

?????? C-488/07

Royal Bank of Scotland Group plc

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The Commissioners of Her Majesty's Revenue & Customs

[?????? ??? Court of Session (Scotland)

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«????? ?????? ?? – ??????? ?? ?????? ?? ???? ?????? – ?????? ?? ?????????? ??
????????????????? ?? ?????? ?? ?????????????? ?? ?????? ?? ?????????????? ?? –
????????? ?? ?????? ?? ?????? (prorata) – ?????????? – ?????? ?? ?????? 17, ??????????
5, ?????? ?? – ?????????? ?????????? ?? ?????? ?????????????????? ?? ?????? 19,
????????? 1, ?????? ??»

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(?????? 77/388 ?? ??????????, ?????? 17 § 5, ?? 3, ??? 19 § 1)

?? ?????? ?? ?????? ?? ?????? ?????????? ?? ?????????? ?? ?????? ?????????????????? ??
?????? 19, ?????????? 1, ??????? ??????, ?? ?????? ?????? 77/388/?? ?? ???????????,
?? 17?? ?? 1977, ??? ?????????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ???????, ?? ??????????
?? ??? ?????? ?????? – ?????? ?????? ?? ?????? ?????????????? ?????: ??????????
????????? ??, ?????? ?? ?????? ?? ?????? ?? ?????? ?????????? ?????????? ?????????? ?? ?? ?? ??
?? ?????? ?????? ?? ?????? 17, ?????????? 5, ?????? ??????, ?????????? ??, ??, ?? ?? ??,
?? ?????? ??.

?? ?????? 19, ?????????? 1, ??? ?????? ?????? ?????????? ?? ?????? ?? ?????? ??????????
?? ?????? 17, ?????????? 5, ?????? ??????, ?? ?????? ?????? ??, ???????, ????????
????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?? ?????? ??.
????????, ?????? ?????????? ?? ?????? ?? ?????? ?????????? ?????????? ?????????? ??
????? 17, ?????????? 5, ?????? ??????, ?????????? ?? ??, ?? ?????? ???????,
????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?????? ?????????? ?? ?????? ?? 19
?? ?????? ??????. ??? ???????, ?? ?????? ?????? ?? ?????? ?????? ?????????? ?? ?????? ??
?? ?????? ?????????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????????? ?? ?????? ??
????????? ?? 17, ?????????? 5, ?????? ??????, ?????????? ??, ??, ?? ?? ??, ??
????????? ??, ??? ?????? ?? ?????? ?? ?????? ?? ?????????? ?????????? ?? ?????? ??
????????????? ??, ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??.

(???. ??????? 22, 25, 29 ??? ??????.)

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

??? 18?? ?????????? 2008 (*)

«????? ?????? ??? – ??????? ??? ?????? ??? ?????? – ?????? ??? ?????????? ???
????????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????????? ??? –
????????? ?????? ??? ?????? (prorata) – ?????????? – ?????? ??? ?????? 17, ??????????
5, ??? ?????? – ?????????? ?????????? ??? ?????? ?????????????????? ??? ?????? 19,
????????? 1, ?????? ?????»

????? ?????? C?488/07,

?? ?????????? ??? ?????? ?????????? ?????????????? ?????????? ??? ?????? 234 ??,
?? ?????? ?? Court of Session (Scotland) (??????? ??????) ?? ?????? ??? 31??
????????? 2007, ? ?????? ?????? ??? ?????????? ??? 5 ?????????? 2007, ??? ?????? ???
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Royal Bank of Scotland Group plc

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The Commissioners of Her Majesty's Revenue & Customs,

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

????????? ??? ??? T. von Danwitz (???????), ?????? ??????, E. Juhász ??? ?. ??????,
???????,

??????? ??????????: P. Mengozzi

?????????: M. Ferreira, ?????? ?????????? ??????????,

?????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? 8?? ????????,
2008,

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

– ? Royal Bank of Scotland Group plc, ?????????????? ??? ??? C. Tyre, QC, ??? D. Small,
advocate,

– ? ?????????? ??? ?????? ??????????, ?????????????? ??? ??? Z. Bryanston-Cross
??? S. Ossowski, ?????????????? ??? ??? I. Hutton, barrister,

