

?????? C-29/08

Skatteverket

????

AB SKF

(?????? ??? Regeringsrätten ??? ??? ?????? ?????????????? ??????????)

«???? ?????? ??? – ?????? 2, 4, 13, B, ????????, ??, ?????? 5, ??? 17 – ?????? 2006/112/?? –
????? 2, 9, 135, ?????????? 1, ????????, ??? 168 – ?????????? ?? ?????? ??????????
????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ?????? –
????? ?????????? ??? ?? – ?????? – ?????? ?????????? ??? ?????? ?????? ?????? –
????????? ?????? – ?????? ?????? – ?????? ?????? ??? ?????? ?????? ???»

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

1. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????? –
????? ?????? ?????? ?????? ?????? – ?????????? ?????? ?????????? ?????? ??? ??
????? ??? ?????? 4 ??? ?????? ?????? – ??????

(?????? ??? ?????????? 77/388, ??? 2 § 1 ??? 4 §§ 1 ??? 2, ??? 2006/112, ??? 2 § 1 ???
9 § 1)

2. ?????????? ?????? – ?????????? ??? ?????????? – ?????? ?????? ?????? –
????? ?????? ?????? ?????? ?????? – ?????????? ?????????? ??? ?? ??? ??
????? – ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????? 13, B,
????? ??, ?????? 5

(?????? ??? ?????????? 77/388, ??? 13, B, ?????? ??, ?????? 5, ??? 2006/112, ???
135 § 1, ??????? ???)

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

(?????? ??? ?????????? 77/388, ??? 17 §§ 1 ??? 2 ??? 2006/112, ??? 168)

1. ?? ??? 2, ?????????? 1, ??? 4, ?????????? 1 ??? 2, ??? ?????? ?????? 77/388, ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? – ?????? ?????? ??? ?????? ?????????????? ?????: ?????????? ?????????? ?????, ???
????????? ??? ?? ??? ?????? 95/7, ??? ?? ??? 2, ?????????? 1, ??? 9, ??????????
1, ??? ?????? 2006/112, ?????? ?? ?? ?????? ?????? ?????? ?????????????? ?????, ???
?? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ???
????????? ?? ??? ?????? ??? 100 % ?????????? ???????, ??? ??? ??? ??? ?????????? ???
????????? ?? ?? ?????????? ???????, ? ??? ??? ??? ?????????? ??? ?????? ??? 100 %, ???
????? ?????? ?????? ?????????? ?????????? ?? ??? ?????? ?????????? ???

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

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

??????, ??? ?????? ??? ? ?????????? ?????? ?????????? ?????????? ?? ?????????? ??????? ?
?????? ??????? ?????? ?????? ????????????, ??? ??? ?????? ??? ?????? 5, ?????????? 8, ???
????? ???????, ??? ??????????????? ?? ??? ?????? 95/7, ? ??? ?????? 19, ?????? ???????, ???
?????? 2006/112, ??? ??? ??? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?? ?????????? ??????, ? ?????? ??? ?????? ?????? ?????? ?????? ??????????
????????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

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

(???. ??????? 32-33, 41, ??????. 1, 4)

2. ? ?? ?????? ??????? ??????? ?????????? ?????????? ??? ??????? ??? ??????? ??? ??????? ???
????????? ?? ?????? ??? 100 % ?????????? ???????, ?????? ??? ??? ???????????
????????? ?? ?? ?????????? ???????, ? ?????? ??? ?????????? ??? ?????? ??? 100 %, ???
?????? ??????? ?????????? ?????????? ?? ??? ?????? ?????????????? ???, ?????? ??
????????????? ??? ?? ??? ?????? ?????? ??????? ??? ?????? 13, B, ??????? ??, ?????? 5, ???
????? ??????? 77/388, ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????, ??? ???????
?? ??? ?????? ?????? ?????? – ?????? ?????? ?????? ?????? ?????????? ?????: ??????????
????????? ???, ??? ?????????????? ?? ??? ?????? 95/7, ?????? ??? ??? ?????? 135,
????????? 1, ??????? ???, ??? ?????? 2006/112, ??????? ?? ?? ?????? ?????? ?????? ???
????????? ????.

