

@import url(../../../../css/generic.css); EUR-Lex - 61999J0240 - EL

**Avis juridique important**

/

# **61999J0240**

?????? ??? ?????????? (????? ?????) ??? 8?? ?????? 2001. - Försäkringsaktiebolaget Skandia (publ). - ?????? ??? ??? ?????? ?????????????? ??????????: Regeringsrätten - ??????. - ????? ?????? ??? - ?????????? - ?????????? ??? ?????????????? ?????? - ?????? C-240/99.

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????????? ??? ?????????????? ??? ?????????????? ?????? - ?????? - ?????? ?? ??????  
????????????? ???????, ?????? ?????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ??????, ???  
????????????? ??? ?????? ?????????????? ?????? ?????? ?????? ??? ?????? ??? ?????? - ???  
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(?????? 77/388 ??? ??????????, ??? 2, ??? 1, ??? 13, ?, ????. ?\_)

## **?????????**

\$? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??????? ?? ???????, ?????? ??????  
????????????? ?????? ??? ?????? ??? ??????, ?? ?????????????? ??? ?????? ?????? ??????????????  
?????????, ? ?????? ??? ?????? ?????????? ??? ??? 100 % ??? ? ?????? ?? ?????????? ?? ??????????  
??? ?????????? ??? ?????????? ??? ??????, ?? ?????? ?????????? ?????????? ??? ??????  
????????????? ??? ????? ?????????????? ?????? ??? ??? ?????? ??? ?????? 13, ?, ??????????  
?, ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????, ??? ??????????  
?? ??? ?????? ?????? ?????? ??????. ??? ?????? ?????????? ?????????? ?????? ?????? ??? ??????  
??? ??????, ?????? ?????? ?????? ??? ?????? ??? ?????? ??????, ??? ?????? ?????? ??? ??????  
2, ?????? 1, ??? ?????? ??????, ?????????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ??????

( ?? ?????? 43-44 ??? ??????. )

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???? ??????? C-240/99,

??? ??? ?? ??????????? ?????? ??? Regeringsrätten (???????) ??? ?? ???????????, ???' ?????????? ??? ?????? 234 ??, ?? ??? ????? ??????????, ??? ??????? ??? ??????????? ??? ?????? ?

Försäkringsaktiebolaget Skandia (publ),

? ?????? ?????????????? ?????????? ?? ??? ?????? ??? ??????? ??? ?????? 13, ?, ??????? ?\_, ??? ?????? ??????? 77/388/??? ??? ???????????, ??? 17?? ??\_?? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ???????, ??? ?????????? ?? ??? ????? ?????? ?????? ?????? ?????? - ??? ?????? ?????? ??? ?????? ?????????????? ????: ?????????? ?????????? ?????? (?? ????. ????. 09/001, ?. 49),

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

?????????? ??? ????. Wathelot (???????), ??????? ????????, P. Jann ??? L. Sevón, ????????,

?????? ??????????: A. Saggio

?????????: H. von Holstein, ?????? ????????????,

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

- ? Försäkringsaktiebolaget Skandia (publ), ?????????????? ??? ??? J. -M. Bexhed chefjurist,

- ? ??????? ????????, ?????????????? ??? ??? L. Nordling,

- ? ??????? ??? ?????????? ??????????, ?????????????? ??? ??? E. Traversa ??? U. Jonsson,

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

???? ?????? ??? ?????????? ?????????????? ??? Försäkringsaktiebolaget Skandia (publ), ?????????????? ??? ??? J.-. Bexhed ??? G. Lundsten, bolagjurist, ??? ????????, ??????????, ?????????????? ??? ??? L. Nordling, ??? ??? ????????, ?????????????? ??? ??? K. Simonsson, ??? ?? ????????, ??? 12?? ?????? 2000,

???? ?????? ??? ?????? ?????????? ??? ??????? ??? ?????????? ??? ??? ?? ?????????? ??? 26?? ?????????? 2000,

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1 ?? ?????? ??? 10?? ?????? 1999, ??? ??????? ??? ?????????? ??? ?????????? ??? 25 ?????? 1999, ?? Regeringsrätten (???????) ?????????? ?????????? 234 ??, ?????????? ??? ?????? 13, ?, ??????? ?\_, ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ??\_?? 1977, ??? ?????????????? ???

