

@import url(../../../../css/generic.css); EUR-Lex - 61994J0317 - EL

**Avis juridique important**

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# 61994J0317

?????? ??? ?????????? (???? ?????) ??? 24?? ?????????? 1996. - Elida Gibbs Ltd ???  
Commissioners of Customs and Excise. - ?????? ??? ??? ?????? ?????????????? ??????????  
Value Added Tax Tribunal, London - ?????? ??????. - ?????? ?????????????? ????? - ???  
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????? C-317/94.

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?????? ?????? ?????????????? ????? \* ??? ?????????? ??? ?????? \* ??????? ?????????? ???  
????????? ?? ?????? ??????????, ??? ??? ??? ?????? ??? ??? ?????? ??????????, ??? ?? ??????  
??? ?????????? ?????? ?????????? ??????????, ?????? ??? ?????????????? ?????????? ??????????  
??? ??? ?????????? \* ?? ??? ?????? ??? ??????, ??? ?????? ??? ?????????? ??? ??????????  
????????? ? ??? ??? ??? ?? ?????? ??? ?????????? ??????????, ?????????? ?????????? ???  
????????? ?????? ???

(?????? 77/388 ??? ??????????, ??? 11 ? PAR 1, ????. ?', ??? 11 ? PAR 1)

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\* ??????? ?????????? ??????????, ??????? ?? ????????????, ??? ??? ?????? ???  
???????????, ??? ??? ??????????? ? ?? ?????? ??? ??? ?????? ??? ?????????? ????????, ?? ??  
????????? ?? ?????????? ??? ?????? ??? ??????, ??? ?????? ?????????? ?????????? ??? ??  
?????????, ?????? ?? ?????? ??? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ???  
????????? ?????????? ??? ? ?????????????? ??? ?????? ?????? ?? ?????? ?????? ??? "????  
?????????" ??' ?????? ??? ?????? ??????????, ? ?????? ?????????? ?? ?????? ?????? ???  
?????? ??? ??? ?????? ??? ??????????, ?? ?????????? ??? ?????????? ??? ?????????? ???

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

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\* ??? ??????? ?????????? ?????????? ??? ????????, ????? ?????????? ?? "????  
?????????" ??' ??????? ??? ????? ???????, ?? ? ? ?????? ?????????????? ??????????  
????? ?? ?????????? ??? ?????????? ?? ?????????? ?????? ?????? ?????? ??,  
????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ?? ??????????????  
?? ?????? ???????????, ?? ??????? ?? ? ? ?????????? ??? ?????????????? ?? ? ? ??????  
?? ?????????? ?? ?????????????? ???, ??? ?????????? ?????? ?????? ??? ?????? ??????  
?? ?????? ???????, ??????? ?? ?????? ??? ?????????? ?????? ?????????? ?? ? ? ?????????? ??  
????????? ???,

?? ?????? 11, ?, ??????????? 1, ?????????? ?!, ??? ?, ??????????? 1, ??? ?????? ??????? ???.  
?????? ??? ? ??? ?????????? ??? ??? ????? ?????? ??? ??? ??? ??? ???.  
?????????? ??? ??????, ??????? ??? ?? ??????????? ??? ??????? ??? ??????? ??? ???????.  
????. ?? ??? ?????? ??? ?????? ?? ?????? ? ??????????? ??? ??????? ??? ?? ??????? ???.  
????????? ??? ?? ?? ?????????? ??' ??????? ?? ?????? ???????.

H ?????????? ??? ?????????????? ?????? ??? ?????? ?????? ??? ?????? ???? ?????? ?????????? ??? ?????  
????????????? ???, ??? ?????? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ???, ??? ??????  
?? ?????????? ??? ?????????? ?????????????? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ???,  
??? ??? ?????? ?????????????? ???? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ??? ???  
??? ??? ??? ?????????????? ??????????????, ??? ??? ?????? ?? ?????????? ??????????, ???  
????? ???, ?????????? ???? ?????? ?????? ??????, ?????????? ??? ?????? ???  
????????? ?????????? ??? ??????.

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

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???? ??????? C-317/94,

??? ??? ?? ??????????? ??? Value Added Tax Tribunal, London, ??? ?? ???????????,  
???' ?????????? ?? ?????? 177 ??? ??????? ??, ?? ??? ????? ????????, ?? ??????? ??  
?????? ?? ??????? ??????? ?? ??????? ??????????? ???????

