

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

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

??? 12?? ??????????? 2024 (*)

« ?????????????? ?????????? – ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) –
?????? 2006/112/?? – ????? 135, ?????????? 1, ?????????? ?? – ?????????? – ??????????,
?????? ??? ????? ?????? ?????? – ?????????????? ??? ??? – ??? ??? ??????????????
????????????? – ?????????? ?? ??? ??? ?????????????? ?????? ?????? ?????? – ??????????
????????? – ?????????????? ?????? – ?????????? ?????? – ?????? 107, ??????????
1, ??? – ?????? ?????????? ??? ?? ??? ?????? ?????????? »

???? ??????? C?741/22,

??. ??????????? ?????? ?????????????? ?????????? ??????? 267 ????, ???
?????? ?? tribunal de première instance de Liège (??????????, ????, ????) ?? ??????
?? 18?? ?????????? 2022, ? ?????? ??????? ??? ?????????? ??? 2 ?????????? 2022, ???
?????? ?? ???

Casino de Spa SA,

Ardent Betting SA,

Ardent Finance SA,

Artekk SRL (????????????? ??? ?? Circus Belgium SA),

Circus Belgium SA,

Circus Services SA,

Gambling Management SA,

Games Services SA,

Gaming1 SRL,

Guillemins Real Estate SA,

Immo Circus Wallonie SA,

Mr Joker SRL,

Pres Carats Sports SA,

Pro Sécurité SRL,

Royal Namur SA,

Euro 78 SRL,

Lucky Bet SRL,

Reflex SA,

Slots SRL,

Winvest SRL,

Parction SA,

Ardent Casino Belgium SA,

Ardent Casino International SA,

Ardent Namur Immo SA,

Odds Sportbar SRL,

HQ1 SRL,

Tour de Baschamps SRL

?????

État belge (SPF Finances),

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

État belge (SPF Justice),

La Chambre des Représentants,

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

?????????? ?? ?? A. Arabadjiev, ?????? ????????, L. Bay Larsen (?????????),
?????????? ?? ????????????, T. von Danwitz, A. Kumin ?? I. Ziemele, ????????,

?????? ??????????: J. Kokott

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

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

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

– ?? Casino de Spa SA, Ardent Betting SA, Ardent Finance SA, Artekk SRL (???????????????)
?? ?? Circus Belgium SA), Circus Belgium SA, Circus Services SA, Gambling Management SA,
Games Services SA, Gaming1 SRL, Guillemins Real Estate SA, Immo Circus Wallonie SA, Mr
Joker SRL, Pres Carats Sports SA, Pro Sécurité SRL, Royal Namur SA, Euro 78 SRL, Lucky Bet
SRL, Reflex SA, Slots SRL, Winvest SRL, Parction SA, Ardent Casino Belgium SA, Ardent Casino
International SA, Ardent Namur Immo SA, Odds Sportbar SRL, HQ1 SRL ??? Tour de Baschamps
SRL, ?????????????? ?? V. Lamberts ??? M. Levaux, avocats,

- ? ??????? ??????????, ?????????????? ??? ?? S. Baeyens, ??? P. Cottin ??? ?? C. Pochet, ?????????????? ??? ??? V. Ramognino, avocat, ??? P. Vlaeminck, advocaat,
- ? ??????? ??????????, ?????????????? ??? ?? L. Halajová, ??? M. Smolek ??? ?? J. Vlá?il,
- ? ??????? ??????????, ?????????????? ??? ?? J. Möller ??? P.?L. Krüger,
- ? ??????? ??????, ?????????????? ??? ?? A. Armenia, ??? J. Carpi Badía ??? ?? M. Herold,

???? ?????? ?? ?????? ??????????, ??? ?????? ??? ?????????? ??? ?? ?????? ?? ?????????? ??? 25?? ?????? 2024,

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

??????

1 ? ?????? ?????????????? ?????????? ??? ?? ?????? ??? ?? ?????? 4, ?????????? 3, ???, ??? ?????? 107 ?? 267 ????, ??? ?????? ??? ?????????? ?????????????? ??? ?? ?????????????? ??? ?? ?????????????? ??? ?? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????????????? ??? (?? 2006, L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? Casino de Spa SA ??? 26 ?????? ??????????????, ??????, ??? ??? État belge (SPF Finances) (????????????? ?????? ?????????? ?????????? ??????????, ??????), ???????, ?? ?????????????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? 1? ?????? 2016 ??? ?? 21 ?????? 2018 ?????? ?????????????? ?????? (??), ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ?? ?? ?????????? ???.

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

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

3 ?? ?????? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112 ??????? ?? ????: «?? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????»:

[...]

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

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

4 ?? ?????? 1, ?????????? 14, ??? ?????? ?????? ?????????????? ??? (Moniteur belge ??? 17?? ?????? 1969, ?. 7046), ??? ?????????? ?? ?? ?????????????? ??? 1?? ?????? 2016, ??? ?? ????:

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

1. “????? ??????”:

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

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

2. “???????: ????. ????????. ????. ????????. ???. ????????????, ????. ???????. ??????, ????????????.
???????. ??. ???????. ???. ???????. ???. ??????, ????. ???. ????????. ????????????????. ????. ???????.
???????????. ????. ???????. ????????. ????????????. ????. ????. ????????. ????. ????????????. ???.
???????????. »

5 ?? ?????? 44, ?????????? 3, ??? ?????? ?????? ?????????????? ??????, ???
????????????? ?? ??? ?????????????? ?????? ??? 1?? ?????? 2016, ?????? ?? ???????:

«????????????????? ?????? ??? ???:

[...]

13.

a) ?? ???????

b) ?? ?????? ??????? ????????, ????. ?? ???? ??????????? ?? ?????????????? ???. ???. ???. ???.
????? 18, ?????????? 1, ??????? ??????, ????. 16».

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

7 ? ?????????????? ??? ?????????????? ??? ??? ??? ??? ??? ?????? ??? ??? 1? ??????
2016, ?????? ?????????? ?????? ?????? ?? ??? ?????? ?????? ?????? ? ?????? ??? ??? ???
??? ?????????? ?????? ?????? ?????? ??? ??? ??????.

8 ?? ?????????? ?????? ??????????? ??? ?? Cour constitutionnelle (?????????????)
???????????, ??), ?? ??????? ??? 22?? ??????? 2018, ??? ??????????? ?? ??????????? ??
?????????? ??????? ?? ?????? ????? ??????????? ??????????? ??????? ?? ??????? ?? ??????????? ???????????????
???????? ?? ?? ??????? ????????????. ?? ??????????? ?? ?? ?? ?? ??????????? ??
???????? ?? ?????? ??????? ??????? ??????????? ?? ??????????? ??????? ??, ??, ??, ??
?????????? ??????? ?? ??????? 2006/112, ??????????? ?? ??????? ?? ???????????
?????????????? ?? ????? ?? ??????? ?? ??????? 107 ?? 108 ???, ??, ??, ??, ??, ??
???? ?? ????? ?? ?? ??????????? ?? ????? ?? ??????????? ?? ??????? ?? ??????????? ??
???????? ?? ??????????? ?? ??????. ?? ?? ?? ?? ????? ???????, ?? ??????????? ??, ??
???? ?? ??????????? ?? ????? ?? ??????????? ??????????? ?? ??????? ???????????, ??, ??, ??, ??, ??
?????????????? ?? ????? ??????????? ?? ??????? ?? ??????????? ?? ??????? ?? ??????????? ??, ??
?????????????? ?? ???????.

