????? ???  
?????????????, ??? ?????? ?? ?????????? ??? ? ?????????? ??? ?????????????? ?????????????? ?  
????????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? 6, ?????????? 7,  
????? 2, ??????? b, ??? ????? 11/2010, ??? ?? ?????? ??? ?? ?????????? ??????????  
????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ??????????  
????????????????, ?????????????? ??? ?????? ??? ?????? ???.

26    ???? ?????? ?? ?????????????? ??? ?????????????? ??? ?????????? ?????????? ???  
????? ? ??? ?????????? ??? ?????????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?????????? ??? ?? ??????? ??? ?????????, ?????????? ?????????????? ???  
????????? ??? ?????????? ???, ??? ?? ?????? ??? ?????????? ?????????? ??? ?????????? ???  
????? ??? IDECA ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????????????? ?? ?????????? ?????????? ??? ?? ?????????? ?????????? ??? ?????? ??????????.  
????????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??????????  
????????????? ??? ?????????? ??? ??????, ? ?????????? ?????? ???, ??? ?????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????????? ???, ??? ?????????? ?????? ???  
????????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ??? ??  
????? ?? ?????????????? ?????????? ?????????? (????. ?????????? ??? 28??  
????????? 1986, ??????? ??? ??????, 270/83, EU:C:1986:37, ????? 20, ?????? ??? ???  
12?? ?????? 2018, Bevola ??? Jens W. Trock, C?650/16, EU:C:2018:424, ????? 34).

27    ???? ?????? ?? ?????????? ?? ?????????????? ? ?????????? ??? ??????????  
????????????? ??? ?????????? ??? ?????? ?????? ??????????, ? ?????????? ??? ??????????  
????????? ??? ?????????? ?????????? ??? ?? ?????? ?????????? ?????????? ??? ?????? ???  
????????? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ???  
????????? ??? ?????? ?????????? . ??????, ??? ?? ?????????? ??? ?????? ?????? ?????? ???  
????? ?? ?????????? ?? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????? 200 000 ??? ?? ?????????? ??? IDECA, ?????????????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???,  
?? ?????? ?? ??? ?????? ??? ??? ?????? ?????? ?????? ?????????? ??? ?????????????? ???, ? ?????? ???  
????? ??? ?????????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????.

28    ???? ???????, ?????????????? ??? ?? ?????? 49 ??? ?????? ?? ?????????? ??? ???

?????? ???? ?????????????? ?? ??????? ?????? ??? ?????? 6, ?????????????? 7, ?????? 2, ??????? a, ??? ????? 11/2010, ??????? ??? ?????? ?????? ?????? ?????? ?????? ? ?????? ?????? ?????? ??? ?????? ?????????????????? ??? ?????? ?????????????? ?????????? ?????? ?????? ?????? 200 000 ???, ??? ?????? ?????????? ?????????? ??? ?????? ? ?????? ?????? ??? ?????? ?????? ??? ?? ??? ??????????.

29 ? ??????? ?????? ???????, ??? ?????????????? ??? ????? 6, ??????????? 7, ?????? 2,  
?????? b, ??? ?? 11/2010, ????? ?????? ??? ?? ?????????? ??? ????? IDECA ???  
????? ??? 5 000 ??? ??? ?????????????? ??? ?????????? ??? ????? ??? ??????????  
????????? ??? ???????????, ??? ?? ????? ?????????? ??? 7 500 ??? ??? ???  
?????????? ?? ??? ????? ?????????? ?? ??? ?? ?????????? ??? 2 000 ???????.

30 ???????, ?????????????? ??? ?? ???? ?????????? ?????????? ??? ?????????? ??? IDECA  
?????? ?? ?????? ??? ??????? ????? ?????? ??????, ??????????? ??? ?? ? ??????  
????? ??? ?????????? ??? ???????????, ?? ??? ?????????? ??? ?????????? ? ?? ???  
????? ??? ??? ??????. ???????, ??? ?????? ??? ?????????? ?????? ?????? ???  
????? ??? ?????? ??????? ??? ??? ?????? ??? ?????????? ???.