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

2 ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ??? ?????? ?  
????????? ?????? Försäkringsaktiebolaget Skandia (publ) (??? ????: Skandia) ???'  
????????? ??? Regeringsrätten, ?? ??? ?????? ?? ?????????? ??? ?????? ??? ? ?????? ???  
?? Skandia ??????? ?? ??????? ?? ?????????? ??? ?????? ?????? ?????????? ???????,  
??? ?????? ??????? ?? ?????????? ?? ???????, ??? ?????????? ?????????? ????????????,  
????????????? ??? ??? ????? ?????????? ?????? (??? ????: ??) ???' ?????????? ???  
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3 ?? ????? 13 ??? ?????? ??????, ??? ?????? ??? ?????????? ??? ?? ?? ?? ?????????? ???  
?????, ?????????? ?? ????:

«[...]

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?? ??? ?????????? ??? ?????? ?????????? ??? ???????, ?? ?????? ??? ???????????, ??? ???  
????????? ??? ??????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ???????????,  
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) ??? ?????????? ??? ?????????? ??? ???????, ?????????????? ??? ??? ?? ??????  
???? ??? ?????? ??? ?????? ??? ???????, ??? ?????????????? ??? ??? ?????? ???  
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[...]»

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4 ?? ????? 13, ?, ??????? ?\_, ??? ?????? ?????? ?????? ?? ??????? ??? ??????? ???  
????????? ?????????? ?? ?? ??????? 3, ??? 10, ??? mervärdesskattelagen (1994:200)  
(????? ????, ? ??????, ??? ?????????? ??? Svensk förfatningssamling 1998, ??.  
300, ????:

«? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
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? ?????????? ??? ???????, ????????

1. ?? ?????????? ??? ?????? ? ?????? ?????? ?????????? ?????????????? ?????????? ?? ???  
försäkringsrörelselagen (1982:713) [????? ???? ??? ?????? ?????? ?????????? ??????????],  
?? ??? lagen (1989:1079) om livförsäkringar med anknytning till ?ärdepappersfonder [????? ????  
??? ?????????? ??? ?????? ?????? ?????? ??????] ? ?????? ???  
??? lagen (1998:293) om utländska försäkringsgivares verksamhet i Sverige [????? ????  
????????? ??? ?????? ?????? ??? ??????], ???

2. ?? ?????????? ??? ?????????? ??? ?????????? ? ?????? ?????????? ?????????? ??? ??  
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5 ???? ??? ?????? ??? ??????????, ? ?????? ??????, ?????????????? ???  
????????? ??? ?????? ?????? ?????????? ?? ?????????? ??? mervärdesskattelagen, ???

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6 ??????????, ??? ?? 1951 ?????????? ??? ??????? ??? ?????????? ??????????, ??? ??  
????????? ???????, ?????????????? ?????????????? ??? ?????????? ?? ????????. ??  
????????? ??? ?????????? ?? ?????????? ??? ?????????????? ?????????????? ?? ????????  
????????? ?????????? ??? ?? Skatterättsnämnden (????????? ?????????????? ???????).  
\_???? ?? ?? ?? ?????????????? ??? ????? ??, ?? ?????????? ??? ?? ????? ??  
????????? ?????????????? ??? ?????? ??? ?????? ?????? ?????????????? ??? ?????????? 21  
??? mervärdesskattelagen ??? ??? lagen (1951:442) om förhandsbesked i taxeringsfrågor (????  
???? ?? ?????????????? ?????????????? ?? ??????? ??????????), ??? ?????????? ?? ???  
???? ?? 1? ?????? 1998. ??? ?? 1? ?????? 1998, ?? ?????????? ??? ?? ??????????  
????????????? ??? lagen (1998:189) om förhandsbesked i skattefrågor (???? ??? ??  
????????????? ?????????????? ?? ??????? ??????????).

