

?????? C-435/05

Investrand BV

????

Staatssecretaris van Financiën

[????? ??? Hoge Raad der Nederlanden (???? ??)]

??? ??? ?????? ?????????????? ??????????]

«????? ?????? ?? — ??? 17, ?????????? 2 — ?????? ?????? — ?????? ??
????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????? ?????? ?? ?????? ?????? ? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??
????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??
????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??
????? ??»

????? ??? ?????????? (????? ??) ??? 8?? ?????????? 2007

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

????????? ?????? — ?????????? ??? ?????? — ?????? ?????? ?????? — ??????
????? ?????? ?????? ?????? — ?????? ??? ?????? ?????? ?????? ??? ??? ??????

(????? 77/388 ??? ????????, ??? 17 § 2)

?? ??? 17, ?????????? 2, ??? ??? ?????? ?????? 77/388 ??? ?????????? ??? ??????????
??? ??? ??? ??????, ??? ?????? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ?? ??????????
??? ??? ?????? ?? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ??????????
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??
??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??
????? ??? ?????????? ???????????, ??? ??? ?????? ??? ?? ??? ??????, ??? ??????
????????? ??? ???, ??? ??? ??? ?????? ??? ?? ??? ?????????? ??? ??? ???, ??? ??????
??? ?????????? ??? ???, ??? ??? ??? ?????? ??? ?? ??? ?????????? ??? ??? ???, ??? ??????
????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??? ??????
?????.

(??, ??? 38 ??? ??????).

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

?? 8?? ?????????? 2007 (*)

«????? ?????? ?? — ??? 17, ?????????? 2 — ?????? ?????? — ?????? ??
????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??

????????????? ??? ????? ??????????? ? ?????? ?????????? ?????? ??? ?????????????? ???
????????????? ??? ????? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????????? ???
????? ???»

????? ??????? C-435/05,

??. ??????????? ?????? ?????????? ?????????????? ?????????? ?????? ??? ?????? 234 ??,
??? ??????? ?? Hoge Raad der Nederlanden (????? ????) ?? ??????? ??? 2?? ??????????
2005, ? ?????? ??????? ?????????? ??? ??????????, ??? ??????? ??? ??????

Investrand BV

?????

Staatssecretaris van Financiën,

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

?????????? ??? ??? K. Lenaerts (????????), ??????? ????????, E. Juhász, R. Silva de
Lapuerta, ?. ?????? ??? T. von Danwitz, ????????,

?????? ??????????: D. Ruiz-Jarabo Colomer

?????????: M.-A. Gaudissart, ?????????? ?????????????? ????????,

?????? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ?????????? ???
22?? ??????? 2006,

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

- ? Investrand BV, ?????????????? ??? ??? H. Konijnenberg, R. van der Paardt ??? J.
Streefland, advocaten,
- ? ?????????? ??? ???, ?????????????? ??? ??? H. G. Sevenster ??? ??? M. de
Grave,
- ? ?????????? ??? ???, ?????????????? ??? ??? I. ????????????,
- ? ?????????? ??? ???, ?????????????? ??? ??? T. Harris,
- ? ?????????? ??? ???, ?????????????? ??? ??? M. van Beek ??? ?,
???????????,

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

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

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1 ? ??????? ?????????? ?????????????? ?????????? ?????? ??? ?????????? ??? ?????? 17,
????????? 2, ??? ????? ?????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ???
????????????? ??? ?????????? ??? ?????? ??????, ??? ?????????? ?? ??? ????? ?????? ??????
????????? – ????. ?????? ?????? ????? ?????????????? ?????: ?????????? ?????????? ??? (?)
???. ??. 09/001, ?. 49, ??? ????: ??? ?????).