*Elida Gibbs Ltd*

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*Commissioners of Customs and Excise,*  
? ??????? ?????????????? ?????????? ?? ??? ???? ?????????? ??? ?????? 11 ??? ?????? ???????  
77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????? ???  
222222 222222 222222222 22 2222 222222 222222 22222222 \* 22222 2222222 22222

????????????????? ?????: ?????????????? ?????????????? ????? (?? ?????. ????. 09/001, ?, 49),

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

?????????? ?? G. F. Mancini, ?????? ???????, ?. ?. ?????? (???????) ??? G. Hirsch, ???????,

## ????????? ??????????????: *N. Fennelly*

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

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

\* ? Elida Gibbs Ltd, ?????????????? ?? David Milne, QC, ?????????? ?? ?????????? ?????????? Coopers & Lybrand, solicitors.

\* ? ?????????? ??? ??????? ?????????, ?????????????? ??? ??? Stephen Braviner, ??? Treasury Solicitor's Department. ??? Kenneth Parker, QC.

\* ? ?????????? ????????, ?????????????? ??? ??? Ernst Roeder, Ministerialrat ???  
????????????? ?????????? ?????????? ??? Gereon Thiele, Assessor ??? ??? ??????????.

\* ? ??????? ????????, ?????????????? ??? ??? *Edwige Belliard, ????????????*  
 ?????????? ??? ??????? ?????? ?????? ?????????? ??? ?????????? ????????????, ??? ??? *Jean-Louis Falconi, ??????? ??????? ?????? ??? ??? ????????*

\* ? ??????? ??????????, ?????????????? ??? ??? ?????? Umberto Leanza, ???????????  
??? ??????? ?????????? ??? ?????? ??? ?????????? ???????????, ?????????????? ???  
??? Maurizio Fiorilli, avvocato dello Stato.

\* ? ??????? ?? ?????????? ??????????, ?????????????? ??? ??? Peter Oliver ??? Enrico  
Traversa ??? ?? ?????? ??????????

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

???? ?????? ??? ??????????? ???????????? ??? Elida Gibbs Ltd, ??????????????? ??? ???  
David Milne ??? John Arnold, Tax Adviser, ??? ??????????? ??? ??????? ??????????,  
?????????????? ??? ??? Kenneth Parker, ??? ?????????? ???????????, ??????????????  
??? ??? ??????? ???????????, ??????? ??? ??????? ??????????? ??? ???????, ??? ??  
??? ??? ???????????, ??????? ??? ??????????? ??????????? ???????????, ??? ???????  
??????????, ??????????????? ??? ??? Gautier Mignot, ?????????? ??????????? ??????????  
??? ?????????? ??????? ?????????? ??? ??????????? ???????????, ??? ??? ???????????,  
?????????????? ??? ??? Peter Oliver ??? Enrico Traversa, ??? ???? ??????????? ??? 25??  
????????? 1996,

???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? 27?? ?????? 1996,

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1 ?? ??????? ??? 30?? ?????????? 1994, ? ?????? ??????? ??? ?????????? ??? 6  
?????????? 1994, ?? Value Added Tax Tribunal, London, ???????, ???' ?????????? ??? ??????  
177 ??? ??????? ??, ??? ??????????? ?????????? ?? ??? ?????? ??? ?????????? ?? ?????? 11 ??  
????? ??????? 77/388/???, ??? ???????????, ??? 17?? ?? 1977, ??? ??????????? ??  
?????????? ?? ?????? ?????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? \* ?????  
?????? ?????? ?????????????? ???: ?????????? ?????????? ??? (?? ??. ???. 09/01, ?. 49, ?? ??: ???.).

2 ?? ?????????? ??? ??????? ??? ?????? ?????????? ??? Elida Gibbs Ltd (?? Gibbs)  
Gibbs) ??? ?? Commissioners of Customs and Excise (?? : Commissioners),  
?????????????? ?? ??? ??????? ??? ?????? ?????????????? ??? ?? ?????? ?????????  
(?? : ??), ??? ?????? ??? ??????? ??? ?????? ??? ?????? Gibbs ?? ??.