⁹ ?? ??????? ?? 8?? ?????????? 2018, ?? Cour constitutionnelle (?????????????)

????????????) ?????????????? ??? ?? ?????????????? ??? ?????????? ??? ?????????????? ???
????????? ??? ?? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ??? ??????, ??? ??????
?? ?????????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ??? 22?? ?????? 2018, ?????????? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ?????? ??? ??? 1?
????? 2016 ??? ?? 21 ????? 2018.

10 ??????? ??? ?????????? ??????, ? ?????? ???????? ??? Gaming Ardent ?????????? ???
?????? ?? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? 2019 ??? 29
328 371,20 ???, ?? ????? ?????????????? ??? ?????? ??? ??? ??? ?????????? ??? ??
?????? ??????? ??? ??? 1? ?????? 2016 ??? ??? 21 ????? 2018, ??? ?????? ???
????????? ?????????? ??? ?????? ??? ?????? 15 581 402,06 ???.

11 ????? 5 ??????????? 2019 ? ??????? ??????????? ???? ?????????? ?????? ?????? ??
???? ?????? ?????? ??? ?? ?? ????? ?????? ?????????? ???? ??? ?????????? ??? ???????????
?????????? ??? 22?? ?????? ??? ??? 8?? ?????????? 2018 ??? ???, ??? ????????, ?
????? ??????? ??? Gaming Ardent ?????? ??? ????? 29 328 370,36 ???, ??? ???????????
??? ????.

12 ??????? ??????????? ??????? ??? ?????? ? ?????? ??????? ??? Gaming Ardent
????? ??? ?? ???? ??????? ???????, ?? ??? ?????? ?????????????? ?? ?????? ??? ???????
?????????.

13 ????. 12 ?????????? 2020 ? ?????? ???????? ??? Gaming Ardent ?????? ??????? ???.
tribunal de première instance de Liège (????????????? ??????, ??????), ??? ???. ??? ????????
???????????, ??????? ???. ?????????? ??? 14?? ?????????? 2020 ??????? ???. ???.
?????????? ???. ???. ??????? ?????????? ??? ???. 1? ??????? 2016 ??? ???. 21 ????? 2018 ???.
????? ???. ???. ??????? ?????????? ??? ???. ?????? ?????????? ??????????. ???. ???. ??????
????????? ???. ??????????, ??????????, ????. ????. ??? ?????????? ?????????? ????. ????.
????????????? ??????????, ??????. ???. ???. ????. ?????????? ?????????? ???. ?????????? ???.
????? ???. ?????????????? ????. ??????. ???. ???. ??????. ??????, ???, ????. ??????????????,
?????. ???. ?????????? ??????. ??????. ??????. ??????. ??????.

14 ????? ??? ?????????? ??????, ?? tribunal de première instance de Liège (????????????
??????) ?????????? ?? ?????????? ?? ??????? ?? ?????????? ?? ?????????? ?? ??????? ?? ?????????? ??
?????????? ?? ?????????? ?????????????? ??????????:

«1) ?????? ?? ?????? 135, ??????????? 1, ?????????? ??, ??? ??????? [2006/112] ??? ? ???
??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ??????
?????? ??????, ?? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ?????? ??? Loterie [N]ationale, ??????? ??????, ?? ?????? ?????????????? ???
??? [??] ??? ?? ????? ?????????? ?????? ?????? ??? ?????????? ??? ?????????? ???;
????????????? ?? ??? ????? ?????????? ??? [??];

2) ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????, ?????????? ??
?? ?????????? ?? ???? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??
????? ?????? ??? ?????? ??? ??? ?????? ?????? ?????? ?????? ? ??? ?????? ?????? ??? ??? ??? ???
??? [??] ? ?? ?????? ??? ?????? ?????? ?????? ??? ??? ?????? ?????? ??? ?????? ?????? ??????
????????? ??????????, ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??
?? ?? ?? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??? ?? ?? ?? ?? ??
????? ?????? ?, ??? ?? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????,
????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ????? ????? ?????? ?????????? (????????? ??????????????), ? ?????? ?? ?????? ?????? ???
????????? ??? ? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????????? ?????????? ?????????? ? ??? ?????? ?????? ??? ???, ? ?????? ???
????????? ?? ?????? ?????????? ?????? ?? ?????? 135, ?????????? 1, ????????,
??? ?????? [2006/112], ?? ?????????? ?????? ?????? ??? ?????????? ??? ?????? ??? Loterie
Nationale ??? ??? ??? ?????? ?????? ???????, ?? ?????????? ?????? ?????????? ??? ???
????????? ?????? ??? ? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ???
????????? ??? ?????????? ??? ??? Loterie [N]ationale;

3) ??? ? ??? ? ??? ?????????? ?????????? ??? ?????????? ??? ?????? 4, ??????????
3, [??], ?? ?????????? ?? ???? 267 [??], ??? ?????????? ??? ?????? [2006/112] ???,
??????????, ??? ??? ??? ?????????????????, ??? ?????? ??? ?????????? ???
????????? ?????? ?????????? ?????? ?? ?????? –?? ??? ??? ???? ?????????? ???
????? ?????????? ?????? ?????????? ??? ?????? 267 ???–, ?????? ?????????? ???
????????? ?????? –?? ?????????? ??? ?????? 8 ??? ?????? ?????? ??? 6?? ??????????
1989 ??? ??? ?????????? ?????? –?? ??? ??? ???? ?????? ?? ?????????? ???
????? ?????????? ??? ??? [??] ?? ?????? ?????? ?????? ?????? ??? ?? ??????
????? ??? ?? ???? ?????? ?????????? ??? ??? ?????? ??? ?????????? ?????? ???
????????? ?? ???? ?????? ??? ?????? ?????????? ?????? ?????????? ?????? ???
????????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???????,
????????? ?????? ??? “????????????? ??? ?????????? ?????? ?????????? ??? ??
????????? ? ?????????? ??? ?????????? ?????” ???, ???????, ?????????? ?????? ???
????????? ??? ??? ??? ?? ?????? ?????????? ??? ??? ??? ?????????? ???
????????? ??? ?????? ??? ??????;