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

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

3 ?? ?????? 4 ???. ?????? ??????? ??????? ???:

2. ?????????????? ????????????????, ??? ???? ?????? ??? ?????????????? 1, ?????? ??? ??
????????????????? ??? ???????????, ??? ?????????? ? ??? ?????????????? ???????????,
????????????????? ??? ??? ?????????????????? ???????????, ??? ?????????? ???????????????,
????? ??? ??? ???????????????, ??? ?????????? ?????????????? ? ??? ??????????????? ???
????. ?? ?????????? ?????????????? ?????????? ?????? ? ?????????????? ?????????? ? ??????
??????, ??? ??? ????? ?????????? ?????? ?????????? ?????????? ??????????.

[...] ».

4 ?? ?????? 17 ???. ?????. ????????, ?? ?????? ?????? ??? ?????? «???????. ??? ?????? ???
???????????. ????. ??????», ??????, ????. ?????????????? 1 ??? 2, ???:

2. ????? ?????? ??? ?? ?????? ??? ?? ?????????? ?????????????????????? ??? ?? ?????????? ???
????????????? ??????? ???, ? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ??
????, ??? ??? ????? ?????? ?????????:

?) ??? ??????????? ? ?????????????? ??? ?????????????? ?????? ??? ?????? ??? ?? ?????? ??? ???-
????????????? ? ?????????? ?? ??? ??????????, ?????? ??? ??? ??? ?????????? ??? ???-
????????????? ? ?????????? ?? ??? ?????????? ??? ??? ?????????? ??? ??? ?????? ?????????? ??? ???-.

[...] »

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

5 ?? ?????? 2 ??? ?????? ??? 1968 ??? ?????? ?????? ?????????? (Wet op de omzetbelasting 1968), ??? 28?? ?????? 1968 (*Staatsblad* 1968, ??. 329, ???: ????? ?? 1968), ?????? ?? ???:

«? ?????? ??? ??????????? ??? ??????????? ?????? ??? ????? ?????? ?????????? ?????? ???
?????????????, ???? ?????????????? ?????? ?????? ??? ?????? ?????? ?????? ??????, ???? ???
????? ?????????? ?????????????? ??? ?????????????? ??' ?????? ?????????? ??? ??? ??? ???
?????? ?? ?????????? ??? ??? ?????????? ?????? ??? ??? ??? ?????? ?????????? ??????..»

6 ?? ?????? 15, ??????????? 1, ??? ?????? ??? 1968 ?????? ???:

«? ?????? ?? ?????? 2 ?????? ?? ?????? ??????????? ? ?????????????????? ??????:

a) ? ?????? ? ??????, ??? ??? ?????? ??????? ?? ?????? ? ??????, ??????? ? ?? ??????
????????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????????? ?????? ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????????????-.

[...]

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

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

7 ? Investrand ??????? ?? 22 ??????? 1986. ?????? ?????? 43,57 % ??? ??????
??? Cofex BV (?? ???: Cofex), ??????????? ?????? ???????.

8 ??? 3 ?????????? 1989, ? Investrand ?????????? ??? ??????? ??? Cofex ??? ??????
????????? ??? ?????? Hi-Tec Sports plc (??? ????: Hi-Tec Sports). ??? ?? ?????????? ???
????????????? ??? ? Investrand ?? ????, ??? ?????? ?????????????? ??????????, ??????????
?? ??? ?????? ?????? ?? ?????????? ??? ??? ?????? ??? ?????? ??? Cofex ??? ?? ??? 1989
?? 1992.

9 ?????? ??? 1? ??????????? 1993, ? Investrand ????? ?????????????? «?????????» ???????
?????????????, ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?
????????????? ??? ?????????? ??? ??????????.

10 ???? ?? ?? ?? 1? ??????????? 1993, ? Investrand ??????? ??????? ?????????? ??'
?????. ?? ?? ??????????? ???, ????, ????? ??????? ?? ?? ?????? ?? ?? Cofex, ??????, ??'
?????. ??????????????? ??????????? ?? ?? ???????.

11 ???? ?? ??????????? ?? ?????????????? ?? ?????????????? ?? ?????????????? ?? Investrand ????? ??
?????? ?? Cofex ?? ?? ????? ?? 1992, ??????? ??????? ?? ????? ?? Investrand ?? ?? Hi-
Tec Sports. ? ??????? ?? ???????????, ?? 1996, ??????????? ??????????? ?? ???????????, ??
?????? ?? ??????? ??????????? ?? Investrand ????? ?? ??????? ???????????