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

3 ??? ?? ?????????? ??? ?????? ?????? ?????????? ??? ? Gibbs, ?????????? ??? ???????  
Unilever, ??????? ??? ?????????? ???????????, ?? 70 % ?? ?????? ?????????? ?? ???????  
????????? ?? ?? ??????? ?? ??????? ?????????? ?? ?? ?????????? ?????????? ??????????  
?? ?????????? ("cash and carry"), ??? ?? ??????????, ??? ???????, ?? ???????  
??????.

4 ??? ?? ??????? ??? ??????? ?????????? ??? ?????? ?????? ?????????? ??????????, ? Gibbs  
????????????? ??? ?? ??????? ??? "????????? ??????????" ("money off"), ?? ?????? ??? ??  
??????????, ?????? ?? "?????? ??????" ??? ?? "?????? ?????????? ????????"  
?????????", ??? ?? ??????? ??? "????????? ??????????" ("cash back").

5 ? Gibbs ?????????? ?? ??????? ?????????? ??? "?????? ??????????" ??? ??  
????????? ?? ??????? ?????????? ?????????? ??? ??????? ??? ?????????? ????????.  
????????? ?? ??????? ?????????? ??? ???????, ???' ???????, ??? ?? ?? ?????  
????????? ?? ??????? ?? ??????? ??? ??????? ?????? (????????, ?????????, ?.?). ???  
????????? ?? ??????? ??? (?? ?????????? 15 ??????) ??? ?????????? ???????  
???? ?? ??????????, ??????? ?? ??? ?????? ?? ?????? ?????? ?? ?????????? ??? ??  
????? ??????? ??? ??????? ??? ?????? ?????? ?????????? ?????????? ??????? ??? ??  
????? ?? ??? Gibbs. ??? ?????? ?????????? ?????? ?????? ?????? ??? ?? ??????????  
????????, ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?? ?????????? ??? Gibbs,  
????????? ?? ?? ??????????, ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
?? ?? ??????.

6 ????? ?? ?????? ?? ??????? ?????????? ??? "????????? ?????????? ?????????? ??????", ?  
Gibbs ?????????? ?? ??? ?????? ??????? ??? ??? ?????? ?????????? ?????????? ???  
????????? ?? ?????????? ?????? ? ?????? ?????? ?????? ?? ?????? ?????? ??? ??????????  
?????????. ? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?? ??  
Gibbs ??? ?? ??????? ??? ?????. ??? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ???  
??? (?? ?????????? 15 ??????) ??? ?????????? ??? ?????? ?????? ?????? ? ??? ???  
????????? ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??  
??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??

7 ?????????? ??? ?? ?????????? ??? ?????????? ??? ?? Gibbs ?????????? ??? ??  
????????? ? ???????, ? Gibbs ?????? ??? ?? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??

? ?????????? ? ?????????? ??? ?????? ?? ??????????, ??? ?????????? ?? ?????????? ??? ?????????? ??? ?  
Gibbs, ??? ??? ?????????? ? ?????????? ?? ?????????? ??? ?????????? ?????????? ??????????  
?????????? ??? ?????????? ?? ?????????? ?????????? ??? ?????? ???, ??? ?????? ?????? ???  
??? ?? ??? ?????????? ?? ??? ??? ?????????? ?????? ??????.

8 ?? ?????????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??????????, ?  
????? ??? ?????????????? ??? ?????? ?????? ??????????, ? ?????? ?????? ??? ?????????? ???  
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9 ? ?????????? ?????????? ?????????? ?? ?????????????? ?????????????? ??? ?????? ?????? ???  
????????????? ????. ????. ?????? ?????????? ?? "????? ??????", ? ?????? ??? ??????  
?? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??????, ? ?????? ?????? ?? ??????. ??? ?????????? ???, ? ?????? ?????? ??? ??????  
????????? ?? ?????????? ??????, ?????? ??? ?????? ??? ?????? ??? ?????? (15 ??????)  
??? ?????? ?? ??????. ??????, ??? ?????????? ?? ?????? ?? ?????? ??? ?????? ??? 15 ??????.  
?????????, ??? ?????? ??? "????????? ?????????? ?????????? ??????", ? ??????????  
?? ?? Gibbs ?????? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? 15  
????? ??? ?????.