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

7 ? Skandia ?????? ??? ???????????? ??????? ??? ???, ?????? ????, ??? ?????????  
?????? ??? ?? ??????? Livförsäkringsaktiebolaget Skandia (publ) (??? ????: Livbolaget), ???  
?????? ??????? ?? ??????? ?? ???????.

8 ? Livbolaget ?????? ??????????????? ??? ?????? ??? ??????????? ????, ??????????? ????  
????? ??? ?????????? ?????? ??? ?? «?????????? ?????????? ??????????». ? Livbolaget  
??? ? Skandia ??????? ?? ??????????? ?? ???????, ??? ?????? ??????, ??? ???????????  
???? ?????????????? ??? ??????? ??? ?????? ????? ?? ??????? ?????? ??? ?? ???????????  
?? ??????????? ?? ?????????? ??? ?? ?????????? ??? Livbolaget ??? Skandia, ????? ???,  
???? ????, ? Skandia ?? ????? ??? ?? ?????????????? ??? Livbolaget, ?????????? ??? ??  
????????? ??? ?? ?????? ??????????? ???????, ??? ??????????? ??? ??????, ???  
????????????? ?????????? ?? ?????????? ??? ?????????? ??? ??????????. ?? ?????????? ???  
?????????? ???????, ? Skandia ?? ??????? ??? ?? Livbolaget ?????? ??????????????  
????? ??? ?????? ??? ??????. ? Skandia ??? ?? ?????????? ?????? ?????? ?????????? ???  
?? ?? ??? ????? ?????????? ??????????????\_. ????? ??? ?????????? ?? ??? ????? ?????????? ??  
????????? ? Livbolaget, ? ????? ?? ??????? ?? ??????? ?? ?????????? ??? ?? ?????? ???  
????????? ??????? ???????.

9 ???? 28 ??????? 1995, ? Skandia ?????? ??? ?????? ?????????????????? ?????????????????? ???  
?? Skatterättsnämnden ???? ???? ?? ??????????? ?? ?????????? ? ?????????? ??? ??????????  
??? ??????????????? ??? Livbolaget ?? ?????? ?????????? ??? ?????????????? ??? ????? ???  
????? ??? ?????????? 3, ??? 10, ??? mervärdesskattelagen, ?????? ?? ??? ?????????? ???  
?? ??.

10 ?? ??????? ?? 15?? ?????????? 1996, ? Skatterättsnämnden ??????? ???, ??? ?? ??????? ?????????? ?????????? ??????? ?? ??? ?? ??? ?????? ??????? ???  
mervärdesskattelagen, ? ??????? ??? ??????? ?? ?????? ?? ?????????? ??? ?????????? ??? ??????? ??? ??????? ??? ?? ?????????? ???  
?????????? ??? ?????????? ??????? ?? ??????? ?? ?????????? ?????? ?????? ?????? ?????????? ?????????? ?? ??? ?????? ??? Skandia  
??? ??????? ?????????? ?????????? ???????, ??? ??????, ?????????, ??? ???????, ??? ?????? ?????????? ??? ?????? ??? Livbolaget.  
??? ??? ??????? ????, ??? ?? Skatterättsnämnden, ? ?? ??? ?????? ??????? ?????????? ??? ?????????? ???  
????????? ??? ??? ??????? ??? ?? ??? ??????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???

11 ? Skandia ?????? ?????? ??? ?? ?????????????????? ?????????????????? ??????? ???  
Regeringsrätten.

12 ?? ??????? ?? 16?? ??????? 1997, ?? Regeringsrätten ??????? ?? ?? ????? ???????????, ??????? ??, ??? ? ??????????????? ?? ?? ??????? 3, ?? 10, ?? mervärdesskattelagen

????????? ?????? ?????????????? ??? «????????? ?????????????? ??????????». ? ???????? ???,  
???? ?? ?????? ???, ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ???  
????????? ??? ??????????????????. ??? ??? ?????????????????? ?????????? ???  
mervärdeSSkattelagen ?????????? ?????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ?????? «????????? ?????????? ??????».