31      ????? ?????? ?? ??????? ?? ??? ?????? ??????? ??????? ?? ?????????? ?? ??????? ?????? ?????? ??????? ???????, ???????????, ?????????????? ?? ?????????????? ?? ?????????????? ?? ?????????? ?? ?????????? ?? ?????????? ???????????, ?????? ?? ?????? ?? ??????? ?? ?????? ?? ?????? ?? ?????????????? ?? ?????????? ?? ?????????? ?? ??????, ?????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????????????, ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? (?????. ??????? ?? 5?? ?????????? 2014, Hervis Sport- és Divatkereskedelmi, C?385/12, EU:C:2014:47, ?? 30).

32     ?? ????????????, ???????? ??? ??? ?????? ?????????????? ?????????? ?????????? ?? ??  
?????? ?????????? ?????? ??? ??? ?????? ?????? ??? ?? ?????????? ? IDECA ??  
???????, de facto, ??? ?? ?????????? ?????????? ??? ?????? ?? ??? ?? ??? ?????????? ??  
?????? ??? ?????????? ?????????? ??? ??????????, ??? ?? ?????? ?????????? ??? ??  
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ??  
????????? ??? ?????????? ??? ?????????? ??? ??????, ??? ?? ?????????? ??? ?????? ?? ??? ??  
????????? ???.

33 ????????, ??????????? ?? ?????????? ??? ?? ?????? 49 ??? ?????? ?????? ?? ??????????  
??? ??? ?????? ??? ??? ??????????? ?? ??????? ??? ??? ??? ?????? 6, ??????????? 7,  
?????? 2, ??????? b, ??? ????? 11/2010, ?????? ??? ??????, ??? ??????? ?????? ???  
??? ?????????? ??? ?????? ?????????????? ?? ??????? ??? ?????????? ?????????? ??  
????? ?????????????????? ??? ?????? ?????????? ?????? ?????????? ??????, ??????????  
?????? ?????? 5 000 ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ???  
??? ?????????? ???, ? ??? ?????? ??????? ?? 7 500 ??? ?? ?????? ?????????? ?? ???  
????????? ?? ??? ?? ?????? ??? ?????????? ??? 2 000 ???????, ??? ??? ?? ?????? ???  
??????????, ??? ???, ?????????????? ?????? ?????? ?????? ??? ?? ??? ?? ??? ?? ???  
??????????, ?????????? ???????, ?????? ?? ?????? ?????????? ??? ?????? ?????????? ??  
?????????.

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

34 ????????, ?????????????? ??? ??? ???, ??? ?????????????? ??? ??? 14 ??? ??????  
?????????, ?? ??? ????? ?????? ?????????? ??? ??? 49, 56 ??? 63 ???, ??? ??? ??  
???????? ?????????? ??? ?????? 6, ?????????? 7, ?????? 3, ??? ????? 11/2010 ?????? ??  
????????? ??? ?? ???? ??? ?????? ?????????? ?????????? ??? ??????????. ??????????,  
?? ?????????? ??? ?? ?????????? ?? ??? ??? ?????????? ??? ?????????? ??????????.

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

35 ????? ?????? ??? ??????? ??????????, ??????????????, ?????????????????? ??? ?? ??? ?????? 6, ??????????????  
7, ?????? 3, ??? ????? 11/2010 ?????????? ??? ?????????? ?????????? ?? ?????????? ??? ?????????? ??? ?  
????????????? ??? ????? IDECA ?? ????? ??? ??????????, ?????????? ??? ?????????? ???  
????????????? ??? ????? ?????????????? ??? ?????????????? ??? ?????????? ??? ?????????????? ???  
????????? ??????????, ?? ????? ?????????????? ??? ?????????????????? ?????? ?????????? ???  
????????? ?????????? ??? ????? ?? ????? ?????????? ??????????, ?????? ??? ?? ?????? ???  
????????????? ??? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?? ?????? ???  
????????????? ??? ?????????????? ??? ?????????????????? ??????????, ?? ?????? ??? ?????? ??????????  
????????????? ??? ?????????????? ??? ?????????????????? ??????????, ?? ?????? ??? ?????? ??????????

