

@import url(../../../../css/generic.css); EUR-Lex - 61987J0230 - EL

Avis juridique important

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61987J0230

?????? ??? ?????????? ??? 23?? ???????? 1988. - NATURALLY YOURS COSMETICS LTD ??? COMMISSIONERS OF CUSTOMS AND EXCISE. - ?????? ??? VALUE ADDED TAX TRIBUNAL ??? ???????? ??? ??? ????? ?????????????? ??????????. - ?????? ??????? ?????? ?????????????? ????? - ??? ?????????? ??? ????? - ?????????? ?????? ??? ?????? ??????????. - ??????? 230/87.

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((?????? 77/388 ??? ??????????, ??? 11, ??? ?, ??? ?????? 1, ??? ?????? ?)))

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????????? 1, ??? ?, ??? ?????? 77/388, ??? ???? ?????????? ??????????
????? ????, ?????????? ?? ?????? ?????? ?? ??? ???????, ??? ?????? ?????????? ???
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??? ????? ?? ??????????? ?????? ??? Value Added Tax Tribunal ??? ??????? ??? ??
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Naturally Yours Cosmetics Limited

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Commissioners of Customs and Excise,

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?????????? 1, ??????? ?), ??? ??????? 77/388 ??? ??????????, ??? 17?? ????? 1977, ???
????????????? ??? ?????????? ??? ?????? ??????, ??? ?????????? ?? ??? ????? ?????? ??????
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???. ??. 09/001, ?. 49),

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?????????? ??? ??? O. Due, ???????, T. Koopmans, R. Joliet ??? T. F. O'Higgins, ?????????
 ???????, ?. ?. ???????, F. A. Schockweiler ??? J. C. Moitinho de Almeida, ???????,

????????? ??????????: J. L. Da Cruz Vilaca

?????????: H. A. Ruehl, ?????? ?????????? ??????????

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

- ? ??????????????, ?????????????? ??? ??? David Vaughan, QC, ??? S. J. Berwin & Co.,
Solicitors,

- ? ?????????? ??????????, ??????????????? ??? ?? Sue Hay ??? ?????????????? ??? ???
John Mummery ??? Robert Jay, Barristers,

- ? ??????????? ????????, ?????????????? ??? ??? Luis Ines Fernandes, Maria Helena Brito ??? Arlindo Correia,

- ? ?????????? ??? ?????????? ??????????, ?????????????? ??? ??? *Johannes Foens Buhl,*

????????????? ??? ????? ???? ?????? ??? ??' ??????????? ?????????? ??? ?????????? ???
????????????? ??????????? ??? 21?? ?????? 1988,

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?? 14?? ?????? 1988,

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1 ?? ??????? ??? 13?? ?????? 1987, ??? ??????? ??? ?????????? ??? 29 ?????? 1987,
?? Value Added Tax Tribunal ??? ??????? ???????, ??????? ??? ?????? 177 ??? ???????
???, ??????????? ??????? ?? ??? ?????? ??? ??????? ??? ?????? 11, ?????? ?, ??????????? 1,
????????? ?), ??? ?????? ??????? ??? ?????????, ??? 17?? ????? 1977, ??? ???????????
?? ?????????? ??? ?????? ?????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? - ???
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49) (???: ? ??? ?????).

2 ??? ?? ??????? ??????? ??? ??????? ??????? ??? ?????? ??? ??????? Naturally Yours
Cosmetics Ltd (???: Naturally Yours) ??? Commissioners of Customs and Excise (???:
?? Commissioners) ??????? ?? ??? ??????? ??? Commissioners ??? ??????? ??????????
????????? ??????? ?? ??? ??????? ??? ??? ?? ??? 1984.

3 ??? ?? ??????? ??? ?????????? ??? ??????? ??? ?????? ??? Naturally Yours ?????? ??????
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????????? (????????? ???????), ??? ?????????? ?? ??? ?????? ??? ?????? (?????????)
?? ??? ??????? ?????????? ???????????, ??? ?? ??????? ??? ?????? ?? ?????????? ???
Naturally Yours ?????????? ??? ?????.

4 ?? ??????? ??? ??????? ??? ??????? ?? ?????? ??? Naturally Yours ?? ??????? ???
?? ??????, ??? ?? ??????? ??? ?????? ??? ???????????, ??? ?????? ??? ?????? ???
???????. ? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??????????? ??
?????????. ??? ?? ?????????? ??? ??????? ??? ?? ?????????? ?????????????? ??? ???
????????? ??? ??, ??? ?? ??? ?????? 24 ??? ?????? ???, ??? ?? ??? ??? ?? ???
????????? ??? ?? ?????? ?????????? ??? ?? ??????? ??? ?? ?????? ?????????? ???
?????????.

5 ??? ?? ?????????? ??? ??????? ??? ?? ??????? ??? ?? ?????? ??????????????, ?
????????? ??????? ??? ??????? ??? ??????? ??? ?? ??????? ??? ?????????? ?? ??? ??
????? ??? ?????? (?? Natural Oasis Rejuvenating Cream) ?? "????????? ???". '????? ???
?? ?????? ?????? ?????????????? ??? ?? ?????? ???, ? Naturally Yours ?? ?????? ???
????????? ??????? ??? ?? 1,50 ??? ?????? (U?L), ??? ?? ?????????? ???
????????? ??????? ??? ?? 10,14 U?L.

