

?????? C-291/07

Kollektivavtalsstiftelsen TRR Trygghetsrådet

????

**Skatteverket**

(?????? ??? Regeringsrätten

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

«??? – ??? ?????? ?????????????? ??? ?????????????? ?????? – ??? ?????? ?????????????? – ??? ??????  
????????? ?????????????? ?????? ?????? ?????? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ? ?????? ??? ?????????? – ?????????? ??? ?????????? ??? ?????? ??? ?????? –  
????????? ?????????????? ?? ?????? ?????? ?????? ??? ?????? ?? ??? ?????????? ?? ?? ????  
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????????? ??? ??????????

????????????? ?????????? – ?????????? ??? ?????????? – ??? ?????? ?????? ?????????? – ???  
????????? ??? ?????? ?????????????? ?????? – ?????? ?????????? – ?????????????? ??? ??????  
?????????????

(?????? ??? ?????????? 77/388, ??? 9 § 2, ????????, ??? 2006/112, ??? 56 § 1,  
???????)

? ???? 9, ????????, 2, ????????, ??, ??? ?????? ?????? 77/388/???, ??? ??????????????  
??? ?????????? ??? ?????? ?????, ??? ????????, ?? ??? ?????? ?????? ?????? ??????????, ???  
????????????? ?? ??? ?????? 1999/59, ??? 56, ?????????? 1, ?????????? ?? ??? ??????  
2006/112, ??????? ?? ?? ?????? ?????? ?????? ?????????????? ?????, ??? ??????????????  
??? ??? ?????? ?????? ?????? ?????? ??????, ??????????, ?????? ?????? ??????, ??????????  
????????? ??? ?????? ?????? ??????, ?????? ??? ?????? ??? ? ?????? ?????? ??????  
????????? ?????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ?????????????? ??????  
????? ???????, ?????? ? ?????? ?????? ??? ?????? ?????? ?????????????? ?????????????? ??? ??  
????????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????, ?????? ??  
????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????, ?????? ??? ?? ?? ?? ??  
????????? ?????????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ?????????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??????????????.

?????????????, ?? ?????? ??? ?????? ?????? ?????????????? ?? ? ?????????? ??? ?????????? ??? ??  
????????????? ??? ? ?????????????? ??? ?????? ??? ?????? ?????? ?????????? ??????????????  
??? ?????????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ??????????,  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 2, ?????????? 1,  
??? 17, ?????????? 2, ?? ?????? ??? ?????? ?????? ?????????? ??? ? ?????????? ??? ??????  
????????? ?????????? ??? ?? ??? ??????.

????????? ??? ?????? ?????????????? ??? ?????? 9, ?????????? 2, ?????????? ??, ??? ?????? ??????  
?? ??? ?? ?? ?? ?????????? ?????? ??? ?????? ?? ?????????????? ??? ?? ??? ?????? ??? ??  
????????? ?????? ?????????? ??? ?????? ?????? ?? ?????? ?? ?????????? ??? ?? ?????? ??? ??

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

(???. ??????? 28-33 ??? ??????.)

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

??? 6?? ???????? 2008 (\*)

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

???? ?????? C-291/07,

? ? ?????????? ??? ?????? ?????????? ?????????? ?????? ??? ?????? 234 ??,  
??? ?????? ?? Regeringsrätten (???????) ?? ?????? ??? 30?? ?????? 2007, ? ??????  
????????? ??? ?????????? ??? 15 ?????? 2007, ??? ?????? ??? ??????

### **Kollektivavtalsstiftelsen TRR Trygghetsrådet**

????

