

?????? C-484/06

**Fiscale eenheid Koninklijke Ahold NV**

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**Staatssecretaris van Financiën**

(?????? ??? Hoge Raad der Nederlanden

??? ??? ?????? ?????????????? ??????????)

«?????? ??????? ?????????????? ?????????? – ????? ??? ??? ?????? ??? – ????? ???  
????????????? ?????????????? ??? ??? ?????????????? – ?????? ??? ?????? ??????????????????  
??? ??? ??? ??? – ?????????????? ??? ?? ??? ??? ??? ???»

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

1. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????? – ?????? ?????? ?????? –  
????? ?????? ?????? ?????? ?????????????? ?????? – ??? ?????? – ?????????? ???  
????????????? ??? ??? ??? ???

(?????? 77/388 ??? ??????????, ????? 11, ?, § 1, ??????? ??, ??? ?????? 22 § 3, ??????? ??)  
??)

2. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????? – ?????? ?????? ?????? –  
????? ?????? ?????? ?????????????? ?????? – ??? ?????? – ?????? ??? ??????????  
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(?????? ??? ?????????? 67/227, ????? 2, ?. 1, ?? 77/388)

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

(?. ??? 33, ??????. 1)

2. To ?????????? ??????, ??? ??? ?????? ?????? ?????????? ??? ??? ?????????????? ?????? ???  
????? ??? ?????????? ?????????????? ??? ??? ??????????????, ??? ?????? ??? ?????? ???  
????? ?????? ?????? ?????????? ?? ?????????? ?????? ?????????????? ??? ??? ??? ??  
????????????? ??? ?? ??? ??? ??? ??? ??? ??? ??? ??? ??? ??? ??? ??? ??? ??? ???

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

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

(???. ??????? 37, 39, 43, ??????. 2)

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

?? 10?? ?????? 2008 (\*)

«????????????? ??????? – ??? ??? ??? ?????? ??? – ??? ??? ???????????  
????????????? ??? ??? ?????????? – ?????? ??? ?????????????? ??? ?????? ???  
?? – ?????????????? ??? ??? ??? ??? ???»

???? ?????? C484/06,

?? ?????????? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? 234 ??,  
?? ?????? ?? Hoge Raad der Nederlanden (????? ?????) ?? ?????? ??? 24?? ??????????  
2006, ? ?????? ?????? ??? ?????????? ??? 27 ?????? 2006, ??? ?????? ??? ???

### **Fiscale eenheid Koninklijke Ahold NV**

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**Staatssecretaris van Financiën,**

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

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

?????? ??????????: E. Sharpston

?????????: C. Strömholm, ??????? ??????????,

?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??? ?????????? ???  
13?? ??????? 2007,

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

- ? Fiscale eenheid Koninklijke Ahold NV, ?????????????? ??? ?? G. C. Bulk, adviseur, ??? ?? M. Hamer, advocaat,
- ? ?????????? ??? ??? ?????, ?????????????? ??? ?? H. G. Sevenster ??? ?? M. de Grave,
- ? ?????????? ????????, ?????????????? ??? ?? O. ??????????, ?. ?????????? ??? ?? ?. ????????,
- ? ?????????? ????????, ?????????????? ??? ?? E. O?niecka-Tamecka,
- ? ?????????? ??? ????????, ?????????????? ??? ?? V. Jackson, ?????????? ??? ?? I. Hutton, barrister,
- ? ?????????? ??? ?????????? ??????????, ?????????????? ??? ?? ?. ??????????????, A. Weimar ??? P. van Nuffel,

???? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??? 24?? ?????????? 2008,

