

?????? C-302/07

J D Wetherspoon plc

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The Commissioners of Her Majesty's Revenue & Customs

(?????? ?? VAT and Duties Tribunal, London ??? ?? ?????? ?????????????? ??????????)

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

(?????? ?? ?????????? 67/227, ??? 2, ??? 77/388, ??? 11, A, § 1, ??????? a?, 12 § 3,
?????? a?, ??? 22 § 3, ??????? ??)

2. ?????????? – ?????????? ?? ?????????? – ?????? ?????? ?????? –
????? ?????? ?????? ?????? ?????????????? ?????? – ??? ?????? – ?????????? ?? ??
????????????? ?? ?? ?????? ?? ??

(?????? ?? ?????????? 67/227, ??? 2, ??? 77/388, ??? 11, A, § 1, ??????? a?, 12 § 3,
?????? a?, ??? 22 § 3, ??????? ??)

3. ?????????? – ?????????? ?? ?????????? – ?????? ?????? ?????? –
????? ?????? ?????? ?????? ?????????????? ?????? – ??? ?????? – ?????????????? ?? ??
?? ??

(?????? 77/388 ?? ??????????)

1. ?? ?????????? ??????, ?? ?????? ?????? ?????????? ???, ?? ?????????? ?????? ??????
?????? ?? ?????? ?? ?????? ?????????????????? ??? ?????? ??? ?????? ??????????????
?????. ?????????? ?????? ?????????? ??????????, ?????????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ???, ??????, ??? ??? ?????????? ???, ??? ?????? ?? ?????? ??? ?????? ??? ??
????? ?????? ??? ?????? ???, ??? ??? ?? ?????? ??? ?????? ?????????? ?????? ??? ??
??? ???????????. ??????????, ?? ?????????? ??????, ??????, ??? ?????????? ???
????????? ??? ?????? ?????? ?????????? ?? ?????????????? ??? ?? ??? ?? ??? ??
?? ?????? ?????????? ???, ??? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ? ?????????? ??? 0,5, ???, ??????, ??? ?????????? ?? ?????? ??? ??
????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?? ??? ?? ??? ?? ??? ??
????????????? ??? ?? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??
????????????? ???.

(???. ?????? 38, ??????. 1)

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

(???. ?????? 51, ??????. 2)

3. ?????????? ??? ? ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????? ???
????? ??? ???? ?????????? ??? ?????????? ?????????????? ??? ?????? ??? ?????????????? ???
????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????????????? ??????, ? ?????? ??? ?????? ??? ?????????? ??
????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?????? ?? ???, ?? ?????? ???
????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? .
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? , ? ?????????????? ?????? ?????????????? ?????? ??? ??? ?????? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? .

(???. ?????? 60-61, 64, ??????. 3)

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

??? 5?? ?????? 2009 (*)

«????? ??? ?????? ?????? ??? – ?????? ??? ?????????? ?????????????? ??? ???
????????????? – ?????? ??? ?? ?????????? ??? ?????? ??? ??? – ?????? ??? ??
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????? ?????? C?302/07,

? ? ?????????? ?????? ?????? ?????????? ?????????? ?????? ??? ?????? 234 ??,

??? ??????? ?? VAT and Duties Tribunal, London (???????, ???????), ?? ??????? ??? 26??
?????? 2007, ? ????, ??????? ??? ?????????? ??? 29 ??????? 2007, ??? ??????? ???
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J D Wetherspoon plc

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The Commissioners for Her Majesty's Revenue and Customs,

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

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

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

?????????: R. ?ere?, ??????? ????????????,

?????? ??? ?????? ?????? ?????????? ??? ??????? ??? ??' ?????????? ?????????? ???
9?? ??????? 2008,

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

- ? ??????? J D Wetherspoon plc, ?????????????? ??? ??? M. Angiolini, barrister, ??? ???
A. Khan, solicitor,
- ? ?????????? ??? ??????? ??????????, ?????????????? ??? ?? V. Jackson,
????????? ??? ??? R. Hill, barrister,
- ? ?????????? ????????, ?????????????? ??? ??? ?. ?????????? ??? ?. ?????? ???
???? ?. ?????????? ??? ?. ??????,
- ? ?????????? ????????, ?????????????? ??? ?? C. Wissels ??? ??? M. de Grave,
- ? ?????????? ??? ?????????? ?????????? ??? ??? M. Afonso ??? ???
R. Lyal,

???? ?????? ?? ?????? ?????????? ??? ??????? ??? ??????? ??? ?????? ?? ???????
?? 20?? ??????? 2008,

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

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1 ? ?????? ??????? ?????????? ?????????? ?????? ??? ??????? ??? ??????? 2 ???
?????? ??????? 67/227/??? ??? ???????, ??? 11?? ??????? 1967, ??? ???
????????? ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ???
????? (EE ????. ????. 09/001, ?. 3), ??? ?????????? ?? ??? ??? ??? ??????? 77/388/???
?? ??????????, ??? 17?? ??? 1977 (EE ????. ????. 09/001, ?. 49, ??? ????: ??? ???????),
????? ??? ??? ??????? 11, A, ?????????? 1, ??????? ?, 12, ?????????? 3, ?????????? ?, ???
22, ?????????? 3, ??????? ?, ??? ?????? ??????? 77/388/??? ??? ???????????, ??? 17??
????? 1977, ??? ?????????? ??? ?????????? ??? ???????, ??? ???????, ??? ???????, ???
????? ??????? ??????? – ??? ?????? ?????? ?????? ?????????????? ??????: ???????????
????????? ??? (EE ????. ????. 09/001, ?. 49), ? ?????? ?????????? ??? ??? ???????