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

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

(???. ??????? 48-50, 53, ??????. 2, 4)

3. ?? ??????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ??? ?????? ???
????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????.

????????? ??? ??????? ??? ??????? ??? ?????????? ?? ?????? ??? 100 % ???????????
?????????, ????, ??? ???? ?????????? ?????????? ??? ???? ?????????? ??????, ? ??? ???? ???
????????? ??? ?????? ??? 100 %, ??????????, ?????? ??? ?????? 17, ?????????? 1 ??? 2,
??? ?????? ?????? 77/388, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???, ???
????????? ?? ??? ?????? ?????? ?????? ??????, ??? ?????????????? ?? ??? ?????? 95/7, ???
??? ??? ?????? 168 ??? ?????? 2006/112, ?? ?????????? ?????? ??? ?????? ?????? ??????
??? ?????? ??? ?????????? ??? ??? ?????????? ?????? ??? ??? ?????? ??? ?????? ??????
????????????? ??? ?????????? ???.

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

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

(???. ????. 73, ??????. 3-4)

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

?? 29?? ?????????? 2009 (*)

«????? ?????? ??? – ??? 2, 4, 13, B, ??????? ?, ?????? 5, ??? 17 –????? 2006/112/?? –
????? 2, 9, 135, ?????????? 1, ?????????? ???, ??? 168 – ?????????? ?? ?????? ???????
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?? ?????????? ??????? –
????? ?????????? ??? ??? – ?????? – ?????? ?????? ??? ?????? ?????? ?????? ???????
????????? – ?????? – ?????? ??? ???»

????? ?????? C29/08,

? ? ?????????? ?????? ?????????? ?????????????? ?????????? ?????? ??? ?????? 234 ??,
?? ?????? ?? Regeringsrätten (??????) ?? ?????? ??? 17?? ?????????? 2008, ? ????
????????? ??? ?????????? ??? 25 ?????????? 2008, ??? ?????? ??? ????

Skatteverket

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AB SKF,

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

? ? ?????????? ??? ??? P. Lindh, ?????? ??? ?????? ???????, ?????????????? ??? ??????
????????, ??? ??? A. Rosas, ??? U. Löhmus (????????), ???????,

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

?????????: C. Strömholt, ?????????? ??????????,

???????? ???? ??? ??????? ??????????? ??? ??????? ??? ??' ??????????? ??????????? ???
4?? ?????????? 2008,

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

- ? Skatteverket, ??????????? ??? B. Persson,
- ? AB SKF, ??????????? ??? R. Treutiger ??? O. Henkow, advokater,
- ? ??????? ???????, ??????????? ??? K. Petkovska ??? ??? A. Engman,
- ? ??????? ???????, ??????????? ??? M. Lumma ??? C. Blaschke,
- ? ??????? ??? ???????, ??????????? ??? Z. Bryanston-Cross,
????????? ??? I. Hutton, barrister,
- ? ??????? ??? ???????, ??????????? ??? J. Enegren ??? ?.
???????????,

???? ?????? ??? ?????? ?????????? ??? ??????? ??? ??????? ??? ?????? ??? ?????? ??? ??????????
?? 12?? ?????????? 2009,

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

??????

1 ? ?????? ?????? ?????????? ?????????????? ?????? ??? ??????? ??? ?????? 2, 4, 13,
B, ??????? ?, ?????? 5, ??? 17 ??? ????? ?????? 77/388/??? ??? ????????, ??? 17??
????? 1977, ??? ?????????? ??? ?????????? ??? ??????? ??? ???????, ??? ??????? ?? ???
????? ?????? ?????? – ????? ?????? ????? ?????????????? ?????: ??????????
????????? ??? (?? ??. ??. 09/001, ?. 49), ??? ?????????? ?? ??? ?????? 95/7/?? ???
??????????, ??? 10?? ??????? 1995 (?? L 102, ?. 18, ??? ????: ??? ?????), ????? ??? ???
????? 2, 9, 135, ?????????? 1, ??????? ???, ??? 168 ??? ?????? 2006/112/?? ???
??????????, ??? 28?? ??????? 2006, ??????? ?? ?? ????? ?????? ????? ??????????????
????? (?? L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? Skatteverket
(????????? ??????) ??? ??? AB SKF (??? ?: SKF) ?????? ?? ??????????????
????????? ??? ?????? ? Skatterättsnämnden (????????? ?????????? ??????) ??????
????????? ??? SKF ?????? ?? ?????????? ??? ?????????? ??? ????? ?????????? ???
(?? ?: ??) ??? ?????????? ??? ?????? ?????? ?????? SKF ??? ?? ??????????
????? ?????????? ??????.