12 ? Investrand ??????? ??? ?? ?? ??????????? ??? ?? ?? ?????? ????, ??? 8 495,5
?????????? ??? (NLG), ??? ?? ??? 1996.

13 ?????????? ??? ? Investrand ??? ??? ?? ?????????? ?? ?????? ?' ??? ???? ??? ???????
??????, ? ?????????? ??????? ?????????? ?????????? ??? ?????????? ?????????? ??????
????????? ????. ??????? ?????????? ?????????? ??? Investrand, ? ?????????? ??? ??????
?????? ?? ??? ????? ?????????? ?? ?????????? ?????? ?????????? ?????.

14 H Investrand ?????? ??????? ??? ?????? ?????? ?????? ?????? ?????? ?????? Gerechtshof te
Amsterdam. ?? ?????????? ??? ?????? ?????? ??? ?????? ? Investrand ?????? ??? ??????
??? ??? ??? ??? ?????????? ??? ??? ?????? ??????, ??? ??? ??? ??? ??
????????????? ?????????? ??? ?????????? ??? ?????? ?????? ?????????????? ??? ??? ??
?????? ???' ?????? ?? ?????? ?????? ?? ?????????? ??? ??? ?????? ?????? ??? ??
????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

15 ? Investrand ?????? ??????? ??? ?????? ??? ?????????? ??? Gerechtshof te Amsterdam
?????? ??? Hoge Raad der Nederlanden.

16 ? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? Gerechtshof te Amsterdam
??? ? ?????????? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ??? ?????? ???
????? ??????. ?? ?????? ?????????? ??????, ???, ??? ?????? ??? ?????? ?????????? ???
????? ?? ?????? ??????, ?????????? ??? ? ?????? ??? ?????? ??? ?? ?????????? ???
????????? (????????? ??? 29?? ?????? 2004, C-77/01, EDM, ?????? 2004, ?. I-4295,
??? ??? 26?? ?????? 2005, C-465/03, Kretztechnik, ?????? 2005, ?. I-4357).

17 ?? ??? ?????? ??? ?????????? ?, ? Investrand ?????????? ??? ?? Gerechtshof te
Amsterdam, ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????????? ?????????? ???
????????? ?? 1996 ??? ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ??
????????????? ??? ?? ?????? ??? ?????? ??????, ??? ?? ?? ?????? ?????? ??? ??
????? ?????????????? ?? ??????, ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????????? ??? 8?? ?????? 2000, C-98/98, Midland Bank
(????? 2000, ?. I-4177).

18 ?? ?????? ?????????? ?????????? ??? ?????? ???, ??? ?????? ?????????? ???
??????????, ?????????????? ??? ?????? ?? ?????????? ?????????? ??? ?????? ???
??????????, ??? ?? ??? 17, ?????????? 2, ??? ?????? ??????, ?? ?????? ??? ??
????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????????? ??? ??
??????????, ??????, ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?? ?? ??? ??
?????????? ?????? ???????, ??????.

19 ?? ?????? ?????????? ?????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ???.

20 ??? ?? ?????????? ???, ?? ?????? ???, ?? ?????????? ??? ?????? ??? ?????????? ???
????????? ?????? ?????? ??? ?????? ??? ?????? ? Investrand ??? ??? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????? ???????, ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???
????? ??? ? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????????? ??? ?????? ??? ??????, ?????? ??? ?? ??? ?????????? ???
????? ?????????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ???, ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

21 ????, ???, ????????, ???????????, ???, ?? Hoge Raad der Nederlanden ??????????? ??
??????????, ??, ???, ???????, ???, ???????????, ???, ??, ???, ???????, ???, ???????????, ??, ???, ???????,
??????????, ???:

«??????, ?????????????? ??? ???? ?? ????? 17, ?????????? 2, ??? ????? ??????
????????? ??????, ?? ????? ????? ?? ?????????? ?????? ??? ????? ?????? ??????
????????? ?????????? ??? ?????????????? ?? ?????????????? ??? ?????????????? ?????
????? ?????? ?? ?????? ? ????? ??????????????, ??? ? ? ?????????? ?????? ???
????????????? ?????????? ?? ?????????? ?? ????? ?????????? ?????????? ? ?????
????????? ?????? ??? ?????????? ?? ?????????? ?? ????? ?????????? ?????????? ???
??? ?????????? ?????? ???;»

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

22 ????????, ????. ?? ?????????? ??? ?? ??????? ?????????? ??? ?? ??????? ?????????? ???. ?? ?????? ???????
?????? ?? ??????? ?????? ??? ?????????????? ??? ?? ?????????????? ??? ?? ?????? ??? ?? ?????? ??? ??????? ?
????????? ???. ?? ??????? ?????? ??? ?? ?????????????? ?????????????????? ??? ???. ?? ?????? ??????? ???
???????????, ????. ?? ??????? ?????????????? ??? ?? ?????????? ???. ?? ?????? ?? ?????????? ?????????? ???
??? ?????????? ?????????????? ??? ?? ?????????? ??? ?? ?????????? ???. ?? ?????? ??? ?? ?????????? ???, ???
??? ?????????? ??? ?? ?????????????? ??? ?? ?????????? ???, ????????, ??? ?? (?).., ???
?????, ????????, ??? 14?? ?????????? 1985, 268/83, Rompelman, ??????? 1985, ?. 655,
????? 19, ??? 15?? ?????????? 1998, C-37/95, Ghent Coal Terminal, ??????? 1998, ?. I-1,
????? 15, ??? ?? 22?? ?????????? 2001, C-408/98, Abbey National, ??????? 2001, ?. I-1361,
????? 24).

23 ????? ?????? ??????????, ? ?????? ??????? ??? ?????? ?????? ?????? ?????? ?????
????????????? ?????? ??????? ??? ?????? ?????? ?????????????? ?????? ?????? ??? ??????
????????? ?????????? ?????, ???????, ??????? ?????????????? ?? ?????????????? ?????? ???
????????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?? ?????????? ?
????? ??? ?????????? ??? (?? . ?????????????? ?????? Midland Bank, ??? 24,
??? Abbey National, ??? 26, ??? ??? ??? ?????? ??? 3? ??? 2005, C-32/03, Fini H,
????? 2005, ?. I-1599, ??? 26). ?? ?????? ?????? ??? ??? ??? ??? ??? ??? ??? ??? ???
????????? ??? ?????? ?????? ? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ???
????????? ??? ?????? ?????? ? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ??
????? ?????? ?????? ?????? (?? . ?????????????? ?????? Midland Bank, ???
30, ??? Abbey National, ??? 28, ??? ??? ?????? ??? 27?? ?????????? 2001, C-16/00,
Cibo Participations, ??? 2001, ?. I-6663, ??? 31).

24 ???????, ???????????????, ???????, ? ?????? ?????????????? ?????????? ??? ??
????????????? ????, ?????? ??? ?????????? ?????????? ??? ?????? ?????????? ?????? ???
????????????? ??????? ??????? ??????? ??? ?????? ?????????? ?????????? ??????? ??? ??????
????????? ???????????, ??? ?? ?????? ??? ?????????? ?????????? ?????????? ?????? ??? ??????
?????? ??? ???, ?? ??????, ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ????????. ?? ?????? ????, ????????, ????????, ???????? ??? ?????? ??? ?????? ??? ?????? ?? ?? ?????? ???
?????????? ?????????????? ??? ?????????????? ??? (??., ?????? ????,
????????????? ?????????? Midland Bank, ??????? 23 ?? 31, ??? Kretztechnik, ?????? 36).