2003/92/?? ???. ??????????????, ??? 7?? ??????????? 2003 (EE L 260, ?. 8, ??? ????: ????. ?????).

2 ? ?????? ??? ??????????? ??? ?????? ??????? ?????????? ?????? ??? ?????? J D
Wetherspoon plc (??? ????: Wetherspoon) ??? ??? Commissioners for Her Majesty's Revenue
and Customs (??? ????: Commissioners) ??????? ?? ??? ?? ??????? ??? ??????????? ???
????????? ??? ??????? ??? ?? ?????????? ??? Wetherspoon ? ??????????? ??
?????????????? ??? ?? ??? ?? ??????? ?????? ?????????? ??? ??????????? ?? ???????????
???? ?? ??? ????? ??????????? ??? (??? ????: ???).

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3 ?? ?????? 2 ??? ?????? ?????? ?????????? ?? ????:

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

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

?? ?????? ??????? ?? ?????? ?????????????????? ?? ?????? ?????????????? ?? ?????? ?? ???? ?? ???? ??????? ??
????????? ?? ????????.»

4 ????? ?? ?????? 10, ??????????? 2, ??? ????? ???????, ? ?????????????? ????? ??????????
???? ? ????? ?????????? ?????????? ??? ????? ???? ????? ?????????????? ??? ?????????? ???
?????? ? ??? ?????? ??? ??????????.

5 ?? ?????? 11, A, ??????????? 1, ?????????? ?, ??? ?????? ??????? ?????????? ?????:

«???? ?????????? ??? ?????? ?????? ??????:

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

6 ??????? ?? ?? ?????? 12, ??????????? 3, ??????? ??, ??? ????? ??????, ? ??????????
?????????? ?? ?? ?? ??????????? ?? ?? ????? ?????? ????? ?? ??????? ?? ?????? ????? ??
?????? ??????? ?? ?? ??, ??? ????? ?? ?? ????? ?? ?? ??????????? ??????? ?? ?? ?? ??
?????? ??????????. ? ?????????? ??????????? ?? ??????? ?? ????? ?????????? ?? 15 %,
?????????? ?? ?? ?????????? ?? ?? ?????????? ????? ?? ?? ????? ?????????? ???????????.

7 ?? ?????? 22 ??? ?????? ????????, ???? ?????????????????? ?? ?? ???? 28? ?????? (???)
?????: ?????? 22), ?????????? ??? ?????????????? ??? ?????????????? ??? ?????? ??? ??????????
?????????. ?? ?? ??? ?????? 22, ???? ?????????? ??? 3, ?????????? ??, ?????? ??????, ??????
?? ?????????? ??, ?????? ??????, ?????? ??????????, ??? ?????? ??????, ?????? ??????, ?????????? ??
?????:

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

[...]

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

[...]

[...]

[...]».

8 ?? ?????? 22, ??????????? 4, ?????????? ?? ??? ?, ??? 5, ??? ?????? ??????? ??????? ??
?????:

«4. ?) ?????????????? ??? ?????????? ?? ?????????? ?????? ?????? ?????????? ?????????????? ?????????????? ?????? ??? ?????? ??? [...]»

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

[...]

9 ????. ?? ?? 2004 ???. 2006, ? ????. ?????? ??????????????. ??????????????. ??????
???? ??????????????. ????????, ?????? ?? ????????. ????. ?????? 12, ?????????? 3,

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

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

10 ?? ??? 13 ??? ?????????????? ?????? ??? ????? ?????????????? ??? ?????? ??? 1995
(Value Added Tax Regulations 1995) ?????????? ??? ?????????? ?????????? ?????????? ???, ???
??? ?????????? ??? ? ?????????? ?????? ?????? ? ?????? ?????????? ???.

11 ?????? ?? ?? ????? 16, ?????????? 1, ??? ?? ??? ????? ?????????????? ???????, ? «??????
????????? ??????» ??? ????? ?????????????? ?? ?????? ?????????? ???, ?????? ?? ??
????????? ? ??????. ?? ?????????? ??? ? ?????????? ??? ?????????? ??? 100 GBP, ???
????????? ?? ?????? «????????????? ?????????? ???» ??? ????? ??????????????, ?????? ???,
??? ??? ?????????? ??????????, ?? ?????? ?????????? ???, ?????????????????? ??? ???,
??? ? ?????? ?????????? ??? ???.

12 ?? Commissioners ?????????? ??? ??? ????? ?????????????? ??? ?????? ???, ??
«Notice 700 – The VAT Guide, April 2002» (??? ????: ???????? 700 ??? ???).

13 ?? ?????????? 17.5, 17.5.1 ?? 17.6 ?? ?? ??? ????? ?????????? ??? ?????? ??

????????????? ??? ?????? ??? ????. ?????? ?? ???:

«17.5 ?????????? ??? ??? ??? ????? ?????? – ?????????????? ??? ???

????????: ? ?????????? ??? ????? ?????????? ??? ?????? ?????? ?????????????? ??? ?? ???
??? ?????? ??? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ???
????? ? ??? ??? ?????????? ??? ?????? ?????? ??? ? ??? ??? ?????????? ??? Customs and
Excise (????????? ??????) ?????? ? ?????. ??? ?????? ?????, ? ?????? ???
????????????? ??? ?? ??? ??? ????? ?????? ?????? ?????????? ?????????, ??? ???
????????? ?. ?????? 17.6.