13 ??? 26 ?????? 1997, ? Skandia ?????? ?????? ??? Regeringsrätten ??????  
????????? ??? ?????? ?????? 16? 1997, ?????????? ??? ?????? ???  
????? ??? ?????????? ??? 5? 1997, C-2/95, SDC (????? 1997, ?. 3017).

14 ?? ??? ?????????????? ??? SDC, ?? ?????????? ?????????? ??? ?????????? ???  
?????? 13, ?, ?????? ?, \_, ?????? 3 ??? 5, ??? ????? ??????, ??? ?????? ??? ??  
????????? ??? ?????? ?????? ?????? ??? ??????, ?????? ???, ?? ?????????? ??? ??  
?????????, ??? ??? ??? ?????? ??? ?????? ??????, ?????? ?????? ?????? ? ??????,  
????????? ??? ?????? ??????. ?? ?????????? ??????, ?????? ???, ??? ????? 33 ???  
????????????? SDC, ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ??? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ???,  
??? ?????? 57 ??? ?????? ????????, ??? ? ?????????? ? ?????????????? ??? ?????????? ???  
????????? ??? ?????? 13, ?, ?????? ?, \_, ?????? 3, ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? (????? 57). ??? ??????????, ??  
????????? ???, ??? ?????? 59, ??? ? ?????????? ??? ?????? 13, ?, ?????? ?, \_, ?????? 3  
??? 5, ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????  
??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????.

15 ? Skandia ?????? ??? ???, ??????, ??? ?????? ?????????? ??? ?????????? ??  
????????? ??? ?? ?????? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? 13, ?,  
??? ?????? ??????. ? ?????? ??? Regeringsrätten ??? 16? 1997 ?????? ??? ???  
????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ?? ??? ?????????? ??? ?????? ??????.

16 ? ?????? ??? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ??????????  
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????? ??? ? ?????????? ??? ?????? ? Skandia ??? ? Livbolaget ?????????? ??  
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????????? ??? ?????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
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17 ?????? ??? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??  
????????? ?? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?? ??? ???,  
Skandia ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 13, ?, ?????? ?, \_,  
??? ?????? ??????, ?? Regeringsrätten ?????? ?? ?????????? ?? ?????????? ??? ??  
????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ??????:

«????????? ?????????? ???, ??? ??? ?????? ??? ?????? 13, ?, ?????? ?, \_, ??? ???  
????? ??? ??????????, ??? 17? ??\_? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ???  
????? ???, ??? ?????? ?? ??? ?????? ?????? ?????? - ??? ?????? ?????? ???  
????????????? ????: ?????????? ?????????? ???, ?? ?????? ?????????? ??????????  
????????? ?????????? - ??? ?????? ??? ?????? ? Skandia - ?????? ??? ??????????????  
????? ??? ?????? ?????????? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ???  
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18 ?? ?? ?????? ???, ?? ?????? ?????????? ???' ?????? ?? ? ?? ??????  
????????????? ?????? ?????? ?????????? ?????????? ?? ?????????? ??????  
????????????? ??? ?????? ??? ?????? ??? ??????, ??? ?????????? ?????? ??????????.

? ???????, ? ?????? ????? ?????????? ??? ??? 100 % ??? ? ?????? ?? ?????????? ?? ?????????? ?? ??????????  
?? ?????????????? ?????????? ??? ??????, ?????? ?????????? ?????????? ?????? ?? ??? ??????  
?? ?????? 13, ?, ?????? ?\_, ??? ????? ??????.

19 ?? ????? 13, ?, ?????? ?\_, ??? ????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????????? ??? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????????????? ??????.

20 ??? ?????????????? ??? ? Skandia ?????????? ?? ?????? ?? ?????????????? ???  
Livbolaget ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ??????????????  
?????, ?????? ? ?????????? ??? ?? Skandia ???????? ??? ?????? ???????????. ??? ??????  
?? ?????????? ??? ?????? ?????, ? Skandia ?????????? ?????? ??? ?????? ?????? ???  
????????? ?? ?????? ??? Livbolaget ??? ?????????? ?????? ?????????? ?????? ??? ??????  
????????? ? ??????????????, ? ?????? ?? ?????????????? ??? ?????? ??? ?????????? ? ??????????  
?????????.