10 ??????, ??? ?????? ??? "????? ?????? ??????????", ? ?????? ?????? ?????? ???  
????????? ?????????? ?????????? ??' ?????? ??? Gibbs. ? ?????? ??? ?????? ??? ??????  
????? ?????? ??? Gibbs. ? ?????? ?????? ??? ?????? ?????? ?????????? ??????????  
??? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ??????????  
?? ?????? ??' ?????? ??? Gibbs ? ??? ?????? ?????????? ??? ??? ?? ?????? ??? ?  
????? ?? ?????????? ??? ?????????????? ??????????. ??? ?????????? ??? "?????????  
????????? ?????? ??????", ? Gibbs ?????? ?? ?????????? ?? ?????? ??? ??????  
????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ??????????.

11 ??? ?????????? ??? ?????????? ??? "????????? ??????????", ?? ?????? ??????????  
?? ?????????? ?????????? ??? ?????? ??? ?????? ? Gibbs. ?? ?????? ??? ??????????????  
?? ?????? ??? Gibbs ?? ?????????? ??? ?????? ??????????, ??? ??? ?????????? ??? ??????  
????????? ??????????, ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
?????????, ?? ?????? ?????????? ??? ?????? ?????????? ??? ??? ?????? ??? ??????  
????? ??? ??? ?????????? ?????? ??? ??????. ? ??????????, ? ?????? ?????? ?? ??????  
????, ??? ?? ?????????? ?? ?????????? ?? ?????? ???' ?????? ??? Gibbs ? ????  
????????? ???, ?? ?????? ??? ?????? ??? ?????????? ?????? ??????????.

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

12 ??? 24 ?????? 1992, ? Unilever, ?????? ?????? ??? Gibbs, ?????? ??? ???  
Commissioners ?? ??? ?????????? ?? ??? 883 894 ?????? ?????? (UK ), ?? ???  
?????????, ???' ????, ??? ?? 1984, ?? ??? ??? ??? ?????? ??? ?????????? ??????????  
?? ??? ?????????? ?????????????, ? Unilever ?????? ??? ? ?????????? ???  
????????? ??? ??? ?????????? ?????????? ?????????? ??? ?????? ???, ?? ?? ????  
?? ??? ?????????? ??? ??? ??? ?????? ??? ?????? ?????????? ???, ??? ?????? ?????? ? Gibbs  
?? ?????????? ??? ???, ?????? ??? ?????? ??????.

13 ?? Commissioners ?????? ??? ??? ?????? ?????????? ?????????? ??? ?????????? ???  
????? ??? ?? ?????????? ??? 5?? ??? 1993, ?? ??? ?? ?????? ?????????? ???, ??? ?? 8??  
????????? 1993, ?? ??? ?? ?????? ??????????.

14 ??? ?, ?????????, ?? ?????? ?????????, ?? Commissioners ?????? ??? ??  
????????? ??? ?????????? ?????? ?????? ??? ?????????? ??? ?????????? ? ??????  
????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ??????.

????????????? ??? ?? Gibbs, ??????????? ?????????????? ??? "????? ??????" ??????????, ?  
????, ??? ?? ????? 11, ?, ?????????? 1, ??? ????? ??????, ?????? ?? ?????????? ???  
???? ?????? ??? ?? ??? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????.

15 ??? ?????? ?? ??????? ???????????, ?? Commissioners ?????? ???, ?????? ??  
?????? ??????????? ??' ?????? ??? ??????????? ??? ?????? ?? ????????, ??????  
????????? ?? ??????????? ???????, ? ?????? ??????? ??? ?????? ?? ????????  
????. ???????, ??? ?????? ?????? ?????, ?????, ??? ?????????? ??? ??????????  
??? ??? ?????????? ??? ?????? ?????? ?????? ? ?????????? ???, ???????, ??? ?????? ???  
????????? ? ?????????????? ??? ?????? ?????? ?????? ??? ?????????? ???.

16 ? Gibbs ?????????? ??? ??????? ?????? ??? Value Added Tax Tribunal, London,  
?? ????? ?????????? ??? ??? ???????.

17 ?????????? ??? ?? Value Added Tax Tribunal, London, ??? ?????????? ?? ??? ??? ??  
????????? ??? ?????? ??? ?????? ??? ???????, ?????????? ?? ?????????? ???  
????????? ??? ?????????? ?? ?????? ?????????? ??????????:

"1) ??????? ????????