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

17.5.1 ?????????? ?????????? ??? ?????? ?????? ?????????? ? ??????????

?? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ? ??????????, ???
????????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????????, ?????? ??
????????? ?? ?????? ??? ?????? ?????? ?????? ?????????????? :

– ??? ?? ??? ?????? ?? ?????????? 0,1 ??? ????? –??? ??????????, ?? 86,76 ??? ??
????????????? ??? ?? ?????? ?? 86,7 ???, ???

– ??? ?? ?????????? ?????? ?????? ?????? 0,5 ??? ????? –??? ??????????, ??
86,76 ??? ?? ?????????? ?????? ?? ??? ????? 87 ???.

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

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

[...]

17.6 ??????????? ??? ??? ??? ?????? ?????????? ?????????? ??????????

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

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

14 ?? ??????? 700 ??? ???? ?? ?????? ?? ?????? «????????????? ??? ???????
?????????».

15 ??????? ??????? ??????? ?? ?? ?????????????? ??????? ?? ?????????? ???
Commissioners V1?24A Trader's records, ??? ?????? ??? ?? ?????????? ??? ??????????????
?????, ??? ?????? ??? ?????? ?????? ??? ??????.

16 ?? ????? 12.1 ??? ?????????? ??? ?????? ??????? ???, ??? ?????? ??? ??????? ???
????????? 17.5 ??? ?????????? 700 ???, «????? ??????? ?? ?????????? ??? ?????????? ???
????????????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????? ??????. ?????? ?????????? ?????? ??? ?????????? ???
????????? ??? ??????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ??? ??? ??? ???
????????? ??? ??????. ??? ?????? ???, ??? ?????? ?????????????? ??? ?????? ???
????????? ??? ??? ??? ??? ?????? ???, ?? ??? ??? ?????????? ??? ?????? ???
????????? ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ?????? ???
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????».

17 ?? ????? 12.2 ??? ?????????? V1?24A: *Trader's records* ?????? ?? ???:

«?? ??????? ??????? ???????, ??????? ?? ?????????????? ?????????? ??????????
?????????, ??? ?? ?????????? ?? ?????????????? ??? ??? ?? ?????? ??? ?????? ??????????
?/??? ?? ?????? ??? [...]

???? ?????? ??????, ? ?????? ?????????????? ?????? ?? ??? ?????? ??? ?????? ???
????????? ??????. ?????? ??, ?????? ?? ?????????? ??? ?????????? ??? ?????????????? ???
??? ??? ??? ?????????? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? (??? ??????? ??? ?????? ??? ?????????? ??? ??? ??? ??? ??? ???
????? ??? ??? ?????? ??? ??? ?????? ??? ?????? Commissioners.

? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ???
????????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
??? ?????????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????
?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? [...]

?? ????? ??????? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ????? ??? ????? ??, ???
?????? ????? ? ??? ??? ?????????? ????? ?????? ?? ????? ?????? ?? ??? ??? ??? ??????????
????? Commissioners, ??? ?????? ?? ??? ?????? ? ?????? ?????? ?????? ??????????????????. ???
??? ??????? ?????? ?????? ??????????, ?????? ?? ?????????? ? ?????????? ?????? ?????????? ??????
????????? ??? ??????. ?? ? ??????? ?????????? ?????????? ?????????? ?????? ?????? ??? ??? ???
????????? ?? ??? ??????????? ??? ??? ?????? ????? ?????????????? ?? ?????????? ?????? ??????,
????? ?????? ?? ??? ?????? ? ?????? ?????? ????? ?????????????? [...]».

18 ?? ????? 12.3 ??? ??????????? V1?24A: Trader's records ??????? ?? ??????? ??
?????????? ??????????????????? ??? ??????????, ??? ????? ??????? ???, ???, «?? ???
?????????????? ?????????? ??? ??????????? ??????? ???????????????????, ??? ? ??????
??? ?????? ?? ?????????? ??? ?? ??????????, ?? ??? ??? ????? ??????? ??? ?????????? ???
????? ??????».

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

19 ? Wetherspoon ?????????????? ??? ??????? 670 ??? ?????? ?????????????? ??????????
????? ?? ??? ?? ??????? ????????. ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??????? ??????? ??? ?????? ?? ?????? ?????? ?????????? ??????????.

20 ? Wetherspoon ??????? ???. ??? ????? ??????? ???. ??? ????? ??????? ???. ??? ?????? ???. ???
?????? ???. ??? ??????? ???. ??? ????? ??????? ???. ???, ??? ????? ???????, ??? ?????, ??? ???
?????????? ???. ??? ????? ???. ???, ??? ??????? ??????????? ???. ??? ????? ???. ??? ??????? ???.
?????? ???. ??? ??????????? ???. ????. ??? ???. ???, ??? ??????????????? ???. ???
??????????, ??? ????? ???. ??? ????? ???. ??? ??????? ???. ??? ???. ??? ??????? ???. ??? ??????.

21 ???? ?? 2004, ? Wetherspoon ?????????? ??? ?????????? ??? ?? ???? ?????????? ???? 17,5 %, ?????????????????? ?? ???? ?????? ??? ????? ?? ???? ???????, ??? 7/47. ?? ??????? ?????????? ?????? ?? ???? ???????, ?????? ?? ???? ? ???? ?? ????.