21 ??? ??????, ?? ?????????? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ???  
????????? ?????????? ??? ?????? «????????? ??????» ??? ?? ?????? 13, ?,  
????????? ?\_, ??? ????? ??????.

22 ????? ?? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ?????? ?? ?????? «?????????????  
?????????».

23 ??? ?????? ??????????, ?? ?????????????? ??? ?????? 13 ??? ?????? ?????? ??????????  
????????? ?????????? ?????? ??? ?????????? ??????, ?? ?????? ?????? ?????? ??? ??????  
?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?? ??? ?????? ?????? ??? ??????  
(????????? ??? 15?? ?????? 1989, 348/87, Stichting Uitvoering Financiële Acties, ??????  
1989, ?. 1737, ??? 11, ??? 25?? ?????????? 1999, C-349/96, CPP, ?????? 1999, ?. ?-  
973, ??? 15) ??? ?? ?????? ?????? ?? ?????????????? ??? ?????? ?????? ??? ??????  
????????? ??? ?? (??., ??? ?????? ???, ??? ?????? ??? 26?? ?????? 1987, 235/85,  
????????? ??? ??? ?????, ?????? 1987, ?. 1471, ??? 18).

24 ? Skandia ?????????? ??? ?? ?????????? ??? ?????? ?? ?????? ?? Livbolaget  
????????? ?????????? ?????? ?????????? ?????? ??? ?????? 13, ?, ?????? ?\_,  
?? ????? ??????.

25 ??????, ?????????? ??? ?????? ?? ?????? ??? «?????????» ? ??? ??????,  
????????? ??? ?? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???  
????? ??? ?????? ?? ?? ?????? ??? ?????? ?????? (?? ?? ?????? ???,  
????????? ??? CPP, ??? 18).

26 ? Skandia ??????????, ??????, ??? ??? ??? ?????? ??? ?????? 13, ?, ?????? ?\_,  
?? ?????? ?????? ?????? ?? ?????? ?????? ? ?????? ?????? ??? ?????? 8, ?????????? 1, ??  
????? ?????? 73/239/???, ??? ?????????? ??? ?????? ?????? ?????? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???  
?? ?????????? ???, ??? ??? ?????? ?????? (?? ???. ??? 06/001, ?. 157), ???  
????????? ??? ?? ??? 6 ??? ?????? 92/49/???, ??? ?????? ??? 18?? ??????  
1992, ??? ??? ?????????? ??? ??????????, ?????? ?????? ??? ?????? ?????? ???  
????? ??? ??????????, ?????? ??? ?????? ???, ??? ??? ??? ?????? ???  
????? 73/239/???, ??? 88/357/???, (????? ?????? ??? ??? ?????????? ???  
????????? ???) (EE L 228, ?. 1), ??? ??? ?????? 8, ?????????? 1, ??? ?????? ??????  
79/267/???, ??? 5?? ?????? 1979, ??? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ??? ??? ?????? ??? ?????? ??? (?? ???. ??? 06/002, ?. 57), ???

?????????????? ?? ?? ????? 5 ??? ?????? 92/96/??? ??? ???????????, ??? 10?? ?????????  
1992, ??? ?? ??????????? ??? ???????????, ??????????? ??? ??????????? ??????????? ???  
???????? ?? ?? ??????????? ??? ?? ?? ??? ??????????? ??? ??????? 79/267/??? ??  
90/619/??? (????? ?????? ??????? ?? ?? ??????? ???) (?? L 360, ?. 1). ??????? ?? ??  
????????? ????, ??? ??????????? ??????? ??????? ?? ??????????? ?? ???????  
?????????? ?? ?? ??????????? ??????????? ??????? ?? ??????? ?? ???????  
????? ?? ?? ???, ??????????? ??? ?? ??????? ??????????? ???????????.