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

26 ?????????? ??? ? ?? ??????????? ? Investrand, ??? ????? ?????? ?????? ?? ??????????????
?? ??? ?????? ??????????????? ?? ?????????? ??? ?????? ?????? ?????????? ?? ?????????????? ???
????, ??? ??????????? ???, ??????????? ?? ?????????? ??? ?????? ?????? ?? ? ? ?????????? ?? ???
???. ???????????, ?? ???????? ?????? ??? ?????? ??? ?????????? ?????????????? ?????? ? ???
?????? ??? ?????????? ?????? ??? ?????? ?????, ?????????? ??? ?? ??????????
????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????????
????????????? ??? ??? ??? ?????? ??? ?????? ?????? ?????? (??., ??? ??? ?????? ???,
????????????? ?????? Kretztechnik, ??? 19).

27 ?????????????? ? ?????????? ?????????? ?????? ???' ?????????????? ??????????, ?
Investrand ??? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? 26?? ??????? 2003, C-
305/01, MKG-Kraftfahrzeuge-Factoring (????????? 2003, ?. I-6729). ??????????????, ? ??????? ????
??? ?????? ?????????? ? ?? ??? ?????? ?????????? ?????????? ?? ?????????????? ? ??????, ??? ??????
????????? ?????????? ?? ?????????? ??????, ?????????? ??? ?????? ?????????? ?????????? ???
???? ?????? ??? ?????????? ?? ?????????????? ??? ?????????? ?????? ?????????? ?????? ?? ?????? ???
?????????, ?? ?????????? ??? ?????????? ?????????????? ??? ?????????? ??? ?????????? ? ?????? ?
????????????? ??? ??? ?????? ??????. ??? ? Investrand ?????????? ??? ?????? ??? ??????????, ?
????????? ???? ?? ?????? ?????? ?????????????? ?????????? ?????????? ?????????? ?????????? ???
????? ??? ??' ??????. ?????????????? ??? ?????? ??? ?????? ??? ?????????????? ?????????? ???,
????????? ?????????? ?? ?????????????? ??? ?????????????? ??? ?????? ?????????? ?????????? ???
????? ??? ?????? ??????, ? ?????? ?????????? ?? ?????? ?????????? ?????????? ?????????? .

28 ?????????? ??? ???? ? ?????????? ??????? ?????? ?? ?????????? ????? ?????? ?????? ?????? ?
Investrand ??????? ?? ??? ??????? ??? ?????? ??? Hi-Tec Sports ?????????? ?????? ???
????????? ??? ????? ?????????? ??? ????? ??????, ?? ?????? ????? ?????? ?????? ?????? ???
????????????? ?????????? ??? ?????? ?? ?????????? ?? ?????? ?????? ?????? ??? ?????? ???
?? ?????? ???? ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????.

29 ?????????????? ?????? ??? ?????????????? ?? ?? ?????? 24 ??? ?????????? ??????????
??????????, ?????? ?????? ?? ?????????? ??, ??? ?????????? ? Investrand ??????????
??? ?????????????? ?????? Midland Bank, ?? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????? ??? ?????? ?????? ?? ?? ?????? ??? ??????????
????????????? ??? ?????????? ??? ??????, ??? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ???.

30 ? ?????????? ??? ? ?????????? ??????????, ? ?????????? ??? ?????????? ??????????, ???
??? ? ?????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
?????, ?????????? ??? ???? ?????? ????? ?????????????? ?????????????? ?? ? ? ?????????? ???
?????? ???? Cofex ??? ??? Investrand ??? Hi-Tec Sports. ?? ?????????? ??? ????? ??????????
??, ???????, ? ?? ??? ????? ?????? ?????????? ?? ?????? ?????? ??? ???? ? Investrand ???
????????? ?????? ????.

31 ??????, ?????? ?? ??????????????, ??? ?????????????? ? ?????????? ?????????? ??? ?
????????, ??? ?? ??????? ??? ? ?????????? ?? ??? ?????????????? ??? ?????? ??? Cofex ???
??? Investrand ??? Hi-Tec Sports ???????, ??? ?????????? ??? ??? ?????? ??? ?????? ???
??????????, ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ???
Investrand ??? ????? ??? ?? ?????????????? ? ?????? ?????? ??? ?????? ??? ?????? ???