22 ????. ????. ?????????????? ????. ?????????? ????. ?????????????? ????????, ????. ????????
??? 2004, ? Wetherspoon ????? ?? ????. ?? ?????????? ????. ????. ?? ??????? «??????
?????????», ????. ????. ????. ?????? ?????????????????? ????. ??????. ?????????? ????. ????. ??????????
????????? ?????? ?????????? ????. ????. ?????., ????. ?????????? ????. ??????. ????. ?????? ????.
????????? ????. ?????????????? ????. ????. ????. ????. ??????. ??????. ??????. ????. ????. ????. ????.
?????. ????. ?????????????? ????. ????. ????. ????. ????. ????. ????. ??????. ??????. ??????. ????.
?????. ????. ??????. ????. ????. ????. ????. ??????. ????. ??????. ????. ??????. ????.
?????. ????. ??????. ????. ????. ????. ??????. ????. ??????. ????. ??????. ????.

23 ????? ?? ?????????? ??????? ?????????????? 2004 ??? ?????????? 2005, ? Wetherspoon
????????? ?????????????????? ?? ??? Commissioners ?????????? ?? ?????????? ?? ???
?????? ??' ????? ?????????? ??????? ?? ?????????? ?????????? ?????????? ??????????, ??? ??
Commissioners ??????? ?????????? ?? ??????? ?? ?????????? ? Wetherspoon, ??? ??????
?? ??????? ?? Wetherspoon.

24 ?? ??????? ?? 23?? ??????? 2006, ?? Commissioners ?????????? ?? ?????????? ??
Wetherspoon ?? ?????????????? ?? ?? ?? ?? ?? ????? ?????????? ?? ?? ?? ?????????? ??.
?????? ?? ??, ? Wetherspoon ??????, ??? 7 ??????? 2006, ???????? ?? ?? ?? ???????
?????. ??? 7 ?????????? 2006, ? Wetherspoon ?????? ?? ?? ????? ??????????, ?? ??
????? ?? ??, ??? ?? ?? ??????? ??????? ?? ?? ?? ?????????? ?? ?? 8 ?? ?? 17

?????????? 2006.

25 H Wetherspoon ??????????? ??? ?????????? ?? ???????? ?? ??????? ?????????????????? ??? ?? ?????? ?????? 17.5.1 ??? ?????????????? 700 ??? ???. ?? Commissioners ??????????? ??? ??????, ?????????, ?? ?????????????? ?????, ??? ?? ?????????? ??????.

26 ?? ?????? ??????????, ??????? ?? ?????? ?????????? ?? ?? ??? ????? ??????????,
????????? ??? ?? ?????? ?????? ??????, ??? ? ?????? ??? ????? ?????????????? ??????
(U.K. Value Added Tax Regulations 1994) ??? 1994, ??? ?? ?????????? ?????? ??????
????? ?????????? ?????? ??? 1995 ?????????? ?????? ?????? ?????? ?? ?? ??????
????????????????? ??? ?????? ?? ?????????????? ?????? ? ?????????? ??? ??????????
????????? ??? ?????????? ?? ?????? ?? ?????? ?????????? ?????? ??? ??????????
????????? ??????, ?? ?????????? ??? ?????. ??? ?? ??? ????? ??????????, ??
????? ?????????????? ?????? ??????. ??????????????, ????? ?????? ?????? ??? ??????
????????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ?????????? ??????????????, ?????? ?? ?????????????? ?????? ?????? ??? ??????
????????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? 0,5 ??? ?????? ??? ??????
?? ??? ??? ?????????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? 0,5
?? ????.

27 ?? ?????? ?????????? ?????????? ?? ?????? ?? ?????? ?????? ?????? ?????????? ???
????????? ?????????? ?????????? ?? ??? ?????? ?????? ? ?????? ?????? ?? ?????????????????? ?
????????????? . ???, ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ,
????? ?????? ?? ?????????????? ?? ??? ??? ?????? ?????? ? ??? ?????? ?????? ??????????
????? ? ??? ?????? ?????? ??????, ??? ?????? ?????? ?????? ?????????? ?????????? ???
????? ?????????, ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? , ??? ??????
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? , ???,
????? , ?? ?????? ??? ?????? , ??? ?????? ??? ?????? ?????? ?????????? ?????????? ???
????????? ?????? ?????? ? ??? ?? ?????? ??? ?????????? ?????? ?????? ?????? ??? ??????
????????? ??????.

28 ?????????? ?? ?????? ?????????? ?? ??? ?????? ?? ?? ?????????? ?????? ?????? ???
????? ?????? ?????????????? ???, ?????????? , ?? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ? ??? ?????? ??? ?????? ?????????? ?????????? , ?? ??????
????????? ?????? ?? ?????? ??? ? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ?????? :

«1) ?????? ? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?,
????????? , ??? ?? ?????? ?????? ??????; ?????????? , ?????????? ?????? ?? ?????? ??? ?? ??????
????? ??? ?????? 2 ??? ?????? ?????? ??? ?? ?????? 11, ?, ?????????? 1, ?????????? ?,
?/? 12, ?????????? 3, ?????????? ?, ?/? 22, ?????????? 3, ?????????? ?, ??? ??????
????? (?? ?????? ??? 1? ?????????? 2004) ??? ? ?????????????? ?????????? ??? ??
????????? ??????;

2) ??????????:

) ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?
????????? ??? 0,50 (?? ?????????? , ?? 0,5 ?????? ?????? ?? ?????????????? ?????? ??? ??
?? ??? ?????? ?????? ?????? ?????? ??????);

?) ?????????? ?? ??????? ???? ?? ?????????? ?????? ?????????????????? ??
????????????????? ??? ? ???? ???? ???? ?? ???? ?????????????? ?????? ???
????????? ?????????? ?????????? ??????????;?