27 ? Skandia ??????? ?????????? ??? ??? ?? ??????? ??? ??? ??????? ??????????????????????  
????? ?????????????? ????, ??? ? ????, ?????? ?? ?????????????? ???? ??? ?????? ???  
?????? ??? ??????? ????, ?? ??????, ?? ?????????????? ??? ??? ?? ??? ?????? ??? ??????  
13, ?, ??????? ?\_, ??? ??? ?????.

28 ? Skandia ?????????? ?????? ??? ?????????????? ?????? SDC ??? ?? ???????????  
??? ??????, ??? ????? ?? ?????????? ??? ?????? 13, ?, ??????? ?\_, ??? ????? ???????, ??  
?????????????? ?? ????? ?????????????? ?????? ?' ??????? ??? ?????????????? ??  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? 13, ?,  
???????? ?\_, ?????? 3 ??? 5, ??? ????? ??????. ??? ?? Skandia, ??? ????? ???????, ???  
??? ??????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? 13, ?, ??????? ?\_,  
??? ????? ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ?????? ??  
??? ?????? ?????? ??? ?????????? ??????????, ?? ???????, ?? ?????????? ??? ?????? ??? ??????????  
?????? ?? ??? ?????????? ?????? ??? ?????? 13, ?, ??????? ?\_, ??? ????? ??????  
??? ?? ?????? ??? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? Skandia ??? ??  
?????? ??? Livbolaget ??? ??? ?????? ??? ?? ?????????? ?? ?? ?????????? ??? ?? ?????????? ??? ? Skandia  
????????? ?? ?????????? ??? Livbolaget ?????? ?? ?????????? ??

29 ??? ?????????? ?????????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????????????? ??? ??????:

30 ??????, ??? ?????? 18 ??? ?????????????????? ?????????? CPP, ?? ?????????? ??????  
????????? ??? ??????? ?? ?????????? ?????????????? ?????????? ??? ??? «?????????» ???????  
??? ?? ?????? ?????????? ??? ??????? ??? ??????? ??? ?????? ??? ?????????? ? ?? ?????? ??? ??????  
?????????

31 ?????? ??????? ?????????? ?? ?????????????? ???, ??? ?????? ??? ?? ?????? ??? ??????,  
???' ??????? ?? ??????? ??? ??????????, ?? ??????? ??? ?? ?????????? ?????? ??? ?????? ??? ??????  
?? ?????????? ?? ??????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ??????  
?????? ?? ?????????? ??? ?????? ??? ?????, ?????????? ??? ?????? ??? ?????? ??? ??????  
??????????????, ?? ??????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????  
?????????????? ??? ?? ?????? ??? ?????? 13, ?, ?????? ?\_, ??? ?????? ??????.

32 ????????????, ??? ????? ????????????, ?? ??? ???? ??? ?????????????????? ??? ??? ????????????,  
??? ?????? 13 ??? ????? ??????? ??????? ?? ?????????????? ?????, ?????????? ??? ??  
????????? ??? ????? ?????????? ?????????????? ??? ?? ??? ?????? ??? ??? ??? ???? ?????? ??????  
????????? ??????????? ?? ??? ????? ?????? ?????????? ??? ?????????????????? ?? ??? ????????  
?????? ??? ?????????? ??? ??? (??? ?????? ???, ?????????? Stichting Uitvoering  
Financiële Acties, ???., ??? 13- ??? 11?? ?????????? 1995, C-453/93, Bulthuis-Griffoen,  
?????? 1995, ?. ?-2341, ??? 19- ??? 12?? ?????????? 1998, C-346/95, Blasi, ???????  
1998, ?. ?-481, ??? 18, ??? ??? 12?? ?????????? 1998, C-149/97, Institute of the Motor  
Industry, ?????? 1997, ?. ?-7053, ??? 17).

33 ????????, ?? ?????? ?? ????????, ?? ?? ?? ?? ???????????, ?? ???????, ?? ???????????, ??  
??????????, ?? ???????, ?? ?? ???????????, ?? ?? ?? ?? ???????????, ?? ???????, ?? ???????????,  
???? ?? «???, ?? ???????, ?? ?? ???????????, ?? ???????, ?? ?? ??????».

