

@import url(../../../../css/generic.css); EUR-Lex - 61993J0033 - EL

Avis juridique important

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61993J0033

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COMMISSIONERS OF CUSTOMS AND EXCISE. - ?????? ??? ?? ?????? ??????????????????
?????????: VALUE ADDED TAX TRIBUNAL, MANCHESTER - ??????? ??????????. - ??? - ???
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????????????? ?????? ?? ??? ?????????? ??? ?????? ?? ?????????? ?? ?????? * ??????????
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????????? ?? ??? ?????????? * ??? ??????, ??? ??? ??????????, ??? ?????????????? ??? ??????????
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(?????? 77/388 ??? ??????????, ????? 11 ? PAR 1, ??????. ?')

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? ?????????? ??? ?????????? ?????????? ??? ??? ?????????? ? ??? ?????????? ???
????? ??? ?????? ?? ?????? ?? ?????? 11 ?, ?????????? 1, ?????????? ?', ??? ?????? ??????
77/388, ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ??? ?????? ?????????? ??? ?? ??? ??? ?????? ?????? ?????? ???
????????? ?? ?????? ???? ?????? ??? ?????? ?????? ?????????? ??? ??? ?????? ?????? ???
????????? ?????? ??????, ?? ??? ?????????? ?? ?????????? ??? ?????? ?????????? ???
?????, ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
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????????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ???.

? ???? 11 ?, ?????????? 1, ?????????? ?', ???, ???????, ??? ?????? ??? ? ??? ?????? ???
?? ???? ??? ?? ?????????? ?? ? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ??? ?????? ???,
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(????????? ??????), ??? ?? ??????????, ???' ?????????? ??? ?????? 177 ??? ?????? ???,
?? ??? ?????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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Empire Stores Ltd

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Commissioners of Customs and Excise,

z? ?????? ?????????? ??? ?? ??? ??? ?????? ??? ?? ?????? 11 ?, ?????????? 1,
????? ?', ??? ?????? ?????? 77/388/???, ??? ??????????, ??? 17?? ?????? 1977, ???
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
????????? - ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ??? (??
???. ???, 09/001, ?. 49),

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

????????? ??? ??? G. F. Mancini, ?????? ???????, ?. ?. ??????, F. A. Schockweiler
(??????), P. J. G. Kapteyn ??? J. L. Murray, ???????,

????????? ??????????: W. Van Gerven

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

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- ? Empire Stores Ltd, ?????????? ??? ?? Rosamond J. Marshall Smith ??? ??? David
Milne, QC,

- ? ?????????? ??? ??????? ??????????, ?????????????? ??? ?? John D. Colahan, ??? Treasury Solicitor's Department, ?????????????? ??? ?? Stephen Richards, barrister,

- ? ?????????? ???????, ?????????????? ??? ?? Luis Fermandes, ?????????? ??? ?????? ??????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ?????????? ??? Angelo Cortesao Seica Neves, ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ?? Arlindo Correia, ?????? ?????????? ?????????? ??? ?????????? ?????????? ??? ?? Maria Teresa Lemos, ?????? ??? ?????????? ?????????? ??? ??,

- ? ??????? ??? ?????????? ?????????? ??? ?????????? ??? ?? Thomas F. Cusack, ?????? ???????, ??? Enrico Traversa, ?????? ??? ?????? ?????????? ??? ??,

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????? ?????? ??? ?????????? ?????????? ??? ?? Empire Stores Ltd, ??? ?????????? ??? ?????? ?????? ?????????? ??? ?? John D. Colahan, ?????????? ??? ?? Sarah Lee, barrister, ??? ?? ?????????? ??? ?? ?????????? ?????????? ??? ?? ?????????? ??? ?? 3?? ?????????? 1994,

????? ?????? ??? ?????? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ?? ?????????? ??? ?? 16?? ?????? 1994,

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1 ?? ?????? ??? 14?? ?????????? 1993, ??? ?????? ??? ?????????? ??? ?? 4 ?????????? ??? ?????? ??? ?? Value Added Tax Tribunals, Manchester Tribunal Centre, ???????, ??????? ??? ?????? 177 ?? ??????? ???, ??? ?????????? ?????????? ?? ?????? ?? ??? ?????? ??? ?????????? ??? ?????? 11 ?, ?????????? 1, ?????? ?', ??? ?????? ?????? 77/388/??? ?? ??? ?????????? ??? ?? 17?? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? - ?????? ?????? ?????? ?????????????? ?????: ?????? ?????????? ??? ?????????? ??? (?? ????. ??? 09/001, ?. 49, ??? ????: ??? ??????).