3) ??? ?????????? ??? ??????? ?? ???, ?? ??? ?????? ?????? ?????????? ??
????????? ??? ???? ?????? ?????????????????? ??? ??? ?????????? ??? ?????????????? ???:
?? ?????? ??? ?????? ?????? ??????, ??? ?????? ??????, ??? ?????? ?????? ?????? (?? ???
???? ?????? ?????????????? ?????????? ??? ??? ??????????), ??? ?????? ??????
????????? (????????? ??????) ? ??? ?????? ?????? ??? ? ?? ?????? ???
?????;?

4) ?????????? ?? ?????????? ?? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ??????????
????? ??? ??? ?????? ?????????? ??? ??? ?????????? ??????????????, ?????????? ???
????? ??? ??????, ??? ?????? ??????, ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?????? ?? ?????????? ?????? ?????????????? ??? ?????????????? ?? ?????????????? ?? ???
??? ?????? ?? ??????????;»

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

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

29 ?? ?? ?? ?? ?????? ?????????? ???, ?? ?????? ?????? ?? ??????????????, ?? ??????
????????? ???, ???' ??????, ?? ? ?????????????? ??? ?????? ??? ??? ?????? ???
????? ? ??? ?????????? ???, ??????????, ?? ?? ?????????? ?????? ?????? ?????? ??????
????????? ?????????? ?? ?? ?????? ?????????????? ???, ??? ?????????? ?????? ??? ??????
????????????????? ??? ?????????????? ??? ?????? ??? ?? ?????????? ?????? ?????? ??????????
???? ?????? ?? ?????????????? ?????????? ??? ???, ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????
????????? ?????? ??????????.

30 ??????, ?????????? ? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ???
????????? ??? ?????? ??? ??? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ??
????????????? ??? ?????? ??? ?? . ? ???, ???, ?????? ?????? ??? ?? ?????? ???
(????????? ??? 10?? ?????? 2008, Koninklijke Ahold, C?484/06, ??? ??? ?????? ??????????
????? ??? ??????, ??? 24).

31 ??????, ??? ?? ?? ?????? ??? ?? ?????? ??? ?? ?????????? ??? ?? ?????? 11, A, ??????????
1, ??????? ??, ??? 22, ?????????? 3, ??????? ??, 4 ??? 5, ??? ?????? ?????? ??? ??
????????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ?????? ?????? ??????
????????????????? (??., ??' ??? ?? ??????, ?????????????? ?????? Koninklijke Ahold,
????? 27 ??? 30).

32 ??? ??????, ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?? ?????? ???
????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??? (??.
????????????? Koninklijke Ahold, ??? 31).

33 ???, ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????????? ???
?????????????????, ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????? ?????? ? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????. ?
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????? ?????????? ??? ?????????? ?????? (????????????? ?????? Koninklijke Ahold, ???? 32).

34 ? ??? ? ?? ?????????? ?????????????? ?????????????? ?????????? ???, ??? ? ?
????????? ??? ???? ???? ???? ?????????? ??? ???? ???? ?????????? ?????????? ?????? ???
????? ?? ?????????? ?????????? ?????????? ?????????? ???, ??? ???? ? ???? ????
????????? ?????? ??? ?????????? ??? ?????? ??? (??., ??' ??? ???? ???
?????, ?????????? ?????? Koninklijke Ahold, ???? 36 ??? ??? ??????????????
?????????). ?????? ??? ?????? ???, ?? ??? ???? ??? ??? ?????? ?? ?????????? ?
????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
???? ???? ? ?????? ?????????? (?. ?????? ??? 24 ?????????? 1996, Elida Gibbs,
C2317/94, ?????? 1996, ?. I?5339, ??? 24, ???, ??' ??? ??? ??????, ??????????????
????? Koninklijke Ahold, ???? 36).

35 ??????, ? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ??????
?????????????????, ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????????
??? ?? ??? ??? ??? ??? ?????? ?? ?????????? ? ?????????? ??? ?????????????? ?????? ??????????
??? ??? ??? ??? ??? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ???
????????? ??? ??? ? ?????? ?????? ?????????? (?. ?????????????? ?????? Koninklijke
Ahold, ???? 37).

36 ??? ???? ??? ??? ?????? ??? ??????????????, ?? ?????????? ?????? ???, ??? ? ?
????? ??? ?????? ?????? ?????? ??? ?????????????? ??? ?? ?????????? ??? ?????? ??
????? ??? ??? ??? ??? ??? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ??????????,
????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ??? ?????? ?????????? ?????? ???
????????????? ??? ?????? ??? ?????? ?????? ???, ??? ???, ??? ??? ??????????
????? ??? ?????????? ??? ?????????????? ??? ?????????? ?????? ?????????? ??????????????
????? ??? ?????????? ??? ?????????????? ??? ?????? (??., ??' ??? ??? ??? ??????, ??????????????
????? Koninklijke Ahold, ???? 39 ??? 41).

37 ??? ? ? ?????? ?????????? ??? ???? ?????????? ??????, ?????????? ?? ? ? ?????????? ???
????? ??? ??? ?????? ?????? ??? ???? ?????? ??? ?????????? ?????????? ??? ???
?????????????, ??? ?????????? ?????? ?????? ?????? ??? ?????? ?? ?????? ??? ??????
????????????? ??? ?????? ??? (??., ??' ??? ??? ??? ??????, ?????????????? ??????
Koninklijke Ahold, ???? 42).