??? ????, ??? ?? ?????? ??? ?????? ?? 11, ?, ?????????? 1, ????????' ?, ?? 11, ?,  
????????? 1, ? '????? ??????? ??' ?????? ??? ?????? ?????????? ??? ??????  
????????? ??? ? Elida Gibbs ??? ??????? ??? ?????????? ??? ?????? 4 ??? ??  
????????? ????????, ?????? ??????:

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

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

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

) ? ?????? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
??????, ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???;

??? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ?  
????? ??? ?????????? ?? ?????? ??? ?????? ?????? ??? ?? ?????????? ???;

????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????????  
????? ?? ?????? ?????? ??? ??' ?????? ??? ?????? ??????;

2) ??????? ????????????

??? ????, ??? ?? ?????? ??? ?????? ?? 11, ?, ?????????? 1, ????????' ?, ?? 11, ?,  
????????? 1, ? '????? ??????? ??' ?????? ??? ?????? ?????????? ??? ??????  
????????? ??? ? Elida Gibbs ??? ??????? ??? ?????????? ??? ?????? 5 ??? ??  
????????? ????????, ?????? ??????:

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

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

? ) ??? ??????? ??????? ??? ?????? ?????? ??? ?????? ??? ?????? ???????, ??????? ?? ??????  
???? ??????????? ??? ?????????? ?? ?????????? ???;

???? ??? ??????? ?? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??????? ? ???????????, ?  
???? ??? ??????????? ?? ??? ?????? ??? ?????? ?????? ?? ??????????? ???;  
?????? ? ??????? ??? ??????? ?????? ?? ? ?????????? ?????? ?????? ?????? ???????"  
?????? ?? ?????? ????????"

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

18 ??? ?????? ??????? ??? ??????????? ??? ??????????? ???????, ?????? ?? ??????????? ?? ??????? ?  
????? ??? ??? ??????????? ??? ??? ??? ? ??????????? ??? ??? ??? ?????? ?????? ??????? ??  
?????? ???.

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

20 ???????????, ?? ??? ??????? ??? 1?? ??????? 1982, 89/81, Hong Kong Trade (??????  
1982, ?. 1277, ??? 6), ?? ??????????? ?????? ??? ??? ??? ?????? 67/227/?? ??  
??????????, ??? 11?? ??????? 1967, ??? ??? ??????????? ??? ??????????? ??? ??? ???????  
????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? (?? ???, ?. 09/001, ?. 1), ??????????  
?? ??? ??? ??? ??? ??????? ??? ?????? ?????? ??????????? ?? ??????? ??? ??? ?????? ???  
?? ???????????, ??? ??? ?????? ??? ?? ?????? ?????? ???????, ??? ??? ??? ?????,  
?????????? ? ??? ??????????? ???????????, ??????????? ??? ?????? ??? ???????????  
?????????? ??? ??????.

21 ??? ? ?????? ??? ??????????? ??? ?????? ??? ?????? ??? ??????????? ??? ??????????? ???  
????? ??? ??????? ??? ??????????? ??? ?????? ??? ??????????? ??? ??? ??????????? ??? ???.

22 ???????????, ?? ??????????? ??? ?????? ??? ??????????? ?? ???, ???, ?????  
?????????? ??? ??????????? ??? ??????????? ??? ??????????? ??? ??????????? ??? ???????????  
????????? ??????? ??? ?????, ??????????? ??? ??????????? ??? ??????????? ??? ???????????,  
?????????? ??? ?? ??????????? ??? ???, ?? ??? ??? ??? ??? ??????????? ??? ???,  
?????????? ??? ??????????? ???, ??? ??? ?????? ??? ??????????? ???.

23 ??????????? ?? ??????????? ? ?????? ??????????? ??? ?????? ??????????? ??? ??????????? ???  
?????????? ???, ?? ??? ?????? ?????? ???????, ??? ????? XI, ?? ?????? ???????????  
?? ??? ?????? ??? ??????? ??? ??????????? ??? ?????? ??? ?????? ?? ??????????? ???????????  
?? ???, ??? ??????????? ?? ??????????? ?? ??? ?????? ??? 5?? ????? 1982, 15/81, Schul  
(?????? 1982, ?. 1409, ??? 10), ??? ?????? ??????? ??? ??????????? ??? ???  
?????????? ??? ???, ?? ??? ?????? ???????, ? ??????????? ??? ??????????? ??? ??? ???????