4) ?? ?????????? ?????????? ?????????? ??? ?????????? ?????????? ?????????? ???
????????? ?? ???? ?????? ??? ?????, ?????????? ??? ?????? ??? ?? ?????? ???
????????? ?? 10?? ?????? 2008, [Marks & Spencer (C?309/06, EU:C:2008:211)], ??????
?? ?????? ?? ?????? ??? ?????? ??? ?????????? ??????, ?????????????? ??? ?????? ???
????????? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ???
????????? ?????? ? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ?????? ???
????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? [(????????? ?? 10??
????????? 2008, Marks & Spencer, C?309/06, EU:C:2008:211)], ??? ?????????? ??? ??????
????? ?????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ? ?? ??? ?????? ?????????? ?? ??????
?? ?????? ?? ???????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ??? ??
????? ??????, ?????????? ?? ?????????? ?????? ??????, ??? ?? ??????????
????????? ?????? ?????? ?????? [2006/112], ???, ???????, ??? ?????? ??????????
?? ?? ?????? ??? ?????? ??? ?????? ??? Cour constitutionnelle (????????????? ??????????)
?? ?????????? ?? ??? ??? ?? ?????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ??????????
?? ??????????;

5) ?????? ?? ?????? ??? ???? ???? ???? ???? ???? ???? ???? 29, 30, 31, 32, 33 ?? 34 ??
????????????? ??? 1?? ?????? 2016, ?? ?????? ?????????? ??? ?? Cour
constitutionnelle (????????????? ??????) ?? ??? ?????? ????. 34/2018 ?? 22?? ??????
2018, ?? ?????????? ??? ??? ?????? ?????????? ??? ?? ??? ?????? ?????????? ???
????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? 1? ?????? 2016 ?? ?? 21?
????? 201[8], ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????????? ???, ?? ??
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ?????? ???, ?? ??
??????, ??????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ?????? ???, ?? ??
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???, ?? ??

?????????? ??????????????, ?? ??????????? ?? ?????? ?????????????? ?? ??? ?????????????? ?????
???? ?? ??? 107 [????];

6) ?? ?????????? ?????????????? ?????????????? ??? ?????????????? ?????????????? ??????????
?????? ?? ??? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???
?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???
??? ??????????, ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? 5?? ?????????? 2006 [,
Transalpine Ölleitung in Österreich (C?368/04, EU:C:2006:644)], ? ??? ?????? ??????????
????????????? ??? ?? ??????? ?????? ??? ?????????? ???????, ?????????????????? ??? ??????
??? ?????????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????
?? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ???
????????? ?????????? ?? ??? ??? ?????????? ??? ?????? ?????? ?????? ?????? [(????????? ??? 10??
????????? 2008, Marks & Spencer, C?309/06, EU:C:2008:211)], ?????????? ???
????????????? ??? ??? ??? ?? ?????? ??????? ??? ??? ??? ?????? ?????????? ?????????? ?????????? ??????????
?? ?????????? ?? ??? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??
????? ??? ??? ?????? ??????????;»

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

15 ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ??' ??????????????
????????? ??? 25?? ?????????? 2024, ?? ?????????? ??? ?????? ??? ?????, ?? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? 30 ?????? 2024, ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ??????????.

16 ??? ?????? ??? ?????????? ??? ?????, ?? ?????????????? ??? ?????? ??? ?????? ??????????????
??? ?? ?? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??????
????????????? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? 2006/112, ?? ????
??? ?????????? ??? ?????????? ??? ?? ?????? ?????????? ??? ??? ??? ??? ?????? ???
????????????? ??? ?????, ?????????, ?? ?????????? ?? ?????????? ??? ?????????? ??? ??????????
????. ?? ?? ??? ?????????????? ?????????? ??? ?????? ??? ?????? ??? ?? ??? ?????????? ???
????????? ?????????? ??? ??? ?????????? ???.

17 ???, ?????????, ?????????????? ???, ??????? ?? ?? ??? 83 ??? ?????????? ??????????????
??, ?? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??????????, ?? ??????????
????????????? ??? ?????????? ??? ?????????? ?????????????, ?????? ?? ?????? ??? ??? ???
????????????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
????????? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
?????????.

18 ??? ?????????? ??? ?????? ??? ? ?????????? ??? ?????? ?????????? ??? ?????????? ???
?? ? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? (?????????
?? 31?? ?????????? 2023, Puig Gordi ???., C?158/21, EU:C:2023:57, ??? 37 ??? ???
????????????? ??? ??????????).

19 ???, ??? ?? ??? 252, ??????? ??????, ???, ? ?????? ??????????
????????? ???, ?? ??? ?????? ?????????? ??? ?????????? ?????????????? ??????????
??? ??? ?????????? ?? ???, ?????? ?? ??? ?????? ??? ?????????? ??? ?????????? ???
?????, ?????? ??? ?????? ??? ?????? ????. ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ?????? ????. ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????? ??? ?????????????? ??? ?????????? ??? ?????????? ?????????? (????????? ??? 31??
????????? 2023, Puig Gordi ?..?, C?158/21, EU:C:2023:57, ??? 38 ??? ???
????????????? ??????????).

20 ?? ????????????, ?? ????????????, ???? ?????? ?? ?????? ????????????, ?????? ?? ?????
 ??? ?????? ?? ???? ?? ??????? ?????? ?????????? ?????????????? ?? ??????????.

21 ??????????, ?????????? ?????? ??? ?????????????? ??? ?????? 19 ??? ??????
????????? ??????????, ?????????? ???, ?????????? ??? ?????? ??? ?????????? ??
????????????? ??? ?????? ?????? ?????????????? ?? ?????????? ?? ?????? ??? ??????????
?? ?????????? ??????????, ??? ?????? ??? ?? ?????????? ?????????? ?????? ??? ??
????????????? ??? ?????? ?? ?????????????? ??? ?????? 135, ?????????? 1, ?????????? ??, ???
??????? 2006/112 ?????? ?????? ??????????, ?? ?????? ?????????? ??? ??????
????? ??? ?? ?????????? ?? ?????????????? ??? ?????? ?????? ?????????????? ??? ?????? ??????????
??? ?????? ????. ??????, ?? ?????????????? ??? ?????? ??? ?????????? ?? ??????????
?????? ??? ?????? ???.

22 ?? ?? ??????, ?? ?????????? ?????? ?? ?????????? ? ?????????? ?? ??????????

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

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

23 ?? ?? ?????? ?? ?? ??????? ?????????????????????????????, ?? ?????? ?????? ?? ???????????
???? ??????, ?? ?????? ?????????????? ??????, ???' ??????, ?? ?????????????????? ?? ?? ?????? 135,
????????????? 1, ?????????? ??, ??? ?????? 2006/112, ?? ?????????? ?? ??? ?????? ????
????????????? ??????????????, ???? ??? ?????? ??? ?????????????? ?? ?????? ?????? ?????? ????
????????? ?????????????? ?????????????? ??????, ??????, ??? ?????? ?????? ?????? ??? ??????????????
???, ????????, ??? ?????????????? ??? ?????? ?????? ?????? ??? ?????????????? ???
???????????, ???????????? ??? ?????????? ??? ?????????? ??? ??? ?????? ??? ?????????????? ???
???, ???????.

24 ??????? ?? ?? ?????? 135, ??????????? 1, ?????????? ??, ??? ??????? 2006/112, ??
???????????, ?? ?????? ?? ?? ?????? ?????? ?????? ?????? ?????????????????? ?? ???? ??, ?? ??
????????? ?? ?? ??????? ?? ?? ??????????? ?? ?? ?????? ?? ?? ??????????? ?? ?? ??????????? ?? ??
?????? ???.