? ????????

? ????????

3 ?? ?????? 2, ??????? ???, ??? ?????? ?????? 67/227/??? ??? ??????????, ??? 11??
????????? 1967, ??? ?????? ?????????? ??? ?????????? ??? ??????? ???, ??? ??????? ??
????? ?????? ?????? ?????? (?? ??. ??. 09/001, ?. 3), ?????? ??? «[?]» ??? ??????????

[??], ??????????????? ?? ?? ???? ???? ?????? ? ?? ???????????, ?? ?? ???? ??????????? ??
????? ?? ?? ???? ?????? ????? ???????????, ????? ??????????? ??' ????????? ?? ?? ???
?? [??], ? ?????? ??????????? ?? ?? ???? ?????? ??????????? ???????????, ?? ?? ??
????????? ?? ?? ??».

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

5 ????? ?? ?????? 4 ??? ??????? ??????:

«1. ?????????? ?? “?????????? ???? ????” ?????????????? ??????, ??? ????? ???????????
??? ?? ??????????? ?????, ??? ??? ??? ?????????????? ??? ????? ?????????? 2 ???????????????,
?????????? ??? ?????????????? ?????? ??? ?????????????? ??? ?????????????? ?????.

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

[...]»

6 ??????? ?? ?????? 5, ?????????? 8, ??? ????? ??????:

7 ????? ?? ?????? 6, ??????????? 1, ??????? ??????, ????? ???????????, ??? ????? ????????,
??? ?????? ???????, ??????? ?? ???????????, ?????? ??? ?????, ?? ??????? ?????? ???????, ??
????? ?????????????????? ? ??? ??? ??? ?????.

8 ?? ?????? 13, ?, ????????, ?, ?????? 5, ??? ?????? ??????? ?????? ??? ?? ?????? ???
?????????? ?? ???? «??? ???????, ?????????????????? ??? ?? ???? ???????????????, ???'
????????? ??? ??????? ??? ?? ?????????????, ?? ?????? ??????? ??????? ??? ?????? ???
????????? ? ???????, ?????????? ??? ??????? ??????? [...]».

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

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

?) ??? ?????????? ? ?????????? ??? ?????????? ??? ????? [??] ??? ?? ????? ??? ???
????????????? ? ?????????? ?? ??? ?????????? ??? ??? ??? ?????????? ??? ??? ??????????????
? ?????????? ?? ??? ?????????? ??? ????? ?????????? ??? ??? -.

[...]».

10 ? ?????? 2006/112 ?????????? ??? ?????????????? ??? 1?? ?????????? 2007 ???
????????? ?????????? ?????????? ???, ?????? ?????? ??? ??? ?????. ??? ??? ??? ??????
??? ??? ?????? ?????????????? ??? ?????? 2006/112, ? ?????????????? ??? ??????
????????? ??? ?????????? ?????????? ?? ?????????????? ??? ?? ?????????????? ??????????
???? ??? ??? ?????????? ???, ?? ??? ??? ?????????? ??? ??????????, ????? ??? ??? ??
????????? ???' ????? ?????????? ??????.

11 ?? ?????? 2 ??? ?????? ????:

«1. ??? ??? ?????????? ?? ?????????? ????:

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

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

12 ?? ?????? 9, ?????????? 1, ??? ?? ??? ?????? ?????????? ?????????? ?? ????:

«????????? ?? “????????????? ????” ?????????????? ????, ??? ?????? ?????????? ??? ??
????????????? ????, ?????????? ?????????????? ????, ?????????? ??? ?? ??? ?????????????? ????
??? ?? ?????????????? ??? ?????????????? ????.