**Skatteverket,**

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

????????? ??? ??? P. Jann, ?????? ??????, M. Ileši?, A. Tizzano, A. Borg Barthet  
(???????) ??? E. Levits, ????????,

??????? ??????????: J. Mazák

?????????: R. Grass

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

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

- ?? Skatteverket, ?????????? ??? M. Loeb,
- ? ?????? ??? ??????, ?????????? ??? M. Lumma ??? C. Blaschke,
- ? ?????? ??? ??????, ?????????? ??? ?. ?????? ?. ?????? ??? ?. ??????????,  
????? ??? ??? ??? ?, ????,
- ? ?????? ??? ??????, ?????????? ??? I. M. Braguglia, ?????????? ??? ???

G. de Bellis, avvocato dello Stato,

– ?????????? ??????????, ??????????????? ??? ??? T. Nowakowski,  
– ?????????? ??? ?????????? ???????????, ?????????????? ??? ??? ?. ??????????????  
??? P. Dejmek,

???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??? ?? ??????????  
??? 17?? ?????? 2008,

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

??????

1 ? ?????? ?????????? ?????????????? ?????? ??? ?????????? ??? ?????? 9,  
????????? 2, ??? ??? ????? ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ???  
????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ??????  
????????? – ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ??? (??  
???. ??. 09/001, ?. 49), ??? ?????????????? ?? ??? ?????? 1999/59/?? ??? ??????????, ??  
17?? ?????? 1999 (?? L 162, ?. 63, ??? ?: ??? ?????), ??? 56, ?????????? 1, ??????  
??, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ??  
????? ?????? ?????? ?????? ?????????????? ?????? (?? L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ???  
Kollektivavtalsstiftelsen TRR Trygghetsrådet (????????? ??? ??? ?????? ?????????? ???  
????????????? ??? ?????? ??????????, ??? ?: TRR), ?????????? ?????????? ?????????? ?? ???  
????? ?????????? ??? ?????? ??????????????, ??? ??? Skatteverket (?????????  
????????????? ???), ??? ?????? ??? ?????????? ?????????? ??? ?????? ?????????? ??????????  
????????? ??? ?????????? ??? ?????? ??????????, ??? ?????? ?????????? ?? ??? ?????? ??  
??????, ??? ??? ?????? ?? ?? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ?? ??????  
?? ???????, ??? ??? ?????? ??? ?????? 7 ??? ?????? 5 ??? ?????? 1994:200 ??? ??  
????? ?????????????? ?????? [medvärdesskattelagen (1994:200), ??? ?: ?????? ??? ??]. ?  
?? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ? ??? ?????? ??? ? ?????? 2006/112 ????  
????????? ??????????.

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

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

3 ?? ??? 2, ??? 1, ??? ?????? ?????? (?? ??? ?????? ?????????????? ?? ?? ??? 2,  
????????? 1, ????????, ??? ?????? 2006/112) ?????????? ??? ??? ???  
????????????? ??? (?? ?: ???) ?????????? «?? ?????????? ?????? ??? ?? ??????????  
????????? ??? ?????????????? ?? ?????? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ??? ??? ?????? ??? ??? ?????? ??? ?????? ??? ??????».

4 ??? ???? 4, ?????????? 1, ??? ?????? ?????? (?? ??? ?????? ?????????????? ?? ??  
????? 9, ?????????? 1, ??? ??????, ??? ?????? 2006/112), ?????????? ?? ??????????  
????? ??? «????????????? ???, ??? ?????? ?????????? ??? ?? ?????????????? ???, ??? ??  
?? ?????????? ?????????????? ??? ?????????? ??? ?????? 2, ?????????? ???  
????????? ??? ??? [?] ??? ?????????? ??? ?????????? ??? ?????? ??? ??????».

5 ?? ??? 4, ?????????? 2, ??? ?????? ?????? (?? ??? ?????? ?????????????? ?? ?? ???  
9, ?????????? 1, ??? ??????, ??? ?????? 2006/112) ?????? ??? «?????????  
????????????? ??? ??? ?????? ??? ?????????? 1, ??? ??? ??? ?? ?????????????? ???