25 ? ?? ??? ????????, ????. ??????????? ???. ????. ?????? ????????. ???. ????????. ???, ?????????? ???.
????????? ?????????? ???. ?????? ?????? ?????? ????. ?????? ?????? ????. ?????? ?????? ??. ???. ?????????? ???.
????? ????????, ?????????? ???. ?????? ?????? ????. ?????? ?????? ????. ???. ?????????? ???. ???. ?????????? ???.
????????? ?????? ????. ???. ???. ????. ????. ???. ????. ?????? ????. ???. ?????????? ???. ???. ?????????? ???.
????????? ?????? (??., ???' ??????????, ????????. ???. 10???. ?????????? 2011, The Rank Group,
C?259/10 ???. C?260/10, EU:C:2011:719, ?????? 40 ???. ?????? ?????????????? ??????????).

26 ????????, ?? ?????????? ??? ?????????????? ??? ? ?????????? ??? ?????? ??? ?????? ??
????????? ?? ?????????????? ??? ?? ??? ?????? ??? ?????????? ??? ??? ???, ??? ??????
????????? ?? ??? ??? ??????, ??? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ??? ??? ??? ???
????? ??? ?????? ??????? ?????? ?????? ?????? (??????? ?? 24?? ????????) 2013,
Metropol Spielsttten, C?440/12, EU:C:2013:687, ??? 29 ??? ??? ??????????).

27 ??????????, ????, ??????? ?? ??? ??? ????? ???????, ?? ?????? ??? ?????? ?????? ?????? ????

?????????? ?? ?????????? ?? ?????????????? ?? ?? ?? ?? ?????? ?? ?????????????? ??, ?? ?? ?? ??????, ?? ?????????? ?? ?? ??, ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ?? (????????? ?? 10?? ?????????? 2011, The Rank Group, C?259/10 ??? C?260/10, EU:C:2011:719, ????? 41 ??? ??? ?????????????? ??????????).

28 ????? ?????? ??????????, ? ??? ?????? ?????????????? ?????????????? ??????????????,
??????????, ?? ?????????? ?????????????? ?????????????? ?? ?????????? ?? ?? ??????????
????????????? ?? ?????????? ?????????? ?????????? ??, ??????????????, ?????? ?? ??????????????
?????? ??? (????????? ?? 10?? ?????????? 2011, The Rank Group, C?259/10 ??? C?260/10,
EU:C:2011:719, ????? 32 ??? ??? ?????????????? ??????????).

29 ??????????? ?? ?????????? ?? ?? ?????? ?????? ?????????? ?????? ??????????, ?????? ??
?????????? ?????? ?????? ?? ?????? ??? ?????? ??????????, ?????????????? ??????????
????????? ?????????? ?? ?????????? ?? ?????????? ?????? (????. ?????? ?? 10??
????????? 2011, The Rank Group, C?259/10 ??? C?260/10, EU:C:2011:719, ????? 43 ??? ???
????????????? ??????????).

30 ??? ???????, ??? ??????? ?????????? ?????? ?????????? ?????? ?????? ?????? ??????
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????, ?? ??????? ??? ??????????
????????????? ??? ???????, ??? ??? ?? ?????????? ?????????? ??? ?????????? ??? ??????????
????????? ??? ??????? ??? ?????? ?????????? ?? ?????????? ?? ??? ? ??? ??? ??? ??? ??? ??
????? ?????? (????????? ?? 10?? ?????????? 2011, The Rank Group, C?259/10 ??? C?260/10,
EU:C:2011:719, ????? 44 ??? ??? ?????????????? ??????????).

31 ?? ??? ?????, ?????? ?? ?????????? ?? ?? ?????????? ?????? ?????????? ?????????? ??
????? ??? ??????? ??? ?????? ?????????, ?? ?????? ??????????????. ??????????????, ???
????????? ???, ? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ???
????????? ??? ?????????, ??? ???????, ??? ?????????, ?????????? ??? ?????? ??? ?????? ???
????????? ?????? ?????????? (????. ?????? ?? 3? ?????????? 2022, Finanzamt A,
C?515/20, EU:C:2022:73, ????? 45 ??? ??? ?????????????? ??????????).

32 ???????, ?????? ?? ?????????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??
????????? ??? ?????????? ?????? ?????????? ?????? ??? ? ?????? ??? ?????????? ???, ???
????, ?? ?? ??????, ??????? ??? ?????? ??? ?????? ?????????, ??? ??? ?? ?????????? ???
????????? ?? ??????? ??? ?????? ??? ?????? ?????????????? ?? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??????
?????????, ?????????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ??? ??? ??
?????????, ?????? ?? ?????????? ??? ?????? ??? ?????????? (????. ?????? ?? 9??
????????? 2021, Phantasialand, C?406/20, EU:C:2021:720, ?????? 41 ??? 42 ??? ???
????????????? ??????????).

33 ???????????, ?? ?????????? ?????? ??? ?????????? ?????????????? ???????????, ???
?? ?????? ?? ??????????, ?????????? ?? ?????? ?????????? ??? ?????????? ??? ??????????
????????? (????. ?????? ?? 9?? ?????????? 2021, Phantasialand, C?406/20,
EU:C:2021:720, ????? 44).

34 ???????, ?? ?????????? ??? ?????? ?????????????, ??? ?????? ?? ?????? ?????????? ??
????????? ?????? ?? ?? ?????????? ??? ?? ?????? ?????? ?????? ?????????????? ??? ??????????, ???
????????? ???, ??? ?????????? ?????? ?????????? ??? ?? ?????????? ?????????????? ???
????? ?? ?????? ??? ?????? ?????????? ?? ?????????? ?????????? ?????????? ?? ??????????
????????? ??? ?????? ??? ?????? ?????????, ?????????? ??? ? ?????????????? ???
????????? ?????? ?????????? ??? ?????? ?????????? (????. ?????? ?? 10??

?????????? 2011, The Rank Group, C?259/10 ??? C?260/10, EU:C:2011:719, ????? 57).

35 ??????? ?????? ?????????? ??????, ????????, ?? ?????? ??????? ???? ?? ?????????? ??
? ?????? ?????? ??? ?????????? ?????? ??????? ?? ?? ?????????? ?? ??? ?????? ??????
????????? ??? ??????????.

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

38 ????????, ??? ??? ?????? ??? ?????????? ????? ?????????? ???, ??????? ?? ?? ?? ??????
????? ?????? ??? ?????? ?????? ?????? ??????, ??????, ?? ??????? ?? ?? ??? ??????
?????? ?? ?? ?????? ?? ?????????? ??? ??????, ????? ? ?????????????? ?? ?? ??????, ??????
?? ?????????? ??? ?????????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ??????, ?? ?????? ?????????????? ?????????????? ?????? ??? ??????, ?????? ??
????????? ??? ?? ?????? ?? ?????? ?????????? ?????????? ??????. ???????, ???
?????? ???, ?????????? ??? ? ?????? ??? ?????? ?????? ?? ?????????? ????????????,
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ???, ???.