– ? ?????????? ??? ?????????? ??????????, ?????????????? ??? ??? R. Lyal ??? M. Afonso,

????????? ??? ?????????? ??? ?????, ??? ?????? ??? ?????? ????????????, ?? ?????????? ???
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1 ? ?????? ??????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? 17,
????????? 5, ????, ????, ??? 19, ?????????? 1, ?????? ??????, ??? ?????? ??????
77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????? ???
????? ?????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? – ??? ?????? ?????? ???
????????????? ????: ?????????? ?????? ??? (?? ??. ????. 09/001, ?. 49, ??? ????:
???? ??????).

2 ? ?????? ??? ??????????? ??? ?????? ?????? ?????? ?????? Royal Bank of
Scotland Group plc (??? ?: Royal Bank of Scotland) ??? ?? ?????? ??? ?? ??????
??? ?? ?????? ?????????? ??? (??? ?: ???) ??? ?????? ?????? ?????? ??????
Commissioners for Her Majesty's Revenue and Customs (??? ?: ?????? Commissioners),
?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?? ??????
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3 ????? ?? ?????????? ?????????????? ?????? ??? ?????? ??????, «[?] ?????????????? ???
????????? ??? ?????????? ?????? ?? ???????? ?? ?????? ?????? ?????? ?? ??? ?? ?????? ???».

4 ?? ?????? 17, ??????????? 5, ??? ?????? ??????? ??????:

«???? ?????? ?? ?????? ?? ??????????? ?? ?????????????????????? ?? ?????????????? ?? ?????????????? ?? ???? ?? ????
????? ?? ?????????? ?? ?????????????????? ?? ?????? ??????? ?? ?????????????? ?? ?????? ?????????? ?? ???? 2 ???
3, ?? ?????? ?? ??????? ?? ??????? ?? ?????? ?? ??????? ?? ?????? ?? ??????? ?? ??????? ?? ??????? ?? ???????
????????? ?? ?? ???????, ? ??????? ?? ??????? ?? ?????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ??????????????
?????, ?? ?????? ?? ??????? ?? ?????? ?? ?????????????? ?? ?????? ??????? ?? ?????? ??????? ?? ?????? ??????????.

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

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

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

5 ?? ?????? 19, ??????????? 1, ??? ?????? ??????? ????? ?? ????:

«? ?????????? ?????????? ??? ???????????? ??? ?? ??? 17, ?????????? 5, ????? ??????,
????????? ??? ?? ?????? ??? ????????????:

– ??????????????, ?? ?????????? ????? ?? ?????????? ??????? ??????????, ????? ??
????????????????? ?????, ??? ?????????????? ????? ?????????? ?? ?????????? ?????????????? ?????
????????, ??????? ?? ?? ????? 17, ?????????? 2 ??? 3,

– ????? ??????????????, ?? ??????? ????? ?? ?????? ?????? ?????? ????????, ????? ??
????????????????? ?????, ??? ?????????????? ????? ?????????? ?? ?????????????????? ????? ??????????,
????? ?? ???? ????? ??????? ?? ???? ?????????????? ????????, ????? ???????. [...]

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

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

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6 ????. ?? ?????? 101 ??? ??????????? ??? 1995, ????. ???. ???? ?????????????? ????.
(Value Added Tax Regulations 1995):

«1. ?? ??? ?????????? ??? ?????? 102 [...] ?? ??? ????? ??? ?????? ??? ??? ?????????? ??? ?
????????????? ??? ?????? ??? ?????????? ?? ??????? [...] ?????? ??? ??? ?????????? ????
????????????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ???.

2. ?????? ??? ???? ??????????

[...]

[...]

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

[...]»

7 ?? ?????? 102, ?????????? 1, ??? ?? ??? ????? ?????????? ??????:

«?? ??? ?????????? ??? ?????????? 2 ?????????? ??? ??? ?????? 103, 103? ??? 103?, ?
????????? Commissioners ?????? ?? ?????????? ? ? ?????????? ??? ?????????? ??? ???
?? ?????????? ?????? ?????????? ??? ??? ??? ??? ?????? 101 [...]»