?? “????????????? ??????????????” ?????????? ??? ?????????????? ??? ??????????, ???
????????? ?? ??? ?????????? ????, ?????????????? ??? ?? ??? ??????????????
?????????, ??? ?????????? ?????????????? ??? ?????? ??? ?? ?????????????? ??? ??????????
?????????????. ?? ?????????? ?????????????? ??????????, ??????, ? ??????????????
????????? ? ?????? ??????, ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??????????..»

13 ?? ?????? 19, ?????? ??????, ??? ?????? 2006/112 ?????????? ??? ?????? ?????? ??????
??? ?????? 5, ?????????? 8, ??? ?????? ??????.

14 ??? ?? ?????? 25, ?????????? ??, ??? ?????? 2006/112, ? ?????? ?????????? ?????? ??
??????????, ?????? ?????, ??? ?????????? ?????? ??????, ?? ?????? ?????????????? ?? ???
??? ??????.

15 ??? ?? ?????? 135, ?????????? 1, ??????? ???, ??? ?? ??? ?????? ???, ?? ?????? ????
????????? «??? ??????, ?????????????? ??? ?????????????? ??? ??????????????, ?? ?????????? ?? ??????
??? ?? ??????????, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ? ???????,
????????? ??? ?????? ??????, ?? ?????? ?????? ??? ?????? ?????? ??? ??????????????
????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? 15, ?????????? 2».

16 ??? ?? ?????? 168 ??? ??????? 2006/112:

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

?) ??? ?????????? ? ?????????? ??? ?? ??? ?????? ??? ?? ??? ?? ?????? ??? ?? ???
????????? ? ?????????? ?? ??? ?????????? ??? ?? ??? ?????? ??? ?? ??? ?????????? ??? ?? ???
? ?????????? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ???.

[...]».

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

17 ?? ?????? 200 ??? ??? [mervärdesskattelagen (1994:200)], ??? 30?? ??????? 1994,
?????? ??? ??????? ??? 1, ??? 1, ??? ? ??? ??????? ??? ??????? ??? ??
????????? ??????? ??? ??????? ??? ??????? ???????, ??? ?????????????????? ???
????????? ??????? ??? ??????? ?????????????? ??????????????.

18 ?? ??????? 3, ??? 9, ??? ?????? ?????? ?????? ??? ?????????????? ??? ?? ??? ??,
?????? ???, ?? ??????? ??? ?????? ??????, ??? ?????? ?? ?????????????????? ???
??? ?????????? ??? ?????? ??? ?????????????? ?????? ???? ?????? ?????????? ??? ??
????????? ??? ?????? ??? ?? ??? ?????????????? ??? ?? ??? ?????? ??? ??, ??? ?
????????? ??? ?????????? ??? ??????.

19 ?? ??????? 8, ??? 3, ??? ?? ??? ?????? ?????? ???, ??? ?????? ??? ?? ???
??? ?? ??????? ??? ?????????????? ??? ?? ?????? ??? ?????????? ???
????????????? ???, ? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ??? ??
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?? ??????.

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

20 ?? ??????? ?????? SKF ??????? ?? ?????? ?????? ??? ?????? ?????????????? ???
??? ?? ?????? ??? ?????????????? ??? ?? ?????? ??????. ? SKF ??????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???????, ?????? ???????, ???????????,
????? ?????? ? ?????????? ??? ?????? ??? ?????? ?????? ??????. ? SKF ??????? ??? ??
??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ??????.

21 ? SKF ??????? ?? ?????????????? ??? ?????? ??? ??, ??? ??????? ???, ??
????????? ?? ?????????????? ??? ?? ?????? ??? ?????? ???????, ??? ?????? ???
?? 100 % ??? ?????? (??? ????: ??????????), ?????????????? ?? ?????? ??? ??????? ???
????????? ????. ?????????? ??? ?????????? ?? ?????????? ??? ?? 26,5 % ?????????? ??? ??
????? ??????, ? ?????? ??? ?????? ??? ?????? ??? 100 % (??? ????: ?????????? ???)
??? ???? ?????? ??????, ?? ?????? ??? ??????, ?????????? ?????????? ?? ???.. ? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?? ?????? ?????????? ??? ??
????????????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ?????????? ???, ? SKF
????????? ?? ?????? ??? ?????? ?????????? ?????? ??? ?? ?????? ??? ?????????? ??? ??
??? ??????, ??? ?????? ??? ?????????????? ???, ?????? ??? ?????????????? ???
????????? ??? ?? ?????? ??? ?????????? ??? ???????. ? ?????? ??? ?????????? ???
????????? ??? ?? ???.