40 ????? ?????, ??????? ?????????????????? ?????????? ?? ?????? ?? ????? ?????? ?????? ???????
????? ?????? ?? ?????????? ?????????? ??? ??????? ?? ?????? ?????????????? ?? ??????????
?? ??? ? ??? ??? ?????? ???????, ??? ???????????, ??????, ??? ?????? ??????????
?? ???????????.

41 ??????????, ??????????? ??? ? ?????????? ??? ?????????? ??? ??????????, ? ??????
????? ??? ??? ????? ?????? ?????? ??? ?????????????? ???, ? ?????????? ?????? ???
????? ?????????? ?? ?????? ???????? ??? ?? ?????? ??? ?????? ?????? ??? ??????
????? ?????? ?????, ???' ?????, ??? ?????????? ??? ??? ?????? ??? ??????????
????????? ??? ?? ??? ?????????????? ?????????? (??., ???' ?????????, ??????? ??? 10??
????????? 2011, The Rank Group, C?259/10 ??? C?260/10, EU:C:2011:719, ?????? 46 ???
51).

42 ???????, ?? ?????? ??? ?????????????? ?? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
?????? ??????? ??? ?? ??????? ?? ?????? ?????????????? ??? ?????? ??? ?????? 135,
?????????? 1, ??????? ??, ??? ?????? 2006/112 ?????, ???' ?????, ??? ?????????? ???
?????? ??? ?????? ???????, ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ???
?? ?????????? ?????????????? ??? ?? ?????? ??? ?????? ??????????, ??? ?????? ???
?????????? ??? ??????? ???.

43 ?????????????? ??? ????? ???? ?????????????? ??? ????? ??????? 28 ??? 42 ??? ?????????
?????????, ??????????, ?? ?????? ?????, ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????? ??????????, ??? ?????????????? ??? ?????????? ??? ?????????? ???
? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
?????????????. ??????????, ??? ?????? ?????????? ?????????? ??? ?????????? ??? ??????????
?????????????, ?????????? ??? ?????? ?????? ?????? ?????????, ?? ? ?????? ??? ?????? ?????? ?????
??? ?? ??? ???.

44 ??? ??????????, ??? ?????? ??? ?????? ?????????? ?????????????? ?????????? ?????? ?? ?????? ?
????????? ??? ?? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? 2006/112, ??
????????? ?? ??? ?????? ?????? ?????????????? ??????????????, ??? ??? ?????? ?????? ??? ???
????????? ?? ?????? ?????? ?????? ?????? ?????????? ?????????????? ?????????????? ????,
??????, ??? ?????? ?????? ?????? ?????? ??????????, ???, ???????, ??? ?????????? ??? ??? ???
????????? ??? ?????? ?????? ?????????? ?????? ??????????, ?????????? ?? ?????? ??? ?????? ??? ???
????????? ??? ??? ??? ?????? ?????????? ??? ?????? ??????, ?????? ?? ?????????????? ???
????????? ?????? ??? ??? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ???
?????????.

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

45 ?? ?? ?????? ?????????????? ???????, ?? ?????? ?????????? ??????, ???' ??????, ??
????????????? ?? ? ??? ?????? ?????? ?????????? ?????????????? ??? ?????????????? ??? ?????? 4,
????????? 3, ???, ?? ?????????? ?? ?? ?????? 267 ????, ??? ?????? 2006/112 ??? ?? ??? ???
??? ?????????????????????, ??? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??
????????? ??? ?????????? ?? ?????? ?????? ?????? ?????? ?? ?????????? ?????? ?????? ?????? ??? ???
????????? ??? ?????????? ?? ?????? ?????? ?? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ???
????????? ?? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ??? ??? ??? ??????.

46 ??? ?????? ??????????, ??? ?????? ??? ?????????? ?????????????? ?????????? ???
????????? ?????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ?? ?????? 267 ????, ???
????????? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?? ???
????????? ?? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ???
????, ?? ?????????? ?????? ?? ??????????????, ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ?????? ?????? [?????? ??? 16?? ?????? 2024, Toplofikatsia Sofia (?????? ???
????????? ??? ??????????), C?222/23, EU:C:2024:405, ????? 63 ??? ?????? ?????????????? ???
?????????].

47 ??? ??????, ?? ?????????? ??????, ?????????? ?????? ?? ?????????? ??? ?????? ???
??? ?????? ????, ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??
?????????, ??? ?????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? [????????? ??? 21?? ??????
2024, Dyrektor Izby Administracji Skarbowej w Bydgoszczy (????????? ?????????? ??
????????? ?????????? ??????????), C?606/22, EU:C:2024:255, ????? 20 ??? ???
????????????? ??????????].

48 ?? ??????????, ?????? ?? ?????? ?????????? ?????? ?????? ??? ?????????? ???
????????? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ???
????????? ?? ?????? ???, ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???

? ?????????? ??????????? ? ??????????? ?? ???? 135, ?????????? 1, ?????????? ?, ???
?????? 2006/112, ??????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ??????????
???????????????, ??????? ?????????? ???? ????? ?????????? ?? ???? ?? ???? ??????????
?????????? ?? ???? ?????? ?????? ?????? ????? ?????????? ?????????? ??? ??????? ?? ???? ??????????
??????, ??? ?????? ??? ?? ?????????? ?????? ?????????? ?? ???? ?? ???? ?? ???? ?????? ???
?????????.

49 ?? ??? ?? ??????, ???????, ???????, ??? ?? ?????? ?????????? ?? ???? ??????,
???? ??????? ?? ???? ?????, ?? ??????? ?????? ?? ???? ?? ???? ?? ???? ???????????
?????????? ?? ???? ?????? ?????, ???, ??????????, ?? ?????????? ?? ???? ?????? ??? ??????????? ?? ?
????????? ?? ???? ?? ???? ?????? ?????? ?????? ?? ???? ?? ???? ?? ???? ?????? ?? ???? ?????? ??????
?????? ??????????? ?? ???? ?? ???? ?????? ?????? ?????? ?????? ?????? ?? ???? ?? ???? ?? ???? ?? ?
?????? ? ? ???? ?????????? ???.

50 ??? ??? ??????? ?? ???? , ?? ?????? ?????????? ?? ???? ?? ???? ???????????
?? ???? ?????? ?? , ?? ???, ?? ?????? ?????????? ?? , ??' ?????, ?? ??????????????
?? ???? ??? ?????????? ?? ???? ?????? ?? ???? 4, ?????????? 3, ??
??? ???? ??? ?????? ?? ???? ?????? ?? ???? ?????? ?????????? ?? ???? ?????? ?????? ??
????? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 135,
????????? 1, ??????? ?? , ??? ?????? 2006/112, ?????????? ?? ???? ?????? ?? ???? ?? ???? ??
??? ?????????? ?? ???? ?????? , ??? ?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ?????? ??
?????? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ?
????????? ?? ???? ?????? ?? ???? ?????? ?? .