38 ??????, ??? ?????? ??? ??? ?????? ?????? ?????? ?? ?????? ? ?????? ? ?????????? ??? ?
????????? ???, ??? ?????? ?????? ?????????? ???, ??? ?????? ?????? ?????? ?????? ??????
????? ??? ? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?
????????? ??????, ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?
????????? ?????????? ??? ?????? ???, ??????, ??? ?????? ?????? ?????? ???, ???
????? ?? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ???, ?????? ?? ??? ?????? ???
????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???,
?????, ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?
????????? ??? ?????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?
??? ??? ? ???? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?

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

39 ?? ?? ?????? ???, ?? ?????? ?????????? ??? ??, ??? ?????????? ?????????? ??
????? ?????????? ???, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???

? ?????????????????? ??? ?? ???? ?????????? ??? ?? ???? ?? ?????? ?????????????? ????????, ???
?????????? ?? ?? ???? ?? ?????? ??? ?????????????? ??? ?? ?????? 27 ?? ???? ????????
?????????.

40 ?? ???? ?? ???? ?????? ?? ???? ?????? ????????, ?? ?????????? ?????? ?????????? ??
????????????? ??? ?? ???? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??
?? ?? ?????????? ??????. ????, ?? ?????????? ?????? ?????? ?????? ??? ?? ?????????? ??
????????? ?????? ??? ?????? 22, ?????????? 3, ??? ?????? ?????? ?????? ??? ?? ??????????
????? ??? ?. ??????, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ?? ?????????????? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? ?????????????? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? ?????????????? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? ?????????????? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? ??????????.

41 ? ?????????? ?? ???? ?????????? ?????????? ?????? ?????? ?????? ?????? ?? ??????
????????? ?? ?????????? ?? ???? ?????????? ?? ??? ?? ?????????????? ?????? ?????? ??
????? ?????????? ?????? ?? ?????? 22, ?????????? 3, ??? ?????? ?????? ?. ??????, ???
????????? ?????? ?????? ?? ?????? ?? ???, ? ?????? ?? ?????????? ?? ?????????? ??
?? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? ??? ??.

42 ????????, ? Wetherspoon ?????? ?? ???? ?????????????? ?? ???? ?????????????? ??
????? ??? ?? ?????? ??? ?????? ?? ??? ?????? ?? ???? ?????? ?????? ?????? ?????? ?????? ??
????? ?????? ?? ?????? ??? ?????? ?? ???? ??????, ?????? ??? ?????? ??? ?????? ??
????????? ?????????? ?? ??? ?????? ?????? ?????? ??????. ?????????? ?? ???? ? ??????????
????????? ?? ??? ?????? ?????????? ?????? ??? ?????? ?????????????? ??????????
????????? ?????? ?? ??? ?????? ??????, ?????? ?????? ?? ?????????????? ?? ?????? ??? ?????? ??
?? ??? ? ?????? ?????????? ?? ??? ?????? ?????? ??? ? ?????????? ?????? ?????? ?? ?????? ??
????????? ?? ?????? ??? ??????.

43 ????????, ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? ???? ??
??????, ?????? ?????? ?? ?????? ?? ???? ?????? ????????, ??? ?????????????? ?????? ??
????? ??? ?? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????????????? ??
????????????? ?? ??? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? ??????.

44 ?? ??? 11, A, ?????????? 1, ??????? ??, ??? ?????? ??????, ?????, ??????????????
???? ?????????? ?? ???? ?????? ?????? ?? ???? ?????? ?? ???? ?????? ?????? ?????? ??
?? ?????????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?? (????????????? ?????? Koninklijke Ahold, ?????? 26).

45 ???????, ?? ??? 22, ?????????? 3, ??????? ??, ??? ?????? ?????? ?????? ?????? ??,
?? ?????????? ?????? ????????, ?? ??? ??? ?????? ?????? ?????? ?????? ?? ?????? ??
?? ?????????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
??????, ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??.

46 ? ?? ??? ?????????? ?????? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ??
?? ?????????? ?? ???? ?????????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?? ???? ??????
????????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????? ??????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? (?? . ?????????? ?????? Koninklijke Ahold, ?????? 28 ?? 29).

47 ???????, ??? ?? ?????? ??? ?????? ??? ?? ???? ?????? ?? ???? ?????? ?????? ??????
?? ?? ?????????? ?? ???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

48 ???????, ??????? ?????? ?????????? ??????????, ??? ?????????? ?????? ???
????? ?????? ?????????? ? ??????????, ????? ??? ?????? ??? ?????? ?? ?????????? ??????
??? ?????? ??? ?????? ?????? ? ?????? ?? ?????????????? ? ?????????????? ???
????? ??? ???.

49 ??? ?????????? ??? ?? ?????? 33 ??? ?????? ?????????? ??????????, ?? ?????? ???, ???
????????? ?? ?????? ???, ??????? ?? ?????? ??? ?????? ??? ??????????
????????? ??? ?? ?????????? ??? ?????????????? ??? ?????? ?? ?????? ?????? ??? ??? (??.,
??????, ??????? 34 ??? 36 ??? ?????????? ?????????). ??????, ??? ??? ?????????? ??????
??? ?????????? ??? ?????????????? ???, ?? ?????? ?????? ??? ?????? ?? ??????????????
????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??
????????? ??? ?????? ??? ?????? ?????????????? ???, ????? ??? ??? ?????????????? ??
????????? ??? ?????? ??? ?????? ?????????? ???.