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

6 ??? ?? ????? 9, ?????????? 2, ??????? ?, ??? ????? ?????? (?? ????)  
?????????????? ?? ?? ??? 43 ??? ?????? 2006/112), «?? ??? ????? ?????? ??????????  
????????? ? ??? ?? ?????????? ?????????????? ??? ?????????? ??? ?????????? ? ???  
????? ?????????????? ??? ?? ??? ????? ?????????? ?? ??????????, ?????????? ?? ??????,  
? ??? ?? ?????????? ? ?????????? ?????????? ???».

7 ?? ????? 9, ?????????? 2, ??????? ?, ??? ????? ?????? (?? ????)  
?????????????? ?? ?? ??? 56, ?????????? 1, ??????? ?, ??? ?????? 2006/112)  
????????? ?????? «????? ?????? ??? ?????????? ??????????, ?? ?????? ?????????? ??  
????? ?????????????? ??? ?? ??? ?????????? ?? ?????????? ?????? ?????? ??? ?????????? ???  
????????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
?????????, ??? ?? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ?????? ???  
????????? ?????? ?????????? ??? ?? ??? ????? ?????????? ?? ?????????? ??? ?????????? ???,  
????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???:

[...]

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

[...]»

8 ??? ?? ????? 21, ?????? 1, ??????? ?, ??? ????? ??????, ? ??? ?????????? «?? ??  
????????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????????? ?? ??? ?????????? 2 ??  
????? 9 ? ??? ?? ?????????? ?????? ?????????? ?????? (??) ??? ?????????? ???  
????? ?????? ?????????? ?????????? ??? ?????? ?????? ?, ?, ? ??? ?? ??? ?????? 28?, ?????? ??  
????????? ?????????? [??] ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
?????????, ?? ?????? ??? ?????? ?? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ?????? ??? ?????? ??? ?????? ??? ??????»..

9 ?? ????? 196 ??? ?????? 2006/112 ?????? ??? «? ??? ?????????? ??? ?? ??????????  
????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? 56  
[...]».

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

10 ?? ????? 1 ??? ??????? ? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ??????????  
?? ?????????? ??? ?? ?????? ?????? ?????????? ?????? ??? ?????????? ?? ?????????? ??  
????????????????? ??? ?????? ?????? ?????????? ?????????????? ?????????????? . ? ??????  
????? ?????? ??? ?????? ??? ?????? 2, ?????? 1, ??? ????? ?????? ??? ??????????  
??????.

11 ?? ????? 7 ??? ??????? 5 ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??????????  
?? ?????? ???????????, ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ???????, ?? ??????  
????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ???????, ?????????? ???  
????????? ?????? ??? ?????????? ???????????, ?????? ? ?????? ?????? ?????? ???

????????? ??? ??? ???? ??????????? ??? ?????????????? ??? ?????? ? ?????????? ? ?????????? ???????  
????????? ??? ??? ?, ??? ??? ?????? ?????????? ?? ??????????, ?, ????, ??? ??  
????????? ??? ? ?? ?????? ?????????? ??? ??? ??????. ??????? ??? ?????? 2 ??? ?????????? ?  
??? ?????? ?????, ?? ? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ??????????, ? ???  
????????? ??? ??? ?????? ??? ?????????? ?? ?????????? ?????? ?????????? ??? ??????????  
?????? ??? ?????????? ?????????? ??? ?????? 9, ?????????? 2, ?????????? ?, ??? 21,  
?????? 1, ??????? ?, ??? ?????? ??????.