51 ??? ??? ?????? ??????? ?? ???? ?????????? ?? , ??????? ?? ???? ?? ?
????????? ?????????? ?? ???? ?????? ?? ???? 4, ?????????? 3, ??, ?? ???
??? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ??????
??? ?????? ?? ???? ?? ???? ?????? ?? ???? ?????? ?? , ??? ?????? ?? ???? ?????????? ?? , ???
????? ?? ???? ?????? ?? ???? (?????? ?? 5?? ?????? 2023, Osteopathie Van
Hauwermeiren, C?355/22, EU:C:2023:737, ??? 27 ??? ?????????????? ??????????).

52 ?? ?? ??????, ??? ??????????? ?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ??
?????? ?? ??????, ?? ?????? ?? ?????? ?????? ?????? ?????? ?????????? ?? ???? ?? ???? ??????
????????? ?? ?????? ?????? , ??? ?????? ?????? ?? ???? ?????? ?????? ?? ???? ?? ???? ?????? ??
????????? ?? ???? ?? ?????? ?? ???? ?????? ?? ???? ?????? ?????? ?? ???? ?? ???? ?????? ?? ?
????? ?????????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ???? ?????? ?? ?
????? (?????? ?? 5?? ?????? 2023, Osteopathie Van Hauwermeiren, C?355/22,
EU:C:2023:737, ??? 28 ??? ?????????????? ??????????).

53 ??????????????? ?????? ??? ? ??? ????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????????
????? ?????? ???????, ??? ?????? ??? ?????????? ?? ?????????? ?? ??????????, ??? ??????? ???
????????????? ???, ??? ?????? ??? ?????? ?? ?????????? ??? ???????, ??? ??????????, ?? ?????????? ???
????? ??????? ???, ??? ?????? ??? ?????? ?? ?????????? ??? ???????, ??? ?????????, ?? ?????????? ???
????? ???????, ?? ?????????? ??? ?????? ?? ?????????? ?????????????? ??? ?????????? ???
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????, ?????????????? ??????????????
?? ?????? ?? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????, ??? ???
?????????????, ? ??? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???
?????????, ??? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????????? ?????????? [????????? ??? 22? ?????????? 2022, RS (?????????)
?? ?????????? ?????????? ??????], C?430/21, EU:C:2022:99, ??? 53 ??? ???
????????????? ??????????].

54 ???????, ?? ?????? 135, ??????????? 1, ?????????? ?, ??? ??????? 2006/112 ????.
?????????? (??, ???' ????????, ??????? ?? 10?? ??????? 2011, The Rank Group,
C?259/10 ?? C?260/10, EU:C:2011:719, ??? 69 ??? ??? ?????????????? ????.).

55 ???????, ??? ?????????????? ??? ??? 25 ??? ?????????? ??????????, ? ?? ??? ??????
?????? ?????? ??? ?????? ??? ?????????? ?????????? ?????????? ??? ?????????? ?????? ??? ????
????? ?????????? ?? ?????????????? ??? ?? ??? ????? ??? ?????????????? ??? ??? ?? ??? ?????
????????? ??? ??? ???.

56 ???????, ?? ??????? ??? ?? ?????? ??? ??????????????, ???????? ??????????? ???????,
?????????? ??????????? ??? ?????????? ??? ?????????? ?????? ?????? ??????????? ?? ???????????
?? ?? ??????? ??? ??????????? ??? ?? ?????????? ?????????? [?????. ?????????? ?? 9??
????????? 2014, Traum, C?492/13, EU:C:2014:2267, ??? 47, ??? 8?? ?????? 2022,
Bezirkshauptmannschaft Hartberg-Fürstenfeld (????? ??????????), C?205/20, EU:C:2022:168,
????? 30, ??? ?? 27?? ??????? 2023, M.D. (?????????? ??????? ??? ???????),
C?528/21, EU:C:2023:341, ??? 98].

57 ???????, ?? ??? ???? ?? ?? ?????????????? ?????????????? ??????????????, ?????? ?????, ???
??? ??? ???? ?? ?????????????? ??????????????. ??????????????, ?? ?????????????? ?????? ???, ???
?? ?????????????? ? ?? ??? ???? ?? ??? ???? ?????? ?????? ?????? ?? ?????????????? ???
????????? ??? ?????? ?????? ??? ??? ??? ?????????????? ??? ?????? ??? ?????????????? ???
?????????????, ?? ?? ??? ???? ?????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????????????? ???
? ??? ?????? ??? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????????????? ?????? ??????
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? 2006/112 (????).
????? ??? 10?? ?????????? 2011, The Rank Group, C?259/10 ??? C?260/10, EU:C:2011:719,
????? 68).

58 ?????????????? ?????????? ??? ????? ?? ?????????? ??????, ???' ?????????? ??? ???
????????????? ??? ?????? ?????????? ???????, ?? ?????????? ??? ?????? ??? ?????? ???
??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????????? ??? ?????? ?? ??????????. ??? ?????? ?????? ?????????? ??? ??????????
????????????? ??? ?? ?????? ??? ?????????? ??????? ??? ?????? ??? ?????? ??? ??????
?? ?????? ??? ?? ??? ?????? ?? ??? ?????? ?? ?????? ??? ?????????? ?????????? ??? ??
????????? ?????? (??????? ??? 5?? ?????????? 2023, Osteopathie Van Hauwermeiren,
C?355/22, EU:C:2023:737, ??? 30 ??? ??? ?????????? ??? ??????????).

59 ? ??????? ?? ? ?????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??

?????????????, ??? ??????????????, ??? ?????????? ??? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? (?????? ?? 5?? ??????? 2023, Osteopathie Van Hauwermeiren, C?355/22,
EU:C:2023:737, ??? 31 ??? ??? ?????????????? ??????????).

60 ????????, ? ??? ???? ?????????? ?????????? ??? ?????? ?????? ?????? ?? ?????
????????????? ??? ??????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??
????? ??? ??????? ?????? ?????????????, ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??
????????? ??????? ??? ??????? ?????????????? ??????????????, ??????? ??? ?????? ?? ?????? ?
????????? ??? ?????????????? ?????? ??? ?? ?????? ??????????, ??? ?????? ?????? ??? ??????
?????????????????, ?????????? ?? ?????????????? ?????? ?????? (????. ?????? ??
19?? ?????????? 2009, Filipiak, C?314/08, EU:C:2009:719, ????? 85).

61 ?? ??????????? ???. ???. ???. ?????????????? ???. ???. ???. ??????. ??????????? ???. ???.
?????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???.
?????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???.
?????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???.
?????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???.
?????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???. ???. ??????. ???.
5?? ??????. 2010, Elchinov, C?173/09, EU:C:2010:581, ????. 30).

62 ?????????????? ?????? ??? ????????????????, ??? ?????? ?????????????? ?????? ?????? ??
????? ? ???????? ??? ? ???? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ???? 4,
????????? 3, ??? ??? ? ???? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????? ?????? ?? ?????? ?????????? ?????????? ?????????? ??? ?????????? ?? ??????????
????? ?? ?????? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112, ?????????? ??
????????? ?? ??? ??? ?????? ??? ?????????? ??????????????, ?????? ?? ?????? ?????? ?????? ??
????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ?????? ??? ??????
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63 ?? ?? ??????? ?????????????? ???????, ?? ?????? ?????????????? ??????, ???' ??????, ??
????????????? ?? ? ???? ?? ?????????? ?????????????? ?????????????? ??? ?????????????? ??? ???? 4,
????????? 3, ???, ?? ?????????? ?? ?? ?????? 267 ????, ??? ?????? 2006/112, ??? ???? ???
????????????????? ??? ?? ?????? ?????? ??? ?????? ??? ??????, ??? ?? ??? ????
??? ?????????? ??????????????, ?????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
???? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ???
????? ??? ?????? 135, ?????????? 1, ??????? ?, ??? ?????????? ???.