50 ???????, ?????? ?? ?????? ??????? ?????? ??? ?????????? ?????? ??
????????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ?????? ?????? ?????????? ??????. ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ???, ? ?????????? ?????? ?????????????? ??? ?????? ??? ??? ?? ??????
????? ??? ?? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????, ???
????? ??? ?????? ?????????? ??? ?????? 42 ??? ?????????? ???, ??????????, ?? ???
????? ??????, ??? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ??? ?????? ??????
????? ??? ?? ?????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ???
?????, ?? ?? ??????, ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???.

51 ??? ?????? ??? ???????????, ??? ??? ?????? ?????? ??? ?????? ?? ?????? ? ?????????? ???,
???? ?????? ?????? ?? ?????? ??? ?????? ?????????? ???, ?????? ?????? ??????????
?????????, ?????????? ?? ??? ?????? ?????? ??? ?????? ?? ??????????, ?????? ??? ?????? ???
????????? ??????, ?????????? ?????? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ???
?????????????, ?? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ??????.

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

52 ?? ?? ?????? ???, ?? ?????? ?????????? ???, ???' ??????, ?? ??? «??????»
????????? ??????» ??????, ?????????? ??? ?????? ?????????? ?????? ??? ???
????????? ??? ??? ?????? ?????????? ?????????? ???, ?? ?????? ??? ?????? ??? ???
????????? ??? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ??? ???
??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
???? ???, ??? ?????? ?????????? «????????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ???
????????? ??? ??????.

53 ? Wetherspoon ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ?????? ?????? ??? ?????? «????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???.

54 ? ?????????? ??? ??????? ?????????? ???????, ???????, ??? ?? ?????????????? ???
????????? ?????????? ??? ?????????????? ?????????? ??????? ?????????? ?? ?????? ???
????????? ?????????? ?????????? ??? ??? ?????? ?? ?????????????? ?? ??? ?????? ?????????? ???
?? ?????? ?????????????????? ?? ?????????? ?????? ??? ?????? ?????????? ?????????? ???
?????????, ?? ?????? ??? ?????????????? ?????????????? ??? ??? ?????? ?????????? ??? ??????????
??? ?????????????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
??? ??? ?????? ?????? ??????????.

55 ??? ???? ??????, ? ??? ?????? ??? ?????????? ?????????????? ?????????? ??? ?????? ???
????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?? ??? ??????
????????????? ?? ?????????? ?????????????? ???, ?? ??????, ?????????, ?????????????? ???
????? ??? ??? ??? ?????? ?? ?????????? ?????????? ???, ?? ?????????????? ??? ??? ??? ??
????? ??? ??? ??? ?????? ?? ??????????.

56 ? ?????????? ?????????? ??????? ??? ? ?????????????? ?????? ??? ?????? ??? ?????????? ??
????? ??? ??? ?????????? ?? ?????? ??? ?????? ??? ?????????? ?????????? ?????????? ???
????????? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????????????? ??? ??? ??????
????????? ??? ???.

57 ???????, ?????? ?? ?????????? ???, ??? ?????? ?????????? ??? ?? ?????? 34 ??? ???????
?????????, ??? ? ??? ??? ?????????? ?????????????? ???, ? ?????? ?????????? ??? ??? ??? ??
???? ?????????????? ??? ?????? ??? ???, ?????????, ?????? ???, ?? ?????????? ???
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?????????????? ???
????????????? ??? ??? ?????????? ??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? (??., ??? ??? ?????? ???, ?????, ??????, ?????????? ??? 22?? ?????? 2008,
Ampliscientifica ??? Amplifin, C?162/07, ??? ??? ?????? ?????????? ??? ?????? ??? ??????, ???
25, ??? ??? ??? 17?? ?????? 2008, ?????????? ??? ??????, C?132/06, ??? ??? ???
????????? ??? ?????? ??? ??????, ??? 39).

58 ???, ?????? ?? ?????????? ?? ?? «????????????? ??? ?????????? ??????????» ??? ??
«????????? ?????????? ??????????», ??? ?????????????? ??? ?????? ?????? ??? ?????? ???
????????? ???, ?????????? ??? ?????? ? ?????????? ?????????? ?????? ??? ?????? ???.

59 ?? ??????????, ??? ??? ?????????? 17.5 ??? ?????????? 700 ??? ???, ?????? ??? ???
?? ??? 12.1 ??? 12.2 ??? ?????????? V1?24A: *Trader's records*, ?????????? ??? ? ??????
«????????????? ??? ?????????? ??????????» ??? ?????? ??? ?????????????? ??? ??? ??? ??
????????? ?????????? ? ?????????????? ?????????? ??? ?????? ??? ?????? ???, ???
????? ? ??? ?????????? ??? ??? ??????????.

60 ??? ?????????? ??? ?????? ??? ?????????????? ?????? ???, ? ?????????????? ???
????????????? ??? ??? ??? ?????????? ??? ?????? ??? ?????????? ?? ?????? ??? ??????. ?? ???
??? ??? ??? ??? ?????????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ??
????????? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ???, ???
????????? ??? ?? ?????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ???.

61 ???????, ??? ?????????? ??? ? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ? ???
?????????, ? ?????????? ?????????????? ??? ???, ?? ?????? ?????????? ??? ??? ??
??? ?????????? ?????????? ??? ???, ?????? ??? ?? ?????????? ? ?????????????? ??? ??? ??
??? ?????? ??? ?? ?????????? ?????????? ??? ???, ??? ?????? ?????????? ??? ?????? ??? ??
??? ?????? ?????????? ???, ?????????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ??
??? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,

???? ??????? ??? ???????????? ?? ??? ?????????? (?. ??????? ??? 6?? ?????????? 2005, C291/03, MyTravel, ??????? 2005, ?. !?8477, ????? 30).