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

8 ? Royal Bank of Scotland ?????????? ?????? ?????? ??? ?????? ?????????????? ???
?????? ?????????? ??? ?????? ?????????????? ?????? ???????. ??? ?????? ???
????????????? ?????? ?????????????? ???, ? ?????? ??? ?????? ?????????????? ?????????????? ???
????????????? ?????? ??? ?????? ??? ? ?????????? ??? ?? ?????? ? Royal Bank of Scotland
????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ??? ??? ??? ??????????????
?????.

9 ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??? ??????
??? ?????? ?? Royal Bank of Scotland, ??? ?? ?????? ?????? ?? ?????????????? ??
????????? ?????????? ?? ?????????????? ??, ?? ?????? ??? ?????? ?????? ?? ?????? ?? ??????????
«?????????» ???.

10 ??? 31 ??? 2002, ?? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????????? ??? ???
?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?? ??? ?????????? ??? ??? ??? ???
??? ?????? ??? ?????? ??? Royal Bank of Scotland. ?? ?? ?????? ??? ?????? ??????????
????????? ?????? ???, ?????? ??? ?????? ?????? ?? ?????????? ?? ??? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????????? ??, ? ?????? ???
????????? ???, ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? Royal Bank of Scotland ? ?? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ??? ??? ??? ?????? ?????? ?????? ??, ?? ?????? ??? ?????? ???
????????????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ??, ?? ?????????????? ???
????? 101, ?????????? 4, ??? ?????? ??? 1995, ??? ??? ?????? ?????????? ???.

11 ?? ???????, ? Royal Bank of Scotland ?????? ??? ? ?????? ??? ?????? ??? ?????? ???
31?? ??? 2002 ??? ?????? ?????? ??? ?? ?????? 17 ?? 19 ?? ?????? ?????? ???, ?? ??
??????, ???????. ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?????????? ??
????????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? Commissioners ??
??? ?????? ?? ?????????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????????? ???, ?? ?????????????? ??? ?????? ??? ?????? ??? ?????? ?????? ????. ??
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? Royal Bank of Scotland
????????? ?? ?????? ?????? ?????? ?????? ??? VAT and Duties Tribunal, ?? ??????, ??
????? ??? ??? 20?? ?????????? 2006, ?????? ??? ?????? ?????? ?????? ?????????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?? ??? ??? ??????.

12 ? Royal Bank of Scotland ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ???
Court of Session (Scotland). ?? ?? ??? ?????? ????????, ?????????? ??? ? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?????? ??????, ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ??????.

«1) ?????? ??????????, ?????? ??? ?????? 19, ?????????? 1, ?????? ??????, ???
[????? ??????] ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ??????, ?????? ??? ?????? 17, ?????????? 5, [??? ?????? ??????], ??

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

?) ? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??????????????????
????????????? ??? ?????????? ??? ?????? ??? ?????? ?? ?? ?????? 17, ?????????? 5, ????
?????, ??????? ?? ?, [??? ?????? ???] ?/???

?) ? ?????????? ??? ?????????? ?????? ?? ?? ??????????????, ??? ?? ?????????????? ???
????, ??? ?????? ? ?????? ??? ?????? ??? ?????????, ?????? ?? ?? ?????? 17, ??????????
5, ????? ??????, ??????? ?? ?, [??? ?? ??? ??????] ?/???

?) ? ?????????? ??? ?????????? ?? ??? ?? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? 17,
????????? 5, ????? ??????, [??? ????? ??????] ??????, ?????? ?? ?? ?????????? ?? ???
????? ?????? ??? ?????? ??? ?????;

2) ?????????? ?? ??? 19, ?????????? 1, ??????? ????, [??? ?????? ??????] ??? ???
???? ?? ?????????? ?????????? ?? ?????????????? ??? ?????????? ??? ?????? ???
????????? ?? ?????? ?? ?????????? ???, ?????? ??? ?????? ??? ?????? ?? ?????????? ???
[??? ?? ??? ??????] ?? ??? ?????? ????, ?????? ??? ?????? ?????????? ??????;»

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

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

13 ?? ?? ??? ?????? ?????????? ???, ?? ?????? ?????????? ??? ?? ?? ???
????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? 19,
????????? 1, ??????? ????, ??? ?????? ????, ?????? ?? ?????????? ??? ?????? ??????????
????????? ??? ?????? ??? ?????? ?????????? ?????? ?? ?????? ??? ?????? ??? ??????
????????? ??? ?????? 17, ?????????? 5, ?????? ????, ?????? ??, ??, ?? ??, ??? ??????
?????.