12 ? ?????? ??? ??? ??? ?????? ?? ?????????? ??? ??? «????????». ? ???? 1 ???  
????????? 4 ??? ??? ?????? ?????? ?????????????? ??? ?? «????????????? ??????????????»  
????? ?? ?????????? ??? ?????????????? ??????????????, ??? ??? ?????? ??? ?????????? 13  
??? ?????? 1999:1229, ??? ??? ?????? ?????? [inkomstskattelagen (1999:1229)], ?  
????????? ??? ?????????? ??? ?????? ??? ??? ?????? ?? ?????, ??? ?? ?????? ??? ?????????? ???  
????????????? ????, ?????????? ??? 30 000 SEK. ??? ?? ?????? 1 ??? ?????????? 13 ???  
????????????? ??? ?????? ?????? ?????? ??? ?? «????????? ??????????» ??????? ???  
????????????? ?????????????? ?????????? ???' ???????.

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

13 ? ?????? ??? ?????? ?????? ??? TRR, ?????? ??? ??? ?????????? ??????????,  
????????? ?? 1994 ??? ??? ?????????? ?????????? Svenska Arbetsgivareföreningen (?? Svenskt  
Näringsliv) ??? ??? ?? ?????????? ?????????? Privattjänstemannakartellen (?????????  
????????? ??? ?????????? ?????? ??? ?????????? ???).

14 ?? ?????????? ??? TRR ?????????? ??? ?????? ??? ???, ??????, ? ???????  
????????????? ??? ?????????? ??? ? ?????????? ??? ?????? ?????? ??? ?????????? ?? ?????????????? ??  
????????? ?? ??? ?????? ??? ?????????? ?? ???????, ??? ?????????? ??????,  
????????? ? ?????????? ?? ?????????? ???, ???????, ? ?????? ?????????? ??? ??????  
???? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
????????????? ??????????, ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????  
????????? ?????????? ??? ??????????. ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? TRR  
????????????? ??? ?????????? ??? ?????? ??? Svenskt Näringsliv ??? ??  
Privattjänstemannakartellen, ??????? «????????? ??? ?????????? ??? ??? ??????»  
(Omställningsavtalet).

15 ?? ?????????? ??? TRR ?????????? ??? ?????? ??? ?????????? ?????????? ???  
????? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ??????  
????????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????????? ??? ?? ??????  
???? ?????????? ?? ??? ??????, ??? ?????? ??? ?????? «????????? ???  
?????????», ?????????? ?????? ?????? ??????. ??? ??? ??????, ?? TRR ?????? ??????????  
???? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?? ??????  
????????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????????  
???? ??? . ? ?????????? ??? ?????? ?????? ?? TRR ??? ??? ?????????? ??? ?????????? ???  
????????????? ?? 5 % ?????? ??? ?????? ???.

16 ?? TRR ?????? ?? ?????? ?????????? ?????? ??? ?????????? ?????????? ???  
????????????? ??? ???, ??? ?????? ?????? ?? ?????????????? ?????????????? ??? ???  
????????????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ????  
?????.. ?????????? ?? ??? ?????? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ???, ?? TRR ?????? ?????????? ?????????? ??? ?? Skatterättsnämnden  
(????????? ?????????? ??????), ??? ?????? ??? ?????????? ?? ?? ?????????????? ???

?????? ?? TRR ????? ?? ??????? ??? ?????????? ??? ??????????? ?? ?? ?????????? ??  
????????????? ??? ?????????? ?? ?? ?????? ?? ?????? ??? ?????? ?? ?????????? ?? ?? ?????.  
????????? ??? ??????, ??? ??? ?????? ??? ?????? 7 ??? ?????? 5 ??? ?????? ??? ???.

17 ?? ??????? ?? 3?? ??????? 2006, ?? Skatterättsnämnden ?????? ?? ??  
????????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??  
?????? ?? ?????????? ?? ?????? ?? ?????? ?? TRR ??? ??????? ???????????????  
?????????????, ??? ??? ?? TRR ?????? ?? ?????????? ?? ??? ??? ?????????? ?? ???????,  
??? ??? ?????? ?? ?????? 7 ??? ?????? 5 ??? ?? ??? ???.