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

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1 ? ?????? ?????? ?????????? ?????????????? ?????? ??? ?????? ??? ?????? 22, ?????????? 3, ????????, ??? ?????????? 5, ????? ??? ??? ?????? ??? ?????? 11, A, ??? ?????? ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? – ??? ?????????? ?????? ?????????????? ?????: ?????????? ?????????? ??? (?? ????. ????. 09/001, ?. 49), ??? ?????????? ?? ??? ?????? 91/680/??? ??? ??????????, ??? 16?? ?????????? 1991 (?? L 376, ?. 1, ??? ?: ??? ?????).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????????? ?????? ??? Fiscale eenheid Koninklijke Ahold NV, ?????? ?????????? ?????????? ??? ?????? ??? ?????? ? ?????? Albert Heijn BV, ??? ??? Staatssecretaris van Financiën [?????????? ??????????], ?????? ??? ?????????? ??? ??? Inspecteur van de Belastingdienst (?????????? ?????? ?????????? ?????????? ?????????? ?????????? ??? ?????: ?????) ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ??? ?????? 1 414 ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? (?? ????: ???).

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

3 ?? ?????? 2 ??? ?????? ?????? 67/227/??? ??? ??????????, ??? 11?? ?????? 1967, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????, ??? ?????????? ?? ??? ?????? ?????? (?? ????. ????. 09/001, ?. 3, ??? ?: ??? ?????), ?????? ?? ???:

«? ?????? ??? ?????? ?????? ??????????? ?? ?????? ?????????????? ?????? ?????????? ???  
?????? ??? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??????????????, ??????  
????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????????? ?? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??? ??????  
??? ??? ?????? ?????? ??? ?????.

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

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

[...]»

4 ?? ????? 11, A, ?????????? 1, ??????? ??, ??? ?????? ???????, ?????? ???:

«???? ?????? ??? ?????? ????:

) ??? ??? ?????????? ??? ?????? ??? ??? ?????? ?????????, ?????? ??? ??????????????  
????????? ??? ??????????? ??, ?? ??? ??, ?????????? ?????????? ??? ??????????, ??? ????  
????? ? ?????????? ?? ?????? ??? ?????? ?????? ?????? ? ?????????? ??? ? ?????????? ???  
????????? ??? ??? ?????????, ??? ?????? ??? ?????? ??????, ?????????????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???».

5 ?? ????? 22, ?????????? 3, ??????? ?? ??? ??, 4, ??????? ??, ??? 5, ??? ???  
??????, ?????? ???:

«3. ?) ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ?????????? ? ?????? ???  
????? ??? ??????????, ??? ??? ?????????? ?????? ??? ?????? ?????????? ???  
????? ?????????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ? ?????? ??? ?????????? ???  
????? ??????. [...] ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
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[...]

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

4. ?) [...]

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

[...]

5. ????? ??????????? ????? ????? ??????????? ?? ?????????? ?? ?????? ??? ?????  
????????????? ?????? ??? ?????? ?????? ??????????? ??? ?????????? ??????????, ?? ??????  
????? ?????????? ?? ??????? ?????? ?????? ?????????? ??? ?????? ?? ?????????? ?????? ??????  
?????????????»

6. ?? ??? ?????? 2001/115/?? ??? ???????????, ??? 20?? ??????????? 2001, ??? ???  
?????????? ??? ?????? 77/388 ?? ?????? ??? ???????????, ??? ?????????????? ??? ???  
?????????? ??? ?????? ??? ??????????? ??? ??????????? ??? ?????? ?? ???  
????????????? ??? (?? 2002, L 15, ? 24), ??? ??? ?????? ?? ?????? ??? ?????? ?????? ?? ???  
?????????? ??? ?? 1? ??????????? 2004, ??????????? ?? ?????? 22, ?????????? 3,  
????????? ??, ??? ?????? ???????, ??????? ? ?????? ?????? ?????? ?????? ?????? ??????, ??????  
?????, ??? ?????? ???????, ? ?????? ??? ?? ???:

«?? ??? ?????????? ??? ??????? ?????????? ??? ?????????? ??? ?????????? ?????? ???  
????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ???  
????? ??? ?????? ?? ?????????? ??? ?????????? ???' ?????? ??? ?????????? ??? ?????????? ???  
????????? ??, ?????, ?????? ??? ?????? ?????:

[...]

- ?? ??? ?????? ?????????? ??? ???????, ?????? ??? ?????????? ??? ?????? ?????????? ???  
????? ? ??????? ?????? ??????? ??? ?????? ??? ??????? ???,

[...]»