????????? ?? ??? ??????? ????? ?????? ??? ??????????????? ??????????, ??? ??????
????????? ? Investrand, ??? ??? ??????????? ?????????????? ??? ??????????.

32 ????, ??? ?????? ??????? ??? ?????????????? ??? ?????????? ???, ?? ??? ??????
????????? ??? ?????? ?????? ?????????????? ??? ?????? 1? ?????????? 1993, ?
Investrand ??? ?? ?????????? ??? ?????? ?????? ??? ?????????????? ??????????.
????????, ??? ?????? ?????? ?????????? ?????????????? ??? ?????? ?????????? ???, ?
Investrand ?? ?????????? ??? ?? ??? ?????? ?????????? ?????????? ?? ?????????? ???
????????? ?????????? ??? ?????????? ?????? Hi-Tec Sports ???
????????????? ?? 1989.

33 ??? ??? ?????? ??????, ??? ?????? ?? ?????? ?????? ??? ? Investrand ?????????? ???
?????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? . ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ???,
?? ?? ??? ?????? ??? ?????, ??????? ??? ?????? ??? ?????? ???' ????.

34 ??? ?????????? ? ???????, ? ??? ???? Investrand ??? ??????? ?? ?????????? ???
????? ??? ?????? ?????? ???????, ? ???????, ?????? ??? ?????????, ?????????? ???????
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??? ??? ?????????? ?? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ????. ??? ? ?????????? ???????, ???, ??? ?????? ??? ?????? ??? ?????
????????? ??? ?????? ?????? (??., ??? ??? ?????? ???, ?????????????? ?????? EDM,
?????? 60 ??? 61).

35 ????????, ????, ?? ?????????????? ??? ? ??? ?????? ?????? ?????????? ???????
??? ??? ?????? ?????? ? ?????????????? ?????? Kretztechnik. ???????????, ?? ???
??? ?????????????? ?????? ??? ?????????? ? ?????? ?????? ??? ??? ?? ?????? ??
????????? ????, ?? ??? ?????????? ??? 36 ??? ?? ??? ?????? ????, ??
????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ??????????
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36 ??? ??? ?????? ??????? ??? ?????????? ??? ?????????? ???, ?? ??????????, ?
Investrand ??? ?? ?????????? ??? ?????? ?????? ?????????????? ??? ?????????? ?? ??? ??????
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?????, ???????, ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????????
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37 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??????????, ??
????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ?????? Kretztechnik
?????, ???????, ?????? ??? ?????? ??? ?????? ?? ?? ?????? ??? ?????????? ??????????????
??? ?????????? ???.

38 ?????????? ??? ?????? ??? ?????? ??? ???????, ??? ?????? ??? ?????? ?? Hoge Raad der
Nederlanden ?????? ?? ?????? ? ?????? ??? ?? ?????? 17, ?????????? 2, ??? ?????? ??????
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ?????? ????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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?? ?????? 17, ??????????? 2, ??? ????? ??????? 77/388/??? ??? ???????????, ??? 17??
????? 1977, ??? ?????????????? ??? ?????????? ??? ?????????? ??? ??????, ??? ?????????? ??
????? ?????? ??????? ??????? - ?????? ??????? ?????? ??????????????? ??????:
?????????? ?????????? ???, ?????? ?? ?????????? ??? ??? ?????? ??? ??
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????????? ?????????? ?????? ?? ?????????? ??? ? ?????? ??? ?????????? ??? ?????? ???
?? ?????????? ??? ?????? ??? ?????????? ??????????????, ??? ??? ?????? ??? ??
????? ???????, ??? ?????? ? ?????????? ??? ?????? ???, ?????? ??? ?????? ?????? ?? ??
????????????? ??? ??? ???, ???????, ??? ?????? ?????????? ?????????? ??? ??????
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(???????????)

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