18 ?? TRR, ?? ?????? ?????? ?????????? ??? ?????? ?? ?????????? ?? Skatterättsnämnden, ????  
??? ?? Regeringsräten ?? ?????? ?? ??? ?????? ?? ?????????? ?? ???????, ??? ?? ?? ??????  
??? ?????? 7 ??? ?????? 5 ??? ?????? ???. ?? Skatteverket ?????? ?? ?? ??? ?? ??????  
????????? ?? ?????????? ?? ?????????? ?????? ?????????? ??????????.

19 ??? ?????? ?? ?????? ?? ?????????? ??, ?? TRR ???????????, ?????? ??, ????  
????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ??  
?? ?????????? ?? ?????????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????????? ??, ??? ??  
????? ?? ?????? 7 ??? ?????? 5 ??? ?????? ???. ?? ?????? ?? ?????? ?? ?????? ??  
????????????? ?? ??? ?? ?????? ?? ?????????? ?? ?????????? ?? ??? ?? ?????? ?? ?????????? ??  
????? ?????????? ?? ??? ?? ?????? ??, ?? TRR ??? ?????? ?? ?????????? ?? ???????, ??? ??  
????? ?? ?????????? ???. ?? TRR ?????????? ?? ?????????? ?????? ?? ???????, ??? ??  
??????, ?????? ?? ?????? 9, ?????????? 2, ?????????? ??, ??? ?????????? ?? ?????? ??  
??????, ??? ?? ?????? ?? ?????????? ??.

20 ?? Regeringsräten ?????? ??, ??? ?? ?????? ??????? ?????????? ?????????? ?? ??  
?????? ?? ?? ?????? 2006/112, ?? ??????? ?? ?????? ?????? ?????? ?????????? ??  
??????, ??? ?? ?????? ?? ?????????? ?? ???????, ??? ?????????? ?? ?????? «??????????»  
????? ?? » ?? «????????? ?? ?????? ?????? ??». ?? ?????? ?????????? ??????????  
?? ?? «????????? ?? ?????? ??», ??? ?? ?????? ?? ?????? ?? ???????, ???  
????????????? ?? ?? ?????????? ?? ?????? ?? ?????????? ?? ???????, ??? ?? ?????????? ??  
????? ?? ?????? ?????????? ?? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?? ??  
????? ?? ?????? 9, ?????????? 2, ?????????? ??, ??? ?????? ?????? ?????? ??  
????????? ?? ?????????? ??.

21 ?? Regeringsräten, ??????? ?? ?? ??????? ?????????? ?? ?????? ?????? ?? ??  
?????? 2006/112 ?????? ??????? ?? ?? ?? ?????? ?????????? ?? ?? ?????? ?????????? ??  
????? ?? ??????????, ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????????? ??  
????????? ?? ?????????? ?????????? ??:

«????? ?? ?????? 9, ?????????? 2, ??????? ??, ??? 21, ?????????? 1, ??????? ??, ??? ??  
?????? [...] ??? ?? ?????? 56, ?????????? 1, ??????? ??, ??? 196 ?? ?????? [2006/112]  
?? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ??  
????? ?????? ?? ?? ?????? ?????? ?????? ?????????? ?????????? ?? ?????? ?? ?????????? ??  
????????? ?? ?????? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??  
????, ?? ?????????? ?? ?????????? ?? ?????/????????????? ?????? ?? ?? ?? ??????????  
????????? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ??????????;»

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

22 ?? ?? ?????? ??, ?? ?????? ?????????? ?? ?????? ??' ?????? ?? ?? ?????? ??, ?? ??  
????????? 2, ??????? ??, ??? ?????? ?????? ?? ?? ?????? 56, ?????????? 1, ??????? ??,  
??? ?????? 2006/112 ?????? ?? ?????? ?? ?????? ?? ?????????? ?????????? ??