62 ????????, ?? ??? ?????????????????? ?????????????? ?????????????? ?????????????? ??? ??? ??? ???
??? ?????????? ??????? ?? ?????????????????? ?????????????? ??? ??????? ?????????????? ??? ??.
????? ??? ?? ??????? ??, ??? ??????? ?????????????????? ?? ?????????????? ??????????????????????
?????????, ? ?????????????????? ??? ??? ??? ????? ?????????????? ??? ?? ?????????? ??? ??????????
?????, ??? ?????????? ?? ?????????? ??? ?????? ?????? ??? ??? ??? ?????????????? ???, ?? ??? ?? ?
?????? ?????????? ?? ??????????????. ??????????, ??? ? ??? ?????????????????? ??? ??? ??? ??
?????? ? ??? ??????????, ? ?????????????? ??? ?????? ?????????? ??? ?? ??????? ??
????????? ? ?????????? ???.

63 ????????, ?? ?????????????????? ??? ?????? ????? ? ?????????? ?????????? ?? ?????
????? ?? ???? ????? ?????????????? ??? ?? ??? ????? ????? ?????????????????? ??? ?? ?????? ??
????????????? ??????????. ???????, ?? ?????????? ?????? ??? ??????, ??????????????
????? ??? ?????? ?????????????? ???????????????, ?? ?????? ?? ?????????? ??? ??????
????????????? ?? ??? ????? ?????????????? ??? ?????????????? ?????? ?????? ??? ?????? ??
????????????? ??? ????? ?????????? ?????? ???.

64 ????? ??????????, ??? ?????? ??????? ??????? ?? ?????? ? ??????? ?????????? ???, ?????????? ???
?? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??????????
??? ??????? ?????????????? ??? ??? ?????? ?? ?????????? ?????????? ??? ?????? ?? ?????? ??
?????? ??? ?????????? ?? ??? ?????? ?????? ??????? ?? ?????? ?????? ???, ? ?????? ??? ??????
?? ?????????? ??? ??? ?????? ?????? ?????????? ?????????????? ??? ?? ?????????? ?? ???
????????? ?? ?????????????? ??? ?????? ?? ?????????????? ?????????????? ??? ?? ???, ?? ??????
?????? ?????????? ? ???????????, ??? ?????????? ??? ?????? ??? ??? ???.

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

65 ?????????? ??? ? ??????? ?????????? ??? ???? ?? ???? ????? ?????????? ??? ?????? ?????
??? ?????????? ?????????????? ??? ?????? ?????? ??? ?????? ?????? ??????????????, ?' ????
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ????? ??????????????
????? ?????????? ?????????????? ??? ??????????, ??? ??? ?? ??? ??????????, ??? ??????????.

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

1) ??????????? ???????, ??? ????? ?????? ?????????? ?????, ??? ?????????? ?????
?????? ??????? ????? ?? ?????? ?? ?????? ?????????????????????? ??? ?????? ??? ?????
?????????????? ????. ?????????? ??????? ?????????? ??????????, ?????????????? ???
????? ??? ?? ?????????? ??? ?????? ??????? ??? ?????? ?????????? ?????????????? ???
????? ??? ?????? ?????????????? ????, ????????, ??? ?????? ??? ?????????? ????, ???
????? ?? ?????? ??????? ?? ?????? ??????? ??? ?????? ??????, ?????? ?? ??? ?????
??? ?????????? ?????????????? ??? ?????? ???????????????. ???????????, ??
????????? ????, ??????, ??? ?????????? ??? ?????????? ??? ?????? ?????? ??????
????????????? ?? ?????????????????? ???? ?? ??? ?????? ?????? ??? ??????
????????????? ????, ??? ?? ??????? ??? ?????????? ?????????????? ??????????????
?????? ??? ? ?????????? ??? 0,5, ???, ???????, ??? ?????????? ??
????????????? ???? ?????? ?????????????? ???? ??? ?? ?????????????? ???? ?? ??? ??
???? ?? ??? ?????? ?????????????? ???? ??? ?? ??? ?????? ?????? ?????????? ????
?????????? ??????? ?????????????? ??????.

2) ?????????????? ?????????? ?? ??? ?????????????????? ??? ?????????????????? ???,
????????? ??????? ?????????? ?????????????? ??????????, ?????????????? ?? ??? ????? ?????? ?????? ??
?????????, ?????? ??? ?????? ??? ?????????? ?????????, ?????????? ?????? ??? ?????
??? ?????????? ?????????????? ??? ?????? ?????? ??? ???????????????. ?? ?????? ??? ?????

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

3) ?????????? ??? ?? ??????????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ??? ??? ?????????? ??? ?????????? ?????????????? ??? ?????? ??? ?????? ?????????????? ???
????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????????????? ??????, ? ?????? ???
????????? ?? ?????????????? ??? ?????? ??? ?????????????? ?????????????? ??? ??
????????? ?? ??? ?????? ?????????? ?? ?????????????? ??? ?????? ??? ?????? ?? ?????????????? ???
???? ?? ???, ?? ?????? ?????? ?????? ?????????? ? ??????????, ??? ?????????? ??? ??????

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

* ?????? ?????????????; ? ???????.