22 ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????????

?????????????, ? SKF ?????? ??? ?? Skatterättsnämnden ??? ?????? ??????????????
????????????? ?? ??? ?? ?? ??? ?????? ??????? ?? ??????? ??? ?? ??? ?? ?????? ??? ??
????????? ??? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??
????????? ??? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??????.

23 ?? ??? ?????????? ?????????? ??? 12? ?????????? 2007, ? Skatterättsnämnden
?????? ???, ?? ?????????? ??? ?????????? , ? SKF ??? ?????? ?????????? ??? ?? ??? ??
??? ?????? ??? ?????????? ??? ?? ??? ?????? ?????? ??????????. ??????? ??? ?? ?????????? ??? ??
SKF ?????? ??? ?????????? ??? ?? ??? ?????? ?????????? ?????????? ?????????? ?????? ??????????
????????????? ??? ?? ??? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????? ??? ?? ??? ??????
??? ?????? ??? ?????? ?????? ???????, ? ??? ?? ??? ?? ?????????? ??? ??
????????? ??? ?? ??? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ??? ?? ?????? ??
????????? ??? ?? ??? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ??? ?? ?????? ??
????????? ??? ?? ??? ?????????? ?????? ?????????? ?????? ?????? ?????? ??? ?? ?????????? ??? ??
????????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????? ?????? ??? ?? ?????????? ??? ??.

24 ? Skatteverket ?????? ??????? ??? ?? ?????????? ?????? ??? ?????????? ??? ??
????????? ?????????? , ??????? ??? ?? ?????????? ??? ?????????? ?????????? ??? ?? ??? ??
?? ?????????? ??? ?? ??? ?????? ??? ?????????? ??????. ? SKF ?????? ??? ?????????? ??? ??
????????????? ?????????? ??? Skatterättsnämnden.

25 ??? ??? ??????? ????, ?? Regeringsräten ?????????? ?? ?????????? ?? ??????????
??? ?? ?????? ??? ?????????? ?? ?????????? ?????????? ??????????:

«1) ??? ?? ??? 2 ??? 4 ??? ?????? [...] ??? ?? ??? 2 ??? 9 ??? ??????
2006/112 [...] ??? ?????? ??? ?????? ??? ?????? ?????????? ?? [??] ? ?????????? ??? ??????
????????? ?????? ?? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? [??] ???
????????? ?????? ??? ?????? ??? ??????;

2) ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ? ?????????? ??? ??????
????????? ???, ??????? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ???, ? ??? ?????? ?????????? ??? ?????? 13, B, ??????? ??, ?????? 5,
??? [?????] ?????? [...] ??? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ??????
2006/112;

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

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

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

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

26 ?? ?? ?????? ??????? ??, ?? ?????? ??????????? ??, ???' ??????, ?? ?? ?????? 2,
?????????? 1, ??? 4, ?????????? 1 ??? 2, ??? ?????? ???????, ?????? ??? ???? 2,
?????????? 1, ??? 9, ?????????? 1, ??? ?????? 2006/112 ?????? ??? ?????? ??? ??????
?????????? ?????????????? ?????????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????? ???
??????????, ?? ?????? ?????? ???????, ??? ?????? ??? ?????? ?????????? ?????????? ??????
??? ?? ?????? ??? 100 %, ?????? ??? ??? ?????????? ?????????? ??? ?? ??????????
?????? ?? ?? ?????? ??? ??????? ??? 100 %, ??? ?????? ??? ?????? ?????????? ??????????
?????????? ?? ???.