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

7. ?? ????? 35 ??? ?????? ??? ?????? ?????? ?????? (Wet op de omzetbelasting), ???  
28?? ??????? 1968 (Staatsblad 1968, ????. 329), ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ???:

«1. ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
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[...]

i. ? ??????.

j. ?? ??? ??? ?????????? ??? ??? ?????? ? ?? ??? ?????? ??? ?????? ?????????? ????. ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

[...]»

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

8. ? ??????? Albert Heijn BV ???? ?????? ??? Fiscale eenheid Koninklijke Ahold NV, ?  
????? ??????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??????? ??? ?????????? ?????? (?????????????), ??? ?????? ??? ?????? ???  
????? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

9. ??? ?? ?????? ???????, ?????? ??? ?????? ??? 2003, ? ??????????????

???? ??????? ?????? ??????????? ??? ??????? ??? ??? ??? ??? ?????????? ??? ??????????? ???  
????????? ?? ?? ?????? ?????????? ???, ?????? ?????? ??? ?????????? ?????? ??? ??????????  
????????? (? «?????? ??????»), ?? ?????? ?????????? ??? ?????? ??? ?????.  
????????? ??????? ???.

11    ???????????, ?? ??? ???????????, ? ?????????????? ??? ?????? ?????? ???????  
???????????, ??? ??? ????? ??? ?????? ?????, ??? ??? ?????, ? ??? ?????? ????????  
?? ?????????? ??? ?????????? ?????? ??? ??? ??? ?????? ????????, ??? ????????  
???? ??? ?????? ??? ??????? ?????? ?????, ?????????????? ?? ?????????????? ??? ???  
???? ??? ?????? ?????????? ??? ??? ??? ?????? ???.

12     ? ??????????????? ???? ?????? ?????? ?????????? ???' ?????? ??? ?????? ???, ???? ??????  
????? ?? ??? ?????????? ??? ?? ???? ?????? ????????, ?? ?????? ?? ??????????, ??????  
????? ?? ?????? ?????????????????? ??? ?? ???? ??? ?????, ???? ?????????? ??? 1  
414 ???? ??? ?? ??? ?????? ??? ?????????? ??? ?????????? ????????, ?????????????? ?? ???? ??????  
??? ?????? ?????????? ???, ? ?????? ?????????? ??? ?????????????? ??? ??????  
?????????.

13     ? ??????????????? ???? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? 1 414 ????,  
?? ?????? ????????, ???? ??? ?????? ???, ??????????? ?? ??? ?????? ??????? ??? ?? ???  
?????????????? ??????????. ??????? ??? ??????????? ??? ?????????? ???, ?  
????????????? ??? ?????? ?????? ?????? ?????????? ??????? ??????? ??? ??????,  
????????????? ??? ? «????????????? ??? ?????? ??????» ??? ?????? ???? ??? ?? ??  
???? ??? ?????????????? ??? ?????? ?????? ??????, ??????????, ?? ??????????????????  
?? ?????? ?????????? ???.

14 ? ??????? ???????? ?? ?????? ?? ??????????? ??????. ? ?????????????? ?? ?????? ?????? ??????  
?????? ??????? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????????????? ??????? ?????? ??  
Gerechtshof te Amsterdam. ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
?????? ?? 16?? ??????? 2004. ??????, ? ??????????? ?? ?????? ?? ?????? ??  
????? ??????? ?? Hoge Raad der Nederlanden ????. ????.

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

??????????????, ??? 1?? ?????? 2004, ??? ?? ?????????? ?????????? ???, ??????????????, ???  
?? ????? 5 ??? ?????????? ?????????? ??? 1968 ??? ??? ????? ?????? ??????  
(Uitvoeringsbesluit omzetbelasting 1968).