14 ??? ?????? ??????, ?? ?????? ?????? ??? ?????? ?? ?????????? ?? ?????? 17 ???. ??
????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????,
????? ?? ?????????? (?? . ?????? ??? 6?? ?????? 2005, C?243/03, ?????? ???
????? ??, ?????? 2005, ?. I?8411, ??? 28 ??? ?????? ?????????? ??????????).

15 ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????????????
??? ??? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ??? ?????? ??? ?????? (?? . ?????? ??? 22?? ?????????? 2001,
C?408/98, Abbey National, ?????? 2001, ?. I?1361, ??? 24 ??? ?????? ??????????
?????????).

16 ????, ??? ?? ??? ? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ??
????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??,
??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??
????? (????? ??? 14?? ?????????? 2006, C?72/05, Wollny, ?????? 2006, ?. I?8297,
????? 20).

17 ?? ?????? 17, ?????????? 5, ??? ?????? ?????? ??? ?????? ?? ??? ?????????? ??????????

?? ?????????? ?? ? ?????????? ?? ???? ?????????? ?? ???? ???? «???

????????? ?? ???? ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? 2 ??? 3, ??

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

????? ?????? ?? ???? 17, ?????????? 5, ?????? ??????, ??? ??????

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

????? ?????? (????? Abbey National, ???????????????, ?????? 37, ??? ??? 27??

????????? 2001, C16/00, Cibo Participations, ?????? 2001, ?. I?6663, ?????? 34).

18 ?? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 17, ?????????? 5,

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

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

19 ?? ???? 17, ?????????? 5, ?????? ??????, ??????????, ??????, ??? ?????? ????

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

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

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

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

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

20 ? ?????? ??? ???? ?????? ?????? ?????? ?????? ?? ???? ?????? ????????????????

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

21 ?????? ??? ???? ???? ? Royal Bank of Scotland, ? ??????

????????????? ??? 19, ?????????? 1, ?????? ??????, ??? ?????? ?????? ???

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

????? 17, ?????????? 5, ?????? ??????, ??? ?????? ?????.

22 ??? ?????? ?????? ??? ???? 17, ?????????? 5, ??? 19,

????????? 1, ??? ?????? ??????, ? ?????? ??? ?????????? ??? ?????? ??? ??????

????????? ??? 17, ?????????? 5, ?????? ??????, ??? ?????? ?????? ???, ??????,

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

?????????.

23 ??????, ? ?????????? ??? ???? ?????? ??? ???? ?????????? ?????? ???

?????????. ??? ?? ?????? ??? ?????? ??? ?????? 17, ?????????? 5, ?????????? ???, ??? ???

????????? ??? ?????????? ??? ?????, ?????????? ??? ?????? ?? ???? 19, ?? ???

????? ??? ?????? ??? ?????, ?? ?????? ?????? ?? ???? «?????», ?????????? ??? ???

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

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

24 ???, ?? ?????????? ??? ?????? ?????????? ??? ???? ??? ?????????? ?????? ???

????? 17, ?????????? 5, ?????? ??????, ?????????? ?? ??? ??, ??? ?????? ??????, ?????? ???

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

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

????????? ??? ?????? ?????? 19, ?????????? 1, ?????? ??????, ???

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

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25 ??????, ?????? ?????????? ??? ???? ?????? ?????????? ?????????????? ??????????,

????????? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 19

??? ?????? ????????. ??? ??????????, ?? ?????? ??? ?????? ?????? ?????????????? ?? ???????????
??? ?????? ?????????????????? ?? ?????????? ?????? ?????? ?????? ?????????????? ?? ??????????
????????????? ?? ?????? 17, ?????????? 5, ?????? ??????, ?????????? ??, ??, ?? ? ?, ??
????? ??????, ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ?????????? ?????? ??????
?????????????????, ?????????? ?? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? (?. ??????
?? 10 ?????? 2008, Koninklijke Ahold, C?484/06, ??? ??? ?????? ?????? ?????????????? ???
??????, ??? 33).