34 ?? ??????? ??? ?? ?????????? ??????? ?? ?????? ?? ?????? ??? ?????? ?????? ???????  
????????????? ??? ?? ?????????? ??????? ???? ?????? ?? ?????? ??? ?????????? ??? ??????  
?? ?????? ?? ?????????? ??????? ?? ?????? ?? ?????? ??? ?????????? ??? ?????????? ??????  
?? ?????????? ???, ?????????? ??????? ?? ?????? ?? ?????? ??? ??????, ??? ?????? ??  
????? ?????? ?? ????? 13, ?, ?????? ?\_, ??? ?????? ??????.

35 ???????, ?????? ?? ?????????? ?? ?????????? ???, ???' ??????? ??? ??  
????????????? ??? SDC, ??? ?????? ??????? ?? ??? ?????? ??? ?????????? ??? ??????????  
????? ?? ?????????? ?? 13, ?, ?????? ?\_, ??? ?????? ?????? ??  
????????????? ?????? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ?? ??? ?????? ???,  
????? ??? ??????????.

36 ???????, ?????? ?? ?????????? ???' ?????? ???, ??????? ?? ?????? ??? ?????? ??? ??  
????????? ?? ?????????? ??? SDC, ??? ?????? ?? ?????????? ??? ?????? ??  
????????? ?? 13, ?, ?????? ?\_, ??? ?????? ??????, ??? ?????? ??????, ??? ??????  
?? 3 ?? 5, ??? ?????? «?? ?????? ??????» ? «????? ?? ??????????» ??????????  
????????? ??????, ??? ?? ?????????? ?????? ??? ?????? ?????????? ??????????,  
? ?????????? ??? 13, ?, ?????? ?\_, ?????? ?????? ??? ?????? ??? ?????? ??????????  
????????? ??????.

37 ??? ??? 17 ??? ?????????? CPP, ?? ????????, ?????? ??  
????????? ??? «????????? ??????» ??? ?????? 13, ?, ?????? ?\_, ??? ??????  
?????, ??? ?? ??? ?????? ?????? ?????? ?????????? ??????????, ??? ?????? ??????, ???  
?? ??? ? ?????? ?????? ?????? ??????, ??? ?? ?????? ??? ?????????? ?? ??????, ??  
????????? ?????? ??? ?????? ?????? ?????????? ??????, ??? ?????? ??? ?????? ??? ??????????  
????? ?????? ??? ??????.

38 ?? ????????, ?? ??? ?? ?????????? CPP, ??? ????????, ??? ??  
19, ??? ?? ?????????? ??? «????????? ??????» ??? ?????????? ???  
????? 13, ?, ?????? ?\_, ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ???  
?? ??? ? ?????? ?????? ?????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ??????  
?? ??? ? ?????? ?????? ?????? ?????? ??? ?????? ?? ?????? ?????????? ??? ??????  
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??????, ??? ?????? ???  
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

39 ??? ??? 21 ??? ?????????? CPP, ?? ????????, ?????? ??  
????? ??? Card Protection Plan Ltd, ?????????? ??? ?????? ??? ?????? ??? ??????  
?????, ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ??????  
?? ??? ???? ??? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ??? ??????  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????  
??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? Continental Assurance Company of  
London. ??? ?????? ??, ??? ?????? ?????? ?????????? ?????? ??? ?????? ??? ??????  
?? ??? ?????? Continental Assurance Company of London ??? ??? Card Protection Plan Ltd  
??, ??? ??????, ??? ??? Card Protection Plan Ltd ??? ??? ?????? ???, ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????, ??? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??? ??????.

40 ?????????? ? ?????????? ???, ??? ?????? ??? ?????????? ??? ?????????? ? Skandia  
??? ? Livbolaget ??? ?????? ??? ?????? ???, ?????? ?????? ??? ?????? ??? ?? ??????????  
????? ??? Skandia ??? ??? ?????? ??? Livbolaget. ????????????, ? Skandia ??? ?? ???  
????? ?????????? ??? ?? ??? ?????????????? ??? Livbolaget ??? ?? ?? ??????????  
????? ?????? ?????????? ??? ?? ??? ?????????? ?????????????? ??? ?????? ???  
????? ??? ?? ??? ?????????? ? Livbolaget ??? ?? ?????????? ?? ?????? ?? ??????????  
??? ?? ??? ?????? ??? ?????????? ?????? ???.