2 ?? ?????????? ??? ??????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ??????? Empire Stores Ltd (???: Empire Stores) ??? ?? ?????? Commissioners of Customs and Excise (???: Commissioners) ??????? ?? ??? ?????? ?????????? ???????, ?? ??? ?????? ?????????? ? ?? ??? ?????? ? Empire Stores ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

3 ? Empire Stores ?????? ?????????? ?????????? ??' ?????????? ??? ?? ?????? ?????????? . ? ?????????? ??? ?????????? ?????? ??? ?????? . ??? ?? ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???, ? Empire Stores ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????.

4 ??? ?????? ??? ?????? ???, ??? ?????? ?????? ?? ?????? ?????????? , ? Empire Stores ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????.

? ??????????? ?? ??????????? ? ??????????? ????, ???? ?????????? ???? ???? Empire Stores
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????????? ??????, ???? ?????? ?????? ?? ?????? ?????? ?????????? ?????? , ? Empire Stores ??????????
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????? ?????????? ???? ???? ?????????? ?????? ???? ?????????? ?????? ???? ?????????? ?????????? ?? ??????,
????? ???? ???? Empire Stores ???? ?????????? ???? ???? ?????? ???? ?????? ???? ?????????? ????
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5 ?????????? ???? ?????????????????? ???????, ? Empire Stores ?????????? ???? ???? ???? ??
????????? ???? ?????????? ?????? ???? ?????? ??????. ?? Commissioners ?????????? ???? ?? ???
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????? ???? ?????? ????, ??????? ???? ???? ???? ???? ?????? ? Empire Stores ???? ?? ???? ????
?? ???? ?????????????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ????
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6 ? Empire Stores ?????????? ???? ???? ?????? ?????? ?????? ?????? ??? Value Added Tax
Tribunals, Manchester Tribunal Centre, ???? ?? ??????? ??? 17?? ??????? 1992 ?????? ???
?? ?????????? ?????? ?? ?????? ?????? ???? ?? ?????????? ?? ?????????? ?????? ??????????
?????, ?????????? ???? ?? ???????: '????? ? ??? ?????????? ?? ?????????? ??????, ??????, ??
????????? ???? ???? ?????????? ???? ?? ?????????? ?' ???? ???? ?????? ??????????
????????? ?' ???? ?? ?????? ???? ?????????? ??????????. ???????, ?????????? ???? ???
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????????? ???? ???? ??????, ?????????? ?? ?????????? ??????????, ???? ???? ??????????
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????? ???? ???? ???? ?????? ???? ?????????? ?????????? (...)