18     ????? ??? ????????, ?? Hoge Raad der Nederlanden ????????, ?? ???????????, ??  
??????????, ?? ???? ?? ???????, ?? ???????????, ?? ???????????, ?? ???? ?? ???????????, ?? ??????????:

«1) ?????????? ? ?????????????????? ?????? ??? ?? ?????????????? ??? ?? ?????? ?????? ? ??  
 ?????? ??? -????????????? ??? ?????? ??? ?????? [?? ?????? 22, ?????????? 3,  
 ?????????? ??, ?????? ??????????, ??? ?????????? 5, ?????? ??? ?? ?????? 11, ?, ??? ??????  
 ??????] - ???????? ??? ?????? ?????? ??? ?????? ??? ??????;

2) ?? ??????? ?? ???????, ?????????? ?? ?? ?????????????????? ?????????? ?? ?? ???????  
?? ?? ????? ?? ?????????????? ?? ?????????? ?? ?????????????? ?? ??????? ?? ?? ???????  
?????, ????? ?? ?? ?????????? ??????? ?????????????? ?? ??????? ?? ?????????? ?? /?  
????????????????? ?? ?? ??????????;»

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

20 ??????? ?? ?????????? ??????? ?? ?????????? ???????, ?????????????? ? ???????  
????????? ?? ??????? ??????????, ? ?????? ??????? ?????????? ??? ???????, ?? ???????  
??? ?????????? ?? ?????????? ???????????, ??????? ?? ?? ?? ?????? 61 ?? ??????????  
??????????, ?????? ?????? ??? ??? ?????????????? ??????? ? ??? ? ??????? ??????? ??  
????? ??????????? ?????? ?????????????? ??? ??? ??????? ??? ??????? ?????????? ???????  
??? ??????? (??. ??????? ??? 4?? ?????????? 2000, C?17/98, Emesa Sugar, ??????? 2000,  
. I-665, ????? 18, ??????? ??? 14?? ?????????? 2004, C?210/03, Swedish Match, ???????  
2004, ?. I?11893, ????? 25, ??? 28?? ??????? 2007, C?466/03, Albert Reiss  
Beteiligungsgesellschaft, ??????? 2007, ?. I?5357, ????? 29, ??? ??? 8?? ?????? 2008,  
C?491/06, Danske Svineproducenter, ? ????? ??? ??? ?????????? ?????? ??? ???????,  
????? 21).

21      ?? ??? ??????? ?? ?????????????? ?? ???? ?????????????? ??????????????, ????, ? ? ??????????????  
???? ?????? ?? ??? ?????????????? ??, ???, ??? ???? ??' ?????????????? ??????????, ??????????  
????????? ?? ???? ?????????? ?? ??????????????????.

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

23      ????? ????????, ?????? ?? ??????????? ? ?????? ?? ??? ?????? ?????? ?? ?????????? ? ? ?????????? ???.

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

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

25      ?? ?????????? ?? 22, ?????????? 3, ??????? ??, ??? ????? ??????, ???  
????? ?????? ??? ???? ?? ???? ?????? ?????????????? ?????????????? ??? ?????? ??? ?????? ???  
????? ??? ???? ?????? ?????? ??? ?????????????? ??? ??? ?????? 2001/15, ? ?????? ???  
?? ???? ??? 1? ?????????? 2004 ???, ???????, ??? ??? ?????????? ???? ??? ?????? ??????  
????? ??? ?? ?????????? ??? ?????????? 5 ??? ????? ??????, ???????, ?? ?? ??? ??????  
?????, ?? ???????????, ???' ????, ?? ?????????????????? ???? ???, ??? ?????????????? ??  
????? ??????????. ??? ??????????????, ??????, ??? ?? ?????????? ???? ???  
????????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????????????????.