41 ?????? ??? ?? ??? ?????? ??? ?????????????? ?????????? ??? ?????????? ??? ?????? 17  
??? ?????????????? ??? CPP ??? ? ?????? ?????????????? ??? ?????? 37 ???  
????? ??? ????????, ?????????? ??? ? ?????????? ??? ?????????? ??? ?????? ??? ??????  
??? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ?????? ?? ?????? 13, ?, ??????? ?\_, ???  
????? ?????? ??? ??? ??? ?????????? ?????? ?????????? ?? ?????? ??? ??????  
????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ??? ??? ??????  
??? ?????? ?? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ??? ??? ??????  
??? ?????? ?? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????.

42 ????????, ?? ?????? ??? ?? ?????? 13, ?, ??????? ?\_, ??? ?????? ?????? ??? ???  
????? ?????? ??? ?????? ?????????? ????????, ?? ?????????? ??? «????? ??? ?? ???  
????? ?????? ?????? ?????????? ??? ?????????????? ??? ?????? ?????????? ???  
????? ?????? ?????? » ?????? ?? ??? ??? ? ?????????? ?????? ??? ?????? ??? ??????  
????? ?????? ????????, ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ?????? ????????, ??? ?????????? ? Skandia. ?? ? ?????? «????????? ??? ??????»  
????? ?? ?????????? ???' ???? ??? ???, ?? «????? ??? [?????????] ??? ??????  
????? ?????? » ?? ?????????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
?? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? 13, ?, ??????? ?\_.

43 ??? ?? ?????????? ??? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????????? ???  
????? ?????????? ??? ?????????? ??? ????????, ?????? ?????? ?????????????? ??? ???  
????? ??? ??????, ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
??? ?????? ????????, ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????? ?????? ??? ??????, ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
?, ?????? ?\_, ??? ?????? ??????. ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ??????, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? 2, ??? 1, ??? ?????? ???, ?????? ??? ?? ??? ?????? ?? ??.

44 ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?? ?????? ? ?????? ???  
? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ??????, ?????? ??????  
????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??????????  
????? , ? ?????? ??? ?????? ??? ?????? ??? 100 % ??? ? ?????? ?? ?????? ??? ?????? ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ??  
????? ??? ?????? 13, ?, ?????? ?\_, ??? ?????? ??????.

**????? ??? ?? ?????????? ????**

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45 ?? ?????? ??? ?????? ??????????? ? ???????? ?????????? ??? ? ???????? ??? ?????????  
????????????? ??? ??????????, ??? ??????????. ?????????? ??? ? ?????? ??????????  
???? ?? ??? ??? ????? ?????????? ??? ?????? ??? ?????????? ?????????????????? ???  
????????? ?????? ??? ?????? ??????????, ?' ??? ?????????????? ?? ?????????? ??? ???  
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## ???????????

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

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

????????? ??? ??? ?????????? ??? ??? ?????? ?? ?????? ??? 10?? ?????? 1999 ??  
Regeringsrätten, ??????????:

? ?????????? ??? ?????????? ??? ?????????? ??? ??????? ?? ??????, ?????? ??????  
????????????? ??? ?????? ??? ?????? ??? ??????, ?? ?????????????? ??? ?????? ?????? ??????????  
?????????, ? ?????? ??? ?????? ?????????? ??? ??? 100 % ??? ? ?????? ?? ?????????? ?? ??????  
??? ?????????? ??? ?????? ??? ??????, ??? ?????? ?????????? ?????? ??? ??? ??  
????? ??? ?????? 13, ?, ?????? ?\_, ??? ?????? ?????? 77/388/??? ??? ??????????, ???  
17?? ??\_?? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ?????????? ??  
???? ?????? ?????? ?????? - ?????? ?????? ?????? ?????? ?????????????? ????: ??????????  
????????? ???.