7 ??? 14 ?????????? 1992, ? Empire Stores ?????? ?????? ??????, ?????? ?? ??????
????????? ?????? ???? ?? ?????????? ?????? ?? ?????????? ?????? ?? ?????????? ?????? ?? ??????
?? tribunal ?? ?????? ?????? ?? ?????????? ???? ?????????? ???? ?????????? ?? ??????????
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??? ???? ?????? ???? ?????? 11 ?, ?????????? 1, ??????? ?' , ???? ???? ?????? ?????? ????
????????? ???? ?????? ???? ?????? ?????, ???? ?????? ?? ???? ?????? ?????? ??????
????????? (????? 77/388/??? ?? 17?? ????? 1977), ?????? ???? ??????????
????????????? ?? ?????? ?????????????? ?????????? ?????? ?????????? (' ??????????
????? ?????? ??????????') ?????????? ?????? ???? ???? ?????? ??????
????????????? ?????????? ???? ?????????? ?????? ???? ?? ?????? ?????? ?? ??????????
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i) ?????? ???? ?????? ?????? ?????? ?????? ?????????????? ?????????? ???? ???? ?????? ????
(????????? ?? ???? ???? ?????? ?????? ?????? ???), ? ?????????? ?????? ?????????? ???? ??????????
????????? ?' ???? ???? ?????? ?????? ?????? ???, ???? ???? ?????? ???? ??????, ???? ????
????????? ?????? ???? ???? ?????? ?????? ?????? ?????? ???? ???? ?????? ???, ?? ????
????? ?? ?????????? ???? ???? ?????? ?????? ?????? ?????? ???, ?????? ?? ??????
????? ?? ?????????? ?????? ???? ???? ?????? ?????? ?????? ???, ?????? ?? ??????
????? ?????? ?????? ?????? ?????? ???? ???? ?????? ?????? ???, ?????? ?? ??????
????? ?????? ?????? ?????? ???? ???? ?????? ?????? ???, ?????? ?? ??????

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

? ?????????? ?????? ?????????? ????????????, ??? ??? ?????? ?????????? ?? ???????? ??? ?????? ???
??????????, ??? ???? ? ?????????? ?????????? ??? ?????? ?????????????? ?????????????? ??? ???
??????????, ?? ?????? ?????? ?? ?????????????? ??? ??? ???? ?????????????? ??? ?????? ?????? ???,
?????? ? ?????????? ??? ?????? ?????? ?????????????? ?????? ?????? ?????? ?????????? ???,
????????? ??? ????????????, ?????????? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ??
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?? ?????? ? ?????????? ??? ???????? ??? ?????? ??? ?????? ?????????????? ?????????? ?? ??
????????????? ??? ?????? ?????? ?????????? (' ?????????? ??? ?????? ??????????'), ??? ??
????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ??
????????????? ???????;

1) ?????????? ?? ??? ?????? ?????????? ?????????? ?????? ?????? ?????????????? ?????????? ?? ??
?? ?????????? ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????????? ?? ?????? ?????????? ??
?? ??? ???????????;

2) ?? ?????????? ?????????? ?????????? ??? ?????? 1, ??? ?????? ?? ?????????? ? ???
????????? ??? ???; ?????? ? ??? ?????? ??? ??????:

i) ?? ?????? ??? ???????? ??? ?????????? ??? ?????? ?????????? ??? ?? ?????????? ?

ii) ? ??? ?????? ??? ?????? ? ?????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ??????????????
????? ?????? ??? (????????????? ??? ?????? ?? ?? ?????? ??? ?????? ?????? ?????????? ??? ??????
??? ??????????) ?

iii) ?????? ??? ??? ???, ?' ??? ??? ????????, ??? ???;

8 ?????? ?? ?????????? ?? ?????????? ??? ? ?????????? ?????? ?????? ?????????? ???
????????????? ??????????. ? ?????????? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ??? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? 177, ?????? ??????, ???
????????, ?????????? ??? ?? ?????? ?????????? ?????? ??? ?? ??? ?????? ??? ?????? ??? 27??
????????? 1992 ??? ?? ?????????? ??? Empire Stores ?????? ?? ?????? ?????? ??? ??
????????? ?? ?????????? ?????? ?????? ?????? ???.

9 ?????? ?? ?????????? ??????? ???, ??? ?????????? ??? ?????? ?????? 6 ??? 7 ??? ??????
????????, ?? ?????? ?????????? ?????????? ?? ??? ?????? ?? ?????? ??? ?????? ??? 17??
????????? 1992 ??? ?? ??? ??? 14 ?????????? 1993 ?????? ??? ?????????? ?????? ??
??? ?? ?????????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??
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10 ?? ?? ?????? ??????? ?? ?????? ?????????? ?????? ?? ?? ?????? 11 ?, ?????????? 1,
????? ?, ??? ?????? ??????? ??? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ??
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????????????? ??? ?????????? ??????, ?? ?????? ??? ?????????? ?????? ??? ?????? ??? ??
?? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
??? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ??? ?????? ?????? ?????? ???????????????, ?? ?????????? ?????????? ?????? ??? ??
????? ??????, ? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ???
?????????.