26    ?? ???? ??????? ??? ?????????????? ??? ???? ???. ?????? 11, A, ??????????? 1, ????????? ??,  
??? ?????. ??????. ??????????????, ? ??????? ??? ?????????????? ??? ?????????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ????? ?????????????? ??? ??? ??? ??? ??? ??????????????  
????? ??? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

27 ? ?????????? ??? ?????? ?????? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ?????? ?????? [??., ?????? ?????, ?????????? ???  
10?? ?????????? 2002, C?491/01, British American Tobacco (Investments) ??? Imperial  
Tobacco, ?????? 2002, ?. I?11453, ????? 203 ??? ?????????? ??????????, ??? 16??  
????????? 2003, C?12/00, ?????? ??? ??????????, ?????? 2003, ?. I?459, ????? 55, ???  
??? 13?? ?????? 2008, C?437/06, Securenta, ? ????? ??? ??? ?????????? ??? ?????? ???  
??????, ??? 35].

28 ???? , ??? ? ? ??????? ??????? 67/228/??? ??? ??????????? , ??? 11?? ??????? 1967,  
???? ?????????????? ??? ?????????? ??? ??????? ??? ?????? ??? ?????? ?? ??? ?????? ??????  
????????? – ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????????????? ??? (?? ??? . ??? . 09/001, . 5), ?????????? ???' ????. ??? ? ??? ? ????.  
????????? ????. ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????? ??? ???? ? ???? ??? (??????? ??? 3?? ?????????? 2006, C?475/03, Banca Popolare  
di Cremona, ??????? 2006, ?. I?9373, ??????? 20 ??? 23). ??? ??????? ????, ?? ????. 11, A,  
????????? 1, ??????? ??, ??? ?????? ?????? ?????? ?? ?????????? ??? ?????????? ??? ??????????  
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

29     ?? ???? ?????? ???. ?????????????? ???. ????? ???. ?????? 22, ?????????? 3, ?????????? ?, ???.  
????? ??????, ?????? ???. ???. ?????? ?????????? ???. ?????? ???. ?????? ?????????? ?????? ???.  
????? 2001/115 ??? ? ?????????? ???. ?????? ???. ?????? ???. ?????? ???.  
????????? ???. ?????? ???. ?????? ???. ?????? ???. ??????. ?????, ???. ???. 22,  
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30    ????????, ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????? ??????? ????????

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

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32    ????????, ??? ?????????? ??? ?? ?????? ?? ?????? ??? ?????? ?????? ??????????? ? ????????????

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33    ?????????? ??? ?????? ?? ????????????, ??? ?????? ?????? ?????? ?? ?????? ??

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34    ?? ?? ??????? ???????, ?? ?????? ?????????? ?????? ?? ?? ??????? ?????????? ???

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35    ?????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ????????

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36    ? ??? ?????? ?????????? ??????????????, ? ?????? ?????? ?????? ??? ?????? ???

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2006, C?443/04 ?? C?444/04, Solleveld ??? van den Hout-van Eijnsbergen, ?????? 2006, ?.

I?3617, ?????? 35 ??? ?????????? ?????????). ?????? ??? ?????? ???, ?? ??? ?????? ???

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Elida Gibbs, ?????? 1996, ?. I?5339, ?????? 24).

37    ???????, ? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??????

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38    ??? ????? ??? ??? ?????? ??? ???????????????, ??? ?? ?????? 2, ?????? ??????, ??? ??????  
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Popolare di Cremona, ??? 21, ??? ?????? ??? 11?? ?????????? 2007, C?283/06 ???  
C?312/06, KÖGÁZ ?.?., ?????? 2007, ?. I?8463, ??? 29).

39    ?????????? ? ??? ?????? ??? ?????????????? ?????????? ? ?????????????????? ?????? ??????  
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40    ?? ??? ???????????, ??? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??  
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41    ?? ?? ??????, ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ??????????????????, ???  
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42    ??? ?? ??????? ?????????? ??? ?? ?????????? ??????, ?????????? ?? ?? ?? ?????????? ???  
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43    ??? ???????, ??? ?????? ?????? ?????? ??? ?????? ?? ?????? ? ?????????? ??? ?? ??????????  
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44    ?????????? ??? ? ?????? ?????????? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ???  
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1)    ?????????? ?????? ?????????? ?????????? ??????, ?????????? ??? ?????? ??? ??  
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2) To ?????????? ??????, ??? ??? ?????? ?????? ?????????? ???, ??? ?????????? ???  
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