26 ?????????? ??? ? ?? ?????????? ? Royal Bank of Scotland, ? ?????????? ??? ??
????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ?????????????? ?????? ??? ??????
??????, ??????? ?? ??? ?????? ? ?????????????? ??? ?????????? ?????????? ??????? ??
????????????? ?? ?????????? ?????? ?? ??? ?? ?????? ????. ??????, ??????? ?? ??? ?? ???
????????????? ???, ? ?????? ?????????? ??? ?????? ????. ???????, ?????????? ??? ?????? ???
????????????? ???, ?????? ?? ?????? ????. ???????, ?????????? ?????? ??? ?????????? ??
?? ?????????? ?? ?????????? ??? ?? ?????? ?????????? ??? ?????? 19, ?????????? 1, ??
?? ?????????? ?????????? ???, ? ??? ?????? ?????? ?????????? ?? ?????????? ?????? ???
????????? ??? ?????????? ?????????? ??????.

27 ???????, ??????? ?? ??? ??? ?? ?????????? ??????????????, ? ???
????????????? ??? ?? ?????? ??? ?????? ?????????????, ??? ??? ??? ?? ??????????????, ??
????? ?????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ?????? ?????????????? ???
????? ?????? ?? ?????????? ?????????? (??., ???????, ?????? Koninklijke Ahold,
??????????, ?????? 37 ??? 41).

28 ???, ??????? ?? ??? ? ?? ?????????? ? Royal Bank of Scotland, ? ?????????? ???
?? ?????????? ??? ?? ?????? ??? ?????? 2006/112/?? ??? ??????????, ??? 28??
????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????? ?????????????? ??? (?? L 347, ?. 1),
????????? ?? ?? ?????? ?????? ?????? ?? ??? 1? ?????????? 2007, ??? ?? ??
????????? ?? ?? ?????? ?????? ?????, ???, ???????, ??? ??? ??????.

29 ?????? ??? ??????????????, ??? ?????? ?????????????? ?????? ??? ?????? ?? ??????
????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ??? ??????
????????????? ??? ?? ?????? 19, ?????????? 1, ??????? ??????, ??? ?????? ??????,
????? ?? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ?? ??? ?? ?? ?? ??????
????????? ?? ?????? 17, ?????????? 5, ?????? ??????, ?????????? ??, ??, ?? ??, ?? ??????
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30 ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ?????? ?? ?? ?????? 19, ??????????
1, ??????? ???, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ??????????
????????? ?? ?????????? ??? ?????? ?? ?? ?????? 17, ?????????? 5, ??? ?? ??? ?????? ??
????? ???, ??? ?????? ?????? ?????????? ??????;

31 ?????????? ?? ?? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????????? ??? ??????
????????????? ??? ?????? ?????? ?????, ??? ?????? ?????????? ??? ?????? ?????? ??? ??????????
????? 17, ?????????? 5, ?????? ??????, ??? ?????? ?????? ?????? ?????? ?????????? ???, ??
????? ?????? ?????? ?????? ?????? 19, ?????????? 1, ?????? ?????? ???, ?? ??????
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32 ??????? ??? ?????????? ??? ?????? ??? ????? ?????????????? ??????? ??? ???
?????????????, ??????? ? ??????? ??? ?????? ?????????????? ??????.

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

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

? ? ?????? ??? ?????? ??? ?????? ?????????????? ?? ?????????? ??? ??????
????????????????? ??? ?????? 19, ?????????? 1, ??????? ??????, ??? ????
?????? 77/388/??? ??? ??????????, ??? 17? ????? 1977, ??? ?????????????? ???
????????? ??? ?????? ?????, ??? ?????????? ?? ??? ????? ?????? ?????? ?????? –
????? ?????? ?????? ?????? ??????: ?????????? ?????????? ???, ?????? ?
????????? ??? ?????????? ?????? ?????????? ?? ??? ??? ??? ??? ??????
????????? ??? ?????? 17, ?????????? 5, ????? ??????, ?????????? ??, ??, ?? ? ?, ???
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(?????????)

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