11 ?? ?????? 11 ?, ?????????? 1, ?????? ?, ??? ?????? ?????? ??????:

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

?) ??? ??? ?????????? ?????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? ?????? ?, ?' ??? ?, ? ?????? ?????? ??? ?????? ??? ?????? ??? ??

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

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(...)

12 ??? ???? ?????? ?? 23?? ?????????? 1988, 230/87, *Naturally Yours Cosmetics* (???????)
1988, ?. 6365, ?????? 11, 12 ?? 16) ?????????? ??? ? ?????????? ??? ??????????

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

????????? ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????? ?? ?????? 11 ?, ?????????? 1,
????? ?', ??? ?????? ??????, ?? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????? ???

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

13 ??????, ??? ??? ?????? ??? ?????????? ? Empire Stores ??? ?? ?????????? ???
?????????, ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???

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

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

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

??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Empire Stores.

14 ? ?????????? ??? ?????? ?????????? ??? ?? ?????? ??? ?? ?????????? ??? ?????? ???
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? introduce-a-friend scheme , ??

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

????????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Empire Stores.

15 ?? ?????????? ??? ??? ?????? ?? ?????????? ??? ? ?????????? ??? ?????????? ???
????????? ??? ?? ? Empire Stores ?? ?????? ?? ??? ?????????, ??? ??? ?????????? ???

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

? ?????? ?????????? ??? ?? ?????????? 15 ??? ?????????? ???, ?? ?????? ??? ?????? ???

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

????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? Empire Stores. ?????? ???

????? introduce-a-friend scheme ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????? ???

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

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16 ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???
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????? ???, ?? ??? ?????????? ? ?????? ???, ??? ? Empire Stores ??? ?????? ???

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17 ??????, ?????????? ??? ? Empire Stores ?????? ??? ?????????? ??? ?????? ?? ???

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18 '????? ???? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ???

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Yours Cosmetics (????? 16), ?? ?????????? ?????????? ??? ?? ?????????? ??? ?????? ???

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

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19 ? ???? ???, ??? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???

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

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? ?????????????? ?? ?????????? ????. '????? ??????????, ???? ???? ???? ????, ??? ????
?????? ?????, ? ???? ???? ??? ?????? ?? ?????? ??? ?????? ???? ???? ???? ???? ????
? ??????????? ???? ??? ?????????? ??? ?????? ??? ???????????, ?????? ?????????? ???????????,
?? ?????????? ???? ???? ?? ??? ?????? ??????. ???????, ??? ?????????? ?????? ????
?????? ?????????? ?????? ? ?????? ???? ???? 11 ?, ?????????? 1, ?????? ?', ???
????? ?????? ???? ??? ?????? ???? ??? ?????? ???? ???? ???? ???? ?????? ????
?????????? ???????, ?????? ?????? ?????????? ?? ?????? ?? ?????? ???? ???? ???????????
????? ?????? ???? ??? ?????? ?? ??? ?????? ???????, ?????????? ???? ???? ???? ??????
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20 ?? ?????? ??? ????? ?????????? ? ?????????? ??? ?????????? ?????????? ??? ?
????????? ?????? ??? ?????? ???? ??? ?????? ??? ?????????? ???????????, ?? ??????
????????? ?????????? ??? ???????????, ??? ?????????? ?????? ???? ? ??????
????????? ???? ?? ??? ?????? ??? ?????????? ??? ?????? ???? ?????????? ??????????????
??? ?????? ?????? ??? ?????? ???????????, ?' ??? ?????????? ???? ???? ?????? ????
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Value Added Tax Tribunals, Manchester Tribunal Centre, ???????????:

?? ????? 11 ?, ?????????? 1, ?????? ?', ??? ?????? ?????? 77/388/??? ??? ??????????, ???
17? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???? ?????? ??? ?????? ???
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