6 ?? Commissioners ??????? ??? ?????????? ??? ?? ??????? ??? ?? ?????? 1984 ?? ??? ??
????????? ??????? ??? 10,14 U?L ??? ?????? ???, ?????????????????? ???
?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?? ??? ?????? ?????????? ???
?????? ?????????? ??? ?????????? ??? ?????????? ???, ??? ?? ??? 10, ?????????? 3, ???
Value Added Tax Act ?? 1983, ?????? ??? ?????? "?? ? ?????? ??? ?????? ???
????????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????????, ?? ??? ??
????????? ? ??????? ???". ? Naturally Yours ?????? ??? ?? ?????? ???

????????? ??? 11, ?????? ?, ??????????? 1, ???????? ?), ??? ????? ??????? ??? ??
? ??? ??????? ??? ?? ??? ?? ?????? ?? ?????? ? ??? ?? 1,50 U?L ??? ????? ??????????
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7 ?????????? ??? ?? ?? ??????? ??????? ?????? ?????????? ?? ????????????, ??
Value Added Tax Tribunal ??????? ?? ?????????? ?????? ?? ??????? ?? ?????????? ???????
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"???? ????? ??????? ?? 11, ????? ?, ??? ????? ?????? ?????? ??? ?????????? ????
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????????? (?????? 77/388/???) ??? 17?? ????? 1977), ??? ?????????? ??? ? ??????????
(???????????) ?????????? ??? (?? ??????) ?? ??? (???????????) ?????? ??????????
????????? (?????? ?????????? ???) ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??
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?) ????? ? ?????????????? ?????????????? ??? ?????????????? ? ?????????????????? ??? ?? ??????????

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?) ?? ???? ?????? ?? ?????? ?????? ?? ?????????????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
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?) ? ?????????? ?????????? ?????? ?? ??? ?????? ??? ?????????????? ??? ?????????????? ?
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?) ?????? ???. ???. ???. ???. ???. ???.;"

8 ????? ?????? ??? ??' ??????????? ?????? ?????????????? ?????????? ??
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9 ?? ?????? 11, ?????? ?, ?????????????? 1, ??? ?????? ??????? ??????:

"????? ?????????? ??? ?????? ?????? :

?) ??? ??? ?????????? ?????? ?? ???? ?????? ?????????? ... ?,????????? ?????????? ???
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?) .."

10 ??? ?? ??????????? ?? ??? 11, ????, ?, ?????????? 1, ??????? ?,), ??? ????, ??????,
?????, ??????????? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??? ??????
?????? 67/228 ??? ?????????? ??? 11?? ???????? 1967 ??? ?????????????? ???

? ?????????? ??? ?????? ??????, ??? ???????? ?? ??? ????? ?????? ?????? ?????? - ??????????
?? ?????? ?????????? ??? ?????? ?????????? ?????? ?????? ?????????????? ??? (?? ??. ??.
09/001, ?. 5) (?? ??: ? ?????? ?????), ?? ?????? ?????? ?????? ?????????? ??? ??????????
?????? ?? ?? ?????????? ?????.

11 ?????? ?? ?????????? ???, ??????? ?? ??? ?????? ??? 5?? ?????????? 1981
(Coooperatieve Aardappelenbewaarplaats, 154/80, ?????? 1981, ?. 445), ??? ?????? ???
????? ??? ??? ?????? ?????? ?????? ?, ?????? ?????????? ?? ?????????? ??? ?????? ???
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12 '????? ??? ?????? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??
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????? ?), ??? ?????? ??????.

13 ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ???
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14 ??' ?????, ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ? ?????? ?????? ???
Naturally Yours ?????????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
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????? ? Naturally Yours ?????? ?? ?????? ?? ?????? ?????? ?????? ??? ?????????? ??
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15 ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??
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16 ?????? ?? ?????????? ??' ?????? ??? ?? ??? ?????????? ?????? ?????? ??? 5??
????????? 1981 ?????? ???, ?????, ? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????????? ??
????? ??, ?????? , ??? ?????? ?????????? ???, ?????? ? ??? ?????? ?????? ??? ??
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17 ??? ?????????? ?????? , ?? ?????????? ?????? ??? ?????? ?????? ??? ?????? ???
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????. ??? ?????? ?????? , ?????? ?????? ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ???
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18 ???????, ?????? ?? ???? ??? ?????????????? ? ?????????? ??? ?? ?????? 11, ?????? ?,
?????????? 1, ??????? ?), ??? ?????? ??????? ??? ?????? ???, ??? ??????
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(?????????????) ?????? ?????????? ?????????? (????? ?????????? ???) ??????????
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??????????, ??? ?????? ??? ?????????? ?? ?????????? ?? ?????? ??? ?????? ??? ??
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19 ?? ??? ?????? ??? ?????? ?????????????? ? ?????????? ??????????, ? ?????????????? ?????????? ???
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?? ?????? ?????? ??? ?????????? ?????????????? ??? ?????? ?????? ?????? ??? ??????
??????????, ?' ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ???.

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?? ?????? ??? 13?? ?????? 1987, ???????????:

?? ?????? 11, ?????? ?, ??????????? 1, ??????? ?), ??? ????? ??????? ??? ?? ?????? ??,
????? ???? ??????????? (???????????) ??????? ?????? (?? ??????) ?? ???? ??????
(???????????) ?????? ?????????? ?????????? (?????? ?????????? ???) ??????????
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?????, ??? ?? ?????????? ??????? ?? ?????????? ??? ?????????? ??? ?????????? ?? ??????????????
?? ?????? ???? ??? ??????? ? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????????
??????????, ??? ?????? ? ??????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????
?????????? ??? ??????????? ?? ?????? ??? ???????????, ??? ?? ??? ?????????????? ?
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