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

23    ?????????????? ??? ???? ?????? ??? ???? 9, ?????????? 2, ?????????? ?, ??? ???  
????? ??????????, ???' ??????, ??? ???? ??? ?????? 56, ?????????? 1, ?????????? ?, ???  
????? 2006/112. ??????, ?? ??? ??? ????? ?????? ?? ?????????? ??? ??? ??? ????  
?????.

24    ?????????????? ??? ???? 9 ??? ?????? ?????? ?????????? ?????????????? ??????? ???  
????????? ??? ??? ?????????? ??? ?????? ?????? ??????. ??? ? ?????????? 1 ??? ???  
????? ?????????? ?????? ??? ?????? ?????? ??????, ? ?????????? 2 ??? ??? ?????? ??????  
????????? ??? ?????? ?????? ?????????????? ??? ?????? ?????????? ?????? ??? ??? ???  
????????? ?????? ??????, ??????, ?????????????? ?????????????? ??? ?????? ??? ????  
?? ??? ?????? ?????????? ???, ??????, ??? ?? ?????????? ?????? [???. ?????????? ??? 4??  
????? 1985, 168/84, Berkholz, ?????? 1985, ?. 2251, ??? 14, ??? 26?? ??????????  
1996, C-327/94, Dudda, ?????? 1996, ?. I-4595, ??? 20, ??? 6?? ?????? 1997, C-167/95,  
Linthorst, Pouwels en Scheres, ?????? 1997, ?. I-1195, ??? 10, ??? 12?? ?????? 2005, C-  
452/03, RAL (Channel Islands) ??., ?????? 2005, ?. ?-3947, ??? 23, ??? ??? 9?? ??????  
2006, C-114/05, Gillan Beach, ?????? 2006, ?. ?-2427, ??? 14].

25    ???????, ?????????????? ???, ??? ?????? ??? ?????????? ?????? ??? ?????????? 1  
??? 2 ??? ?????? 9 ??? ?????? ??????, ?? ?????????? ??? ?????? ??? ? ?????????? 1  
????? ?????????? ??? ?????????? 2 ??? ?????????? ????. ?? ?????? ??? ?????? ??  
???? ?????????? ??? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????? 9, ?????????? 2, ??? ?????? ????. ?? ???, ??????? ???  
????????? 1 ??? ?????? ?????? [????????????? ?????? Dudda, ?????? 21, Linthorst,  
Pouwels en Scheres, ?????? 11, RAL (Channel Islands) ??., ?????? 24, ??? Gillan Beach, ???  
15].

26    ?? ??? 9, ?????????? 2, ??????? ?, ??? ?????? ?????? ?????????? ??? ????  
????? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ??????????, ?? ??????  
????????? ?? ?????????? ??? ?????? ?????? ?????????? ?????? ??????????, ??? ???  
?? ?????? ??? ?????????? ??? ?????? ??????, ?????? ? ?????? ??? ?????? ??? ??????????  
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27    ??????? ?????? ???, ??? ?????? ??? ?????? ?????? ??????, ? ?????? ??? ??????????  
????? ?????????? ??? ?????? ?????????? ?????? ??? ??????????, ??? ?????? ??? ??????  
??? ?????????? ??? ??????, ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ? ?????? ??? ??????  
????? ?? ?????????? ?? ??? ??? ?????? ??? ?????????? ?????? ????, ??? ??? ?????? ???  
?? ??? ?????? 9, ?? ?????????? ??? ?? ?????? ?????? ?????????? ?????????? ??? ?? ???  
????? ?????????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ???  
?? ?????? 2006/112.

28 ???' ?????, ?????????????? ?? ???? 9, ?????????? 2, ?????????? ?, ??? ??????  
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????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? . ????????, ?????????? ??? ?  
????? ?????????? ??? ??? ?????? ???????, ??? ?? ??? ???? ??? 2, ?????????? 1, ??? 17,  
????????? 2, ?? ??? ??? ?????? ?????????? ?????????? ??? ???? ?????????? ??? ?????? ?????? ??????  
????????? ??? ??? ??? ?????? ?????.