36      ?????? ????, ????, ?????? ???, ?????? ?????????? ???, ???, ???, ?????????? ???, ???, ?????????? ???  
????????? ???, ???, ?????? ???, ?????? ?????????? ??????, ? ?????? ?????????????? ??????  
???????????, ????, ???, ?????? ??????????????, ?? ???, ?????????? ?????, ?????????? ??????????  
????? ???, ?? ?????????? ?????? ???, ?????????? ?????? ???, ??, ???, ?????? ?????????? ???  
????????? ???, ?????????????? ??????. ???, ?????? ???, ???, ??, ?????? ?????????? ???  
???????????, ???, ?????????? ???, ?????? ???, ?????? ?????? ???, ?????? ???, ?????? ???, ?????? ???,  
????? ???, ?????????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???  
????????????? ???, ???, ?????????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????  
???????????, ??, ?????????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????  
????? ???, ?????????? ???, ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ???  
????? ???, ?????????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ???  
????? ???, ?????? ???, ?????????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ?????? ???, ???  
??, ?????? 63 ???.

37    ???????, ??? ?????? ??? ? ?????????? ??? ?????????? ?????????? ??? ??????????  
????????? ?? ??? ?????? ?????????? ??? ?????? ??? ? ?????? ?????? ??? ??????  
????????? ??? ? ?????? ??? ?????????? ??? ?????????? ??? ???? ?? ??? ?????? ?????????? ??? ?  
????????? ??? ?????????? ?? ?????? ??????, ?????? ?? ?????????? ?? ?????? ?????????? ??? ?  
????????? ?????? ?????????? ?? ??? ?????? ??????, ?????? ?? ?????????? ??? ???? ?????????? ??? ?

38 ???????, ?? ??????? ???? ?? ?? ?? ?????? ?????????? ??????? ?? ??????? ?? ??????? ??  
????????? ?????? ?????????? ?????, ??????? ?? ?????? ?????????? ?? ?????? ??????? ??  
????????? ?? ???????????, ??????????????, ???????, ???, ??? ?????? ?? ?? ??????????  
????? ??? ?? ?????????? ??? o IDECA ?????? ?????? ??? ?????????? ??? ?????? ?????? ???  
????? 11/2010 ??? ?? ?????? ??? ?????????? ?? ?????????? ?? ?????? ?????????? ??? ???????????, ???  
?? ?????????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?? ???  
?????????, ?? ????? 6, ?????????? 7, ?????? 3, ??? ????? 11/2010 ?????? ??????????  
????????? ?????? ?? ?????? ?? ?????????? ?? ?????????? ?????? ?????????? ??? ?????? IDECA ???  
?? ?? ?????????? ?? ?????? ?????? ???.

(?????????? ?? ???????), C?78/18, EU:C:2020:476, ????? 63].

40 ??????, ????, ????? ??????????, ?????? ?????? ?????????????? ?????? ??? ?????? ??  
????????????? ??????????? ?????????????? ?????????? ?????????????????? ??? ?? ?????? ??  
(??????? ??? 7?? ??????? 2011, ??????? ??? ??????????????, C?20/09, EU:C:2011:214,  
????? 65 ??? ??? ?????????????? ??????????).

41      ?????? ??? ????????, ??? ????????, ????????, ??? ?????? ?????????????? ????????, ?????? ??  
????? ? ????????, ??? ? ????????, ?????????????? ??? ?????? ?????????????? ?? ?????? 49 ???  
????? ?? ????????????, ??? ??? ????????, ???, ??? ?????? ?????????? ??? ??? ??????????  
????? ???? ???? ? ????????, ????????, ??? ?????????????? ??? ?????????????? ?????????????? ??????????  
??? ?????? ?? ????????, ??? ????????, ??? ?????????????? ??? ?????????????? ??? ?????????????? ??????????  
??????,

- ??????????? ?? ?????? 200 000 ????

– ??? ??????????? ?? ?????????? ??? ?????????????? ??? ??? ?????????????? ??? ???

????? ??? ?????? ?? ??????????? ?? ?????? ??? 5 000 ??? ??? ????? ?????????????? ??? ???

????? ??????????????, ??? ?? ?????? ??????????? ?? 7 500 ??? ??? ????? ?????????????? ??