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

24 ??? ?? ??????? ?????????? ???, ?????????????? ???, ?? ?????? ?????????? ??? ?????? ??? ?????????? ???  
??? ??, ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??  
?????????.

25 ?????? ??? ??????? ?????? ?????? ?? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ??  
Value Added Tax Tribunal, London, ??????????.

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

26 ??? ?? ??? 11, ?, ?????????? 1, ?????????? ?', ??? ?????? ??????, ??? ?????????? ???  
????? ??? ?????????? ??? ?????? ???, ??? ??? ?????????? ??? ??????, ?????????? ??????????  
??? ??????????, ??? ?????? ?????? ?????? ?????????? ?? ?????? ??? ?????????? ??? ?? ??????????.

27 ??? ?? ?????? ??????????, ??? ?????????? ??? ?????? ?????? "?????????????" ????, ?????? ??  
????????? ?????????????? ?? ??? ?????? ?????????? ?????????? ???, ??? ??? ? ??? ??  
????????? ??? ?? ?????????????? ??? ?????? (????????? ?? 23?? ?????????? 1988,  
230/87, Naturally Yours Cosmetics, ?????? 1988, ?. 6365, ????? 16, ??? ??? 27?? ??????  
1990, C-126/88, Boots Company, ?????? 1990, ?. ?-1235, ????? 19).

28 ?? ?????????? ??? ?? ?????? ??? ?????? ???, ? ??????????????, ? ?????? ???  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ?? ?????? ???  
????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ???, ???????, ??? ?????? ??? ??  
????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???.

29 ??? ??????, ? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??  
????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??

30 ? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????? 11, ?, ?????????? 1, ??? ?????? ??????, ??  
????, ?????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??  
????? ???, ?? ?????? ??? ?????? ???, ?????????? ???, ???????, ?????? ? ?????? ?? ??????????  
? ?????? ??? ?? ?????, ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ??  
????? ???.

31 ?????? ?????? ??? ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??  
??????, ?????????? ??? ?????? ??? ?????? ??? ?????????? ???, ?? ?????? ??? ??????????  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ???, ??? ?? ?????????? ??? ?????? ??? ??  
??? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ???, ??? ?? ?????????? ??? ?????? ??? ??

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

32 ? ?????????? ??? ?????? ??? ?????????????? ??? ?? ?????????????? ??? ?????????????? ???  
????????? ??????????, ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??????????, ???????? ?? ?? ???  
? ?????? ??? ?????? ???????? ??? ?????? ??? ?? ?????? ??? ?????????? ? ??? ?????????? ???  
????????? ? ?????? ?????????? ??' ?????? ??? ?????? ??????????, ??? ?????? ?????????? ???  
????????? ?????????? ? ????????, ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ???  
????????? ??? ??? ?? ?? ?????????? ??' ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?? ?? ?????????? ??' ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ???  
????????? ???, ??? ????????, ?? ??? ??? ??? ?? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???.

33 ????????, ?? ?????? ??? ?? ?? ?????????? ??? ?? ?????? ???, ?????? ??? ???  
????????? ?? ?????????????? ??' ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??????????  
?????????. ??????????, ?? ??? ??? ?????? ??????????, ????, ??? ?????? ???  
????????? ???, ?? ???????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ???  
????????? ??? ?????????? ?????? ??? ?? ?????? XI ?? ?????? ??????, ?? ?????? ??????????  
????? ?????????? ??? ?????? ??????????, ??? ?????? ?? ?????? ??? ?????????? ??????????  
?????????, ?? ?????????? ??? ?? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ???  
????????? ??? ??? ?? ?? ?????????? ??' ?????? ??? ?????? ?????????? ?????????? ???, ???,  
?? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ???.