29 ?? ??? ?????, ?????????? ??? ?????????????? ??? ?????? 9, ?????????? 2, ??????????  
??, ??? ?????? ??????? ?? ??? ?? ???? ?????????? ?????????? ??????? ??  
????????????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ?????????????? ??? ???????, ??????? ??  
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30 ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 9 ??? ?????? ???????, ??  
??????, ??? ?????????????? ?? ?? ?????? 25 ??? ?????????? ??????????, ?????????? ?????? ??? ??  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??????  
????????????? ??? ?? ?????????? ???.

31 ??????, ??? ?????????? ? ?????? ?????????? ?????????? ??? ?????? 41 ??? ?????????? ???, ?  
????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????????? ???  
???????????, ?????????? ?? ?????????? ?????? ?????? ?????????? ???, ??? ?????? ?????? ???  
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????????????? ??? ?????????? ?????? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???  
????????? ??? ?????????? ??? ?????? ??? ???? ?????? ??? ???? ?????? ??? ?????? ??? ??????  
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32 ???????, ? ??????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????????? ?????????? ??? ???, ??? ?? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ???? ?????? ??? ?????? ???, ??? ???? ?????? ?????????? ??? ?????????? ??? ?????? ???  
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33 ??? ?????????? ? ?????? ?????????? ??? ?? ?????? 43 ??? 44 ??? ?????????? ???, ?  
????????? ??? ?????? ?????? ?????? ?? ??? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
??????, ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????????? ???  
????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???.

34 ???, ?????????? ??? ?? ?????? 21, ?????????? 1, ?????????? ??, ??? ?????? ???????  
(?? ?????? ?????????????? ?? ?? ?????? 196 ??? ?????? 2006/112) ?????????? ??? ? ???  
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? 9, ?????????? 2,  
????????? ?? (?? ?????? ?????????????? ?? ?? ?????? 56, ?????????? 1, ?????????? ??, ???  
????????? 2006/112). ???????, ?? ?????????? ?? ?????????? ??? ?????????? ??? ???? ?????? ?????????? ?  
????????? ??? ?????? 9, ?????????? 2, ??????? ??, ??? ?????? ??????, ? ?????? ?????? ??????????  
??? ??? ?????????? ??? ?????????? ??? ?????? ??????, ?????????? ??? ??? ???? ??????  
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?? ??? ??????.

35 ??? ?????? ??? ?????? ???????, ??? ?????? ??? ?????? ?? Regeringsrätten ?????? ??  
????? ? ??????? ??? ?? ?????? 9, ?????????? 2, ??????? ??, ??? ?????? ?????? ??? 56,  
????????? 1, ??????? ??, ??? ?????? 2006/112 ?????? ??? ?????? ??? ??????.

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

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

? ???? 9, ?????????? 2, ????????, ??? ?????? ?????? 77/388/??? ??  
??????????, ??? 17? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
?????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? - ??? ?????? ?????? ????  
????????????? ????: ?????????? ?????????? ???, ??? ?????????? ??? ?? ??  
????? 1999/59/?? ??? ??????????, ??? 17? ??? 1999, ??? 56, ?????????? 1,  
????????? ?? ??? ?????? 2006/112 ??? ??????????, ??? 28? ?????? 2006, ????  
??? ?????? ??? ? ?????? ?????????? ?????? ?????? ?????? ??? ?????? ??????  
?????????? ??? ?????? ?????? ?????????????? ?????? ?????? ?????? ??????, ?????? ?  
????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ???, ?????? ?? ?????????? ??? ??  
????????? ??? ?????? ?????????? ??? ?????? ?????? ???, ?????? ??? ?? ??? ?????????? ??? ??  
??? ?????? ??? ?????? ?????????? ??? ?????? ???, ?????? ??? ?? ?? ??? ?????? ??????  
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(?????????)

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