????? ??????????? ?? ??? ?? ??????????? ?? 2 000 ????????, ??? ?? ??? ?? ???????????

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

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

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

?? ?????? 63, ?????????? 1, ??? ?????? ?? ?????????? ??? ?????? ???, ??? ??????  
????? ????, ??? ???? ?????????? ??? ?????? ?????????????? ?? ?????? ??? ??????????  
????????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????????????? ??? ??????  
????????? ??? ?????? ??????, ?????????? ?? ?????????? ??? ?? ?????????? ??? ?????? ???  
????? ????, ?? ?????? ??????? ?? ??? ?????? ??????, ?????? ??? ?????????? ???  
????????? ??? ?????? ?????????????? ??? ?????? ?????? ??????????, ??? ?????? ??? ?????? ??? ?  
????????? ??? ?????? ?????????????? ??? ?????? ?????? ??????????, ??? ?????? ??? ?????? ??? ?

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

42      ?? ?? ??????? ?????????????? ???????, ?? ?????? ?????????????? ?????? ?? ??????????????  
?? ?? ?????? 135, ?????????? 1, ??????? ??, ??? ?? ????? 401 ??? ?????? ?? ?????? ??  
????????????? ?? ?????? ?? ?????? ?? ?????????????? ?? ?????? ?? ?????? ?? o IDECA.

43 ????????, ??????????? ?? ? ?????? ?? IDECA ??? ?????????? ?? ??????  
????????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????  
135, ?????????? 1, ??????? ??, ??? ?????? ???. ????????, ?? ?????? ???.  
?????? ?? ??????????.

44 ??????? ??? ?????? 401 ??? ??????? ???, ?? ?????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??? ?? ?????? ??????? ?????? ?????? ?????????? ? ??????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
??? ?????? ?????????? ??? ??????????, ?????? ?????? ?????????? , ?????????? ?????? ?????? ?????? ???  
? ?????????? ???, ??????????, ?????????? ?????, ?????????? ?????, ?????????? ? ?????? ??? ??? ??? ???  
??? ?????????? ??? ?????? ?????? ???????, ?? ??? ?????????? ??? ? ?????????? ??? ? ?????? ???  
?????, ?????????? ??? ??? ??? ?????, ??? ?????????? ?????? ?????? ?????? ?????? ???, ??  
????????? ??? ?????????? ?? ? ?????????? ???.

45 ????????, ??? ????? ?????????? ??? ???????????, ? ?????????? ?? ??? ? ? ???????  
??? ?????? ????, ?????????? ??? ????? ?????????? ??? ?????? ?????????? ??? ????  
??? ??? ??????? ?? ?????????? ??? ????? ?????? ?????? (????????? ??? 20?? ??????  
2014, Caixa d'Estalvis i Pensions de Barcelona, C?139/12, EU:C:2014:174, ??? 28, ???  
12?? ?????? 2019, Oro Efectivo, C?185/18, EU:C:2019:485, ??? 21 ??? ???  
????????? ??????).

46 ?????????? ?? ?????????? ?? ??? ?????? ?????, ?????????? ? ?????? ??? ??????????  
????? ?????? ???????, ??? ?????? ?????? ??? ?????? 401 ??? ??????? ???, ?????? ??  
?????????, ?????? ????, ?? ??? ???? ?? ?????????? ?? ?????????? ??? ?????????? ??? ????  
????????? ???, ?????????????? ??? ?????????? ??? ?????? ??? ??? ?????????? ??? ???  
????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ??  
????????? ?????? ?????????????? ??????? ???, ?? ??? ???????????, ?????? ?? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ???  
??? ?? ????, ?? ?????????? ??? ?? ??? ??? ?????????? ??? ?????? ?????? ?????????? ??? ???  
???, ??? ??? ?? ?? ??? ?????????? ???' ??? ?? ??? (????????? ??? 7?? ?????????? 2018,  
Viking Motors ??., C?475/17, EU:C:2018:636, ??? 36 ??? 37, ??? 37 ??? 3?? ???  
2020, Vodafone Magyarország, C?75/18, EU:C:2020:139, ??? 59 ??? 60).