34 ?? ??? ??? ?????? ???????, ?????? ?????? ?? ??????, ??? ?????? ?????????? ???????  
? ???????? ??? ?? ?????? 11, ?, ?????????? 1, ??????? ?' ??, ??? ?, ?????????? 1, ??? ???  
??????? ??? ??? ?????? ???, ?????? ? ?????????? ?????? ??????? ?????????? ??????????,  
????????? ?? ????????????, ??? ??? ?????? ??? ??????????, ??? ??? ?????????? ??? ??  
????? ??? ??? ?????? ????????, ?? ?? ?????? ??? ?????????? ?????? ?????? ????????,  
?? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??????  
????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??????  
?? ?????? ?????? ?? "????? ??????????" ??' ?????? ??? ?????? ??????????, ? ??????  
????????? ?? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??????????, ?? ?????????? ???  
????????????? ??? ?????????? ?? ?????? ??? ?????????? ?????, ? ?????? ?????????? ??? ?????? ??????  
????? ??? ??? ??? ?? ?????? ??? ?????????? ???????, ?????????? ??? ?????? ??? ??????????  
?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??????????  
????? ?? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????  
?????????.

35 ?? ????????, ??? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????????? ??? ?? ??? 11, ?,  
????????? 1, ??????? ?' ??, ??? ?, ?????????? 1, ??? ?????? ?????? ??? ?? ?????? ???,  
??????, ??? ?????? ?????????? ?????????? ??? ?????????? ??? ??????????, ? ?????????? ???  
????????? ?? "????? ??????????" ??' ?????? ??? ?????? ??? ?????? ??????????, ?? ?? ??????  
????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
????????? ??? ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??????

????? ??? ???? ?? ??????? ?? ?????????????? ??????????, ?????????? ??? ?? ?????????????? ??  
??? ??????? ?? ?????????? ????. ?? ??? ?????? ?????? ??? ?????? ?? ?????? ?? ?????????? ??  
????????? ????. ?? ?????????? ?? ?????? ?????????? ????. ?? ?? ?????????? ??' ?????? ??  
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## ????????? ??? ?? ?????????? ??????

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36 ?? ?????? ??? ????? ?????????? ? ?????????? ??? ?????????? ??????????, ? ??????????, ?  
????????, ? ??????? ??? ? ??????? ??????????, ?????? ??? ? ?????????? ??? ??????????  
?????????, ??? ?????????? ?????????????? ??? ??????????, ??? ??????????????. ??????????  
?? ? ??????? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??????????  
????????????? ??? ??????? ?????? ?????????? ??? ?????????? ??????????????, ?' ??? ?????????????? ??  
????????? ??? ?? ?????????? ??????.

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

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

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

????????? ??? ?? ?????????? ??? ?? ?????????? ?? ?????? ??? 30?? ?????????? 1994 ??  
Value Added Tax Tribunal, London, ??????????:

1) ?? ????? 11, ?, ?????????? 1, ??????? ?', ??? ?, ?????????? 1, ??? ?????? ??????  
77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????? ???  
????? ?????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? \* ????? ?????? ??? ??????  
????????????? ????: ?????????? ?????????? ???, ??? ??? ?????? ???, ??????  
????????????? ?????? ?????????? ?????????, ?????????? ?? ?????????????, ??? ??? ???  
??? ??????????, ??? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ?????????? ?????????, ?? ??  
??????? ??? ?????????? ??? ?????? ???, ??? ?????? ?????????? ?????????? ?????????? ???  
????????, ?????? ?? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ???  
????????? ?????????? ??? ? ?????????????? ??? ?????? ?????? ?? ?????? ?????? ?? "?????  
?????????" ??' ?????? ??? ?????? ?????? ??????, ? ?????? ?????????? ?? ?????? ??? ??  
????? ??? ??? ?????? ??? ?????????, ?? ?????????? ??? ?????????????? ??? ??????????  
?? ?????????? ???, ? ??? ?????????? ??? ?????? ?????? ?????? ??? ??? ??? ?? ??????  
?? ?????????? ???, ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????  
????. ?? ??? ?????? ??? ?????? ?? ?????????? ?????? ?????? ?? ?????? ??? ?????? ??? ??????  
????????? ??? ?? ?? ?????????? ??' ?????? ?? ?????? ?????????.

2) ?? ????? 11, ?, ?????????? 1, ??????? ?', ??? ?, ?????????? 1, ??? ?????? ?????? ???  
?? ?????? ???, ??????, ??? ?????? ?????????? ?????????? ??? ??????????, ?  
????????????? ??? ?????? ?????? ?? "????? ??????????" ??' ?????? ??? ?????? ??????????  
?? ?? ?????? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
?? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ?????????????? ?????????? ???? ?? ?????????? ?? ?????? ?????????? ????? ?? ?? ??????????  
??' ??????? ?? ?????? ????????.