64 ?? ???????????, ??? ??? ??????? ??? ?????????????? ??????????? ???, ?? ?? ???????
????????????? ???????, ?? ?????? ??????????? ?????? ?? ?????????????? ??, ??? ???????????
???? ?? ????? ??????????? ?? 135, ?????????? 1, ?????????? ??, ??? ???????
2006/112, ?? ?????????? ?? ??? ??? ??? ?????????? ??????????????, ??????????? ??
?????? ?? ????? ?????? ??? ?????? ?????? ?????? ???????, ?? ?????????????? ?? ???????
????? ?? ????? ?????? ??????? ??? ?????? ??? ??? ??????????? ?????? ???.

65 ????????, ?? ?? ??? ?????????????? ??????? ??????? ?? ????? ????? ?? ????? ??
????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ???????????
????????????? (??., ??' ???????, ??????? ?? 6?? ??????????? 2011, Lady & Kid ?.??.,
C?398/09, EU:C:2011:540).

66 ??? ??? ?????????? ??????. ??? ?????????????????? ?????? ??? ?????????????? ??? ?????

46 ??? 47 ??? ???????? ?????????? ???????????, ?? ??????? ?????????????? ??????? ??????
?? ?????????????? ??? ?? ?????? ???, ?? ???, ?? ?????? ?????????? ??????, ???' ??????,
?? ?????????????? ?? ?? ??????? ??? ??????? ?? ?????? ??????? ?? ??? ?????????? ??
????????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ???
????????? ?????????? ??? ?????? ??? ??? ? ?????? ?????????? ??? ?????? ?????? ???
????????? ??? ?????? 135, ?????????? 1, ??? ?????? ?, ??? ?????? 2006/112.

68 ????????, ??? ?????????????? ?????????????? ??? ?????????????? ?????????????? ??????????????
????? ?? ?????????????? ?? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????? ??? ?????? ???
?????, ?? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????
??? ?????????????? ? ??????, ??????, ?????????? ??? ??? ??? ??? ?????? (??????? ??? 16??
????? 2013, Alakor Gabonatermel? és Forgalmazó, C?191/12, EU:C:2013:315, ??? 24 ???
??? ?????????????? ??????????).

69 ??????????, ???' ???????, ????? ?????? ???????????? ??? ?????????????? ?????????????? ??????????????
??????, ?????? ?????????? ?????????????? ?????????????? ??? ?????????? ??? ?? ??????????.
????????, ? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ?????????? ??? ??? ?????? ? ??????
???? ??? ?????? ??? ?????????? ??? ?????????? ??? ???????, ????? ??? ??????????
????????????? ??? ????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????????? ??? ????? ?????????? ??? ? ?????? ??? ?????? ??? ?? ??? ?????? ?????????? ??? ?????????? ???
?? ??? ?????????? ?? ??? ????? ?????????? ??? ????? [????. ?????????? ??? 16?? ???]
2013, Alakor Gabonatermel? és Forgalmazó, C?191/12, EU:C:2013:315, ????? 25, ??? ??? 21??
??????? 2024, Dyrektor Izby Administracji Skarbowej w Bydgoszczy (?????????? ?????????? ??
????????? ?????????? ??????????), C?606/22, EU:C:2024:255, ?????? 34 ??? 35].

70 ? ??????? ???. ??????, ??????, ?? ?????????????? ??????????????, ?????????????? ???.
????? ???. ?????????? ???. ? ?????????? ?????? ???. ?????? ?????????? ???. ?????? ???.
????????? ???. ?????????? ?????????? ???. ?????? ???. ?????? ???. ?????? ???.
(???. ?????? ???. 2?? ?????? 2003, Weber's Wine World ??., C?147/01, EU:C:2003:533,
????? 95).

71 ????????, ??? ???? ?????? ?????????? ?????? ??? ?????? ?????????????? ??? ?
????????? ?????????? ??? ?????????????? ?? ?????? ?????????? ?, ? ?????????? ??? ???
????????????? ??? ?????????????? ???' ?????? ??? ?????????????? ?????????? ???,
????????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?? ???
????????? ??? ?????????? ?? ?? ?????? ??? ?????? ??? ?????????? ??? [????. ??????????
??? 6?? ?????????? 2011, Lady & Kid ?.??., C?398/09, EU:C:2011:540, ??? 21, ??? ???
21?? ?????? 2024, Dyrektor Izby Administracji Skarbowej w Bydgoszczy (?????????
????????? ?? ?????????? ?????????? ??????????), C?606/22, EU:C:2024:255, ??? 28].

72 ?????????????? ?????? ??? ? ?????? ??? ? ?????? ??? ? ?????? ?????????????? ??????????

????????? ??????????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????????? ?????????? [???].
????????? ??? 10?? ?????????? 2008, Marks & Spencer, C?309/06, EU:C:2008:211, ?????? 43,
??? ??? 21?? ?????????? 2024, Dyrektor Izby Administracji Skarbowej w Bydgoszczy (?????????????
????????? ?? ?????????? ?????????? ?????????? ??????????), C?606/22, EU:C:2024:255, ?????? 38].

73 ??????????, ??? ?????? ?????????????? ??????? ?????? ?? ?????? ? ?????????? ??? ??
????????? ??? ??????? ??? ?????? ??????? ?? ??? ?????????? ??? ??????????????
????????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ?????? ??????????
????????? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ?? ?????? ?????? ?????? ??????????
????? 135, ?????????? 1, ?????????? ?, ??? ?????? 2006/112, ??? ??? ?????????? ??? ?
????????? ??? ??? ?????????????? ?????????????? ?????????? ??? ?? ??? ?????? ?????????????? ???
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??? ??? ?????? ?????????????? ??????????

74 ?? ?? ??? ?????? ?????????????? ???????, ?? ?????? ??????? ?? ?????????? ??? ?? ??? ??
????????????? ???????, ?? ?????? ?????????? ?????, ???' ??????, ?? ?????????????? ??
????????? ??? ?????? ?????? ?? ?????????? ??? ??? ?????????? ??? ?????????????? ???
????????? ??? ?????????? ??? ??? ?????????? ?????????? ?????????? ?????????????? ???, ???
????????? ?????????????? ??? ?? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??????, ???
??? ?????????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?
????? ??? ?? ??? ?????? ?????????????? ??? ??? ??? ?????? ??? ?????????? ???, ??? ?
??? ??? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
?????????.