47 ????????, ?? ??? 401 ??? ?????? ??? ?? ?????? ?????????? ??? ?????????? ??? ??  
????????? ??? ?? ??? ?????????? ??? ?????? ??? ?? ?????? ?????????? ??? ??  
(????????? ??? 3?? ?????? 2020, Vodafone Magyarország, C?75/18, EU:C:2020:139, ??? 61  
?? ?? ?????????????? ??????).

48 ??? ?? ?????????? ?????????? ??? ?? ?? ??? ?????????????? ??? ?????? ???????, ??? ?  
????????? ??? ?? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ???????, ?  
????????? ??? ?? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ???????, ?  
??? ?? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???????  
????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???????  
?? ?? ????, ? ?? ??? ?????? ?????? ?? ??? ?????? ??? ?????? (????????? ??? 3??  
????? 2020, Vodafone Magyarország, C?75/18, EU:C:2020:139, ??? 62 ??? ???  
????????? ??????).

49 ?? ??????????, ?????????? ??? o IDECA ??? ?????????? ?? ??????  
????????????? ??? ???.

50 ????????, ???????, ? ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????????? ??? ??  
????????? ?????????? ??? ?????? ?????????????? ?? ?????? ?????? ??? ?? ?????? ???  
????????? ?????? ??? ?????????? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
? ?????????? ??? IDECA ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? o IDECA ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????????????? ??????. ???, ??? ?????? ??? ?? ?????? ???  
????????? 5, ??? 3, ??? 11/2010 ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ??? ??? IDECA ?? ??????, ?? ?????????? ??? ?????? ??? ??????

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

51 ??? ??? ??????? ????, o IDECA ??? ?????? ??? ????? ?????? ?????? ????,  
????????? ?? ??????????? ?? ??? ????? ?????? ???????, ??? ?????? ?????? ??? ?????? 401 ???  
?????? ???.

52 ????? ??? ??????? ????, ??? ?????? ?????????????? ??????? ??????? ?? ?????? ?  
????????? ??? ?? ??? 401 ??? ?????? ??? ?????? ?? ?????????? ??? ?? ?????? ??? ??  
????????? ?? ??? ?????? ?????????? ? ?????? ?????? ??? ? ?????? ?????? ?? ??????????  
????????? ??? ?????? ?????? ?????????? ???????, ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ???  
??? ? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ???.

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

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

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

1) ? ?????????? ?????????????? ??? ?????? ?????????????? ?? ?????? 49 ??? ?????? ???  
????????? ??? ??? ?????? ???, ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
???? ?????? ? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????  
??? ?????? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ??????????  
????????? ????,

- ?????????? ?? ?????? 200 000 ??? ?????? ??? ?????????? ??? ?????? ??? ??????????  
????? ??? ?????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?  
???? ?????????? ??? ?????? ??? ?????????? ????

- ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????????? ??? ?????? ?????????? ???  
??? ?? ??? ?????? ??? ?????????? ??? ?????? ??? 5 000 ??? ??? ?????? ?????????? ??? 7 500 ??? ???  
????????? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? 2 000 ??????????,  
????? ??? ?? ?????????? ?????? ?????????????? , ??? ?????? , ?????????????? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? , ??????  
?? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? , ??????  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??????.

? ? ????? 63, ?????????? 1, ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ???, ???  
????????? ??? ?????? ??? ??? ?????????? ??? ?????? ?????????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????????? ?  
??? ?????? ?????????? ??? ?????? ?????? , ?????????? ?? ?????? ?????????? ??? ?  
????????? ??? ?????? ??? ?????? ?????? ?? ?????? ?????????? ?? ?????? ?????????? , ??????  
??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ,  
????????? , ??? ?????? ??? ? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??????  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??????.

2) ? ? ????? 401 ??? ?????? 2006/112/?? ??? ?????????? , ??? 28? ??????????  
2006, ??????? ?? ?? ?????? ?????? ?????? ?????? ?????????????? ???, ?????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ?  
????????? ??? ? ?????? ?????? ?? ?????? ?????? ?????????? ?????? ??? ??????  
????????? ?????? , ??? ?????? ? ?????? ?????? ?????? ?????? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??????.

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

(?????????)

\* ???? ??? ??????: ? ??????.