75 ?? ??????????, ??? ??? ?????? ??? ?????????????? ?????????? ??? ?? ???
????????????? ?????? ?? ?????? ??? ?????????? ??? ?????????? ?????????????? ???, ???
?????????????, ??? ?????????? ??? ?????? ?? ?????? ?????????? ??? ?????????????? ???
? ?????????? ??? ??? ??? ?????? ?????? ?????????? ?????????????? ?????????? ??????
????????? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? 108, ?????????? 3, ???
?????????.

76 ??? ??? ??????? ????, ??? ?????????????? ?????? ??? ?????????????? ??? ??
46 ??? 47 ??? ??????? ?????????? ???????????, ?? ??? ?????? ?????????????? ?????? ???
????????????? ??? ??? ?????? ???, ?? ???, ?? ?????? ?????????? ???, ???' ??????, ??
????????????? ?? ?? ??? 108, ?????????? 3, ??? ??? ?????? ??? ?????? ???, ??? ?
??? ??? ??? ??? ?????? ?????? ?????????? ?????????????? ?????????? ?????????? ??????
?????????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
?????, ??? ?? ??? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??????????.

77 ??????, ?????????? ???, ??????, ?? ?????? ?????????? ?????????? ?? ??????????
??? ?? ??????????, ??? ?? ?????? ??? ?????, ??? ?? ?????????? ?????????? ??? ??????
108, ?????????? 3, ?????????? ??????, ???, ??? ?????? ??? ?? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ???
??? ?????????? ????, ?? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???,
???? ???????, ?? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ???
????????? ?? ??? ?????????????? ?? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ???
(????????? ??? 5?? ?????? 2019, Eesti Pagar, C?349/17, EU:C:2019:172, ??? 89 ??? ???
????????????? ??????????).

78 ?????? ??????, ??????, ??? ?????? ?????????? ?? ?????? ?? ?????????? ???

????????? ?????????????? ?????? ?????????????? ??? ???? ?????????? ?????????? ??? ????
????????? (?????? ?? 5?? ??????? 2006, Transalpine Ölleitung in Österreich, C?368/04,
EU:C:2006:644, ??? 56).

79 ????????, ??? ?????? ??? ?????????? ???, ?? ?????? ?????????? ?????????? ??
?????? ?????? ?????? ?????????????? ??? ?????? ??? ?????????? ?????????????? ???
????????? ??? ?????? ?????????? ?????? (?????? ?? 23?? ?????????? 2019,
Fallimento Traghetti del Mediterraneo, C?387/17, EU:C:2019:51, ??? 56).

80 ??? ?????, ? ?????????? ?????????? ??????????, ??? ?? ?????? ??? ?????? ???
?????? ??? ?????? ??? ?????????? ??????????, ??? ?????????? ??? ??? ??? ??? ?????? ??
????????? ??? ?????????? ?????????? ?????? ??????????, ?? ?????????? ?? ??????????
???? ??? ?????? ?? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ???
????? ?????? ?????? ?????? ??????, ?????????? ?? ?????? ?? ?????????? ??? ???
????????? ??? ?????? (????. ??????? ?? 5?? ??????? 2006, Transalpine Ölleitung in
Österreich, C?368/04, EU:C:2006:644, ??? 51, ??? ?? 3?? ?????? 2020, Vodafone
Magyarország, C?75/18, EU:C:2020:139, ??? 24).

81 ??, ???, ?? ?????? ?????????? ?????? ??? ? ?????????? ??? ??? ??? ???
?????? ?????????? ?????????????? ?????? ?????? ?????????, ? ????????, ??? ?? ???
???????????, ?? ?????????? ??? ??? ? ?????? ?????????? ??? ??? ??? ??? ???
???? ??? ?????????? ??? ?? ??? ?????? ??? ?????????? ?? ?????????? ??? ??? ???
????????? ??? ??? ??? ?? ?????????? ?? ??? ?????????? ??? ?? ??? ??? ???.

82 ??? ???????, ??? ??? ?????????? ?????? ?? ?????? ?? ?????? ? ?????????? ??? ??
????? 108, ?????????? 3, ??? ??? ??? ?????? ???, ??? ? ?????????? ??? ??? ??? ???
????? ?????? ?????????? ?????????? ?????? ?????? ?????????? ?????????? ???????, ?
????????? ??? ??? ? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?? ??? ???, ??? ??
????? ????????????, ??? ??? ??? ??? ??? ??? ?????? ??????.

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

83 ?? ?? ?????? ?????????????? ???????, ?? ?????? ?????????? ???, ???' ??????, ??
????????????? ?? ?? ?????? 107 ??? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ??????
??? ??? ??? ??? ? ?????????? ??? ??? ?????????? ??? ??? ?????? ?????????? ?????????? ???
????????? ??? ?????????? ?????? ?????????? ?????? ?????????? ?????????? ??? ??? ??????????
?????.

84 ??? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?? ?????????????? ??? ??
????????? ??? ?????????? ?????????? ?????????? ??? ?????? ??? ?? ?????? ??? ??????????, ???
????? ????????????, ??? ?????????? ??? ??? ??? ?????? ?????????. ??????????, ??? ??? ??????
????? ??? ?????????? ??? ?? ??? ?????? ?????????? ?????? ?????????? ??????????.

85 ??? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????????????? ??????? ??????????
???, ??? ? ??????? ??? ??? ??? ?????? ?????? ?????? ?????????? ?????????????? ???????
?????? ????????, ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ???
????? ?? ???, ??? ?? ??? ?????? ????????????, ??? ??? ??? ?????? ??? ??? ??????.

86 ?? ?? ??????, ?????????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ??
??????, ??????? ? ?????????? ??? ?????? ?????????? ??????.

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

87 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ?????????? ??? ?????? ?????? ?????
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??????????, ?' ???
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ?????????? ??????
???? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ??? ?????????? ??? ??????????.

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

1) ?? ????? 135, ?????????? 1, ????????, ??, ??? ?????? 2006/112/? ?? ??
??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ??????? ??????
????????????? ????, ?? ?????????? ?? ??? ?????? ??? ?????????? ??????????????.

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

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

2) ? ??? ?????? 3, ??? ???? ???? ?????? 135, ?????????? 1, ????????, ??, ??? ?????? 2006/112,
?????????? ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??
????????????? ??? ?????? 108, ?????????? 3, ??? ???? ???? ?????? ???, ??? ???? ???? ???? ????
????????? ?? ?????? ?????? ?????? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? 2006/112,
????????????? ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??????????????, ??? ??
????? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??? ??
????????? ?????? ??????.

3) ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ?????? 135, ?????????? 1,
????????? ??, ??? ?????? 2006/112, ??? ??? ?????????? ??? ? ?????????? ??? ??
????????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??.

4) ?? ????? 108, ?????????? 3, ??? ???? ???? ?????? ???, ??? ???? ???? ???? ????
??? ??? ?????????? ??? (???) ??? ?????? ?????? ?????????? ?????????? ??????????
????????? ?????? ?????? ?????? ??????, ? ?????????? ?????? ??? ?????? ???? ? ?????? ??? ??????
????????? ?????? ??? ?????? ?? ??????, ??? ?? ?????? ?????????? ???, ??? ??
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(?????????)

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