27 ???' ?????, ?????? ?? ??????????? ???, ??? ?? ????? 2 ??? ????? ?????? ??? ?? ???? ??
????? 2, ?????????? 1, ??? ?????? 2006/112, ?? ????? ?????????????? ?? ????? ?????? ??????
??? ???, ?????????? ???, ??? ?????????? ??? ????? ?????? ??????, ?????????? ??? ??? ????? ???
????? ?? ?????? ?????????? ?????????? ??????????. ??? ?? ????? 4, ?????????? 1,
??? ????? ??????, ??? ?? ??? ?? ?? ??? 9 ??? ?????? 2006/112, ??????????
????????? ??? ?? ??? ?????????????? ???, ??? ?????? ??????????, ??? ?? ??? ????? ???
????????? ??????????????. ? ?????? ??? ?????????? ?????????????? ?????????? ???
????? 4, ?????????? 2, ??? ????? ?????? ?? ?????????? ??? ?????????? ??? ?????????????? ???
?????????, ??? ?????? ?? ??? ?????????? ??????????, ??? ?????? ?????? ??? ?? ??????????????
????????? ? ??? ????? ??????, ??? ?????? ?????????? ?????????? ?????????? ??????????

28 ????? ?????? ???????????, ? ????? ?????? ??? ? ???? ????? ?????? ?????????? ??? ???????????, ???????????, ?????????? ?????????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ?????????? (??., ?????? ???????, ?????????? ??? 29?? ?????????? 2004, C777/01, EDM, ??????? 2004, ?. I?4295, ????? 59, ????? ??? ??? 8?? ??????????? 2007, C4435/05, Investstrand, ??????? 2007, ?. I?1315, ????? 25 ??? ??? ?????????????? ??????????). ????????????, ?? ??????? ?????? ??? ?????? ?????????????? ?????????? ?????? ?? ?????? ??? ?????? ?????????? ?????????? ?????? ??? ?????? ?????? ?????? (??., ??? ??? ?????? ???, ?????????????? ?????? EDM, ????? 58).

29 ?? ?????????? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ??? ????? ??
????????? ??? ?????????? ??? ?????????? ?????? ? ?????????? ????????????????, ???
????? ??? ?????? ??? ?? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? ??????,
????? ?????????? ?? ?? ?????????? ? ??? ?????????? ?????????? (??., ??? ??? ?????? ????,
????????? ??? 22?? ??????? 1993, C?333/91, Sofitam, ??????? 1993, ?. ?3513, ????? 13,
??? 6?? ?????????? 1997, C?80/95, Harnas & Helm, ??????? 1997, ?. I?745, ????? 15, ?????
??? ?????????????? ?????? EDM, ????? 49).

30 ???????, ?? ?????????? ????? ?????? ??? ?? ?????????? ????? ?????? ??? ? ?????????
????????? ??? ????? ? ?????? ?????????? ??? ?????????? ??? ??????????, ??? ?????????? ???
????????? ?????????? ? ??????????, ?? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ??? ?????????? ??? ?? ?????? (?. ?????????? ??? 20?? ??????
1991, C-60/90, Polysar Investments Netherlands, ??????? 1991, ?. I-3111, ????? 14- ??? 14??
????????? 2000, C?142/99, Floridienne ??? Berginvest, ??????? 2000, ?. I-9567, ????? 18-
????????? ??? 12?? ??????? 2001, C-102/00, Welthgrove, ??????? 2001, ?. I-5679, ????? 15,
??? ??????? ??? 27?? ??????????? 2001, C-16/00, Cibo Participations, ??????? 2001, ?. I-
6663, ????? 20), ??? ????? ??? ??? ????? ?????????? ?????????? ?????????? ??? ??????????????
????????? ?????????? ??? ????? ??? ?????? 2 ??? ????? ??????, ??? ????? ?
?????? ??????????, ?????????? ??? ?????????? ?????? (?????????????)
?????? Floridienne ??? Berginvest, ????? 19- ?????????????? ?????? Welthgrove, ????? 16-
????????????? ?????? Cibo Participations, ????? 21, ????? ??? ?????? ??? 26?? ??????
2003, C?305/01, MKG-Kraftfahrzeuge-Factoring, ??????? 2003, ?. I?6729, ????? 46).

31 ??? ?? ?????????? ??? ?????????? ??????????, ??????????, ??? ?? ??????? ???
???????? ??? ??????? ? ?? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ?? ???
????????????? ??? ??????? ?????????? ?????????? ?????????????? ?????????????? ??????, ??? ??
????????????? ??? ?????? ? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ??? ?????????? ? ??? ?????? ??? ??????, ?????? ??? ??????
????????? ??? ?????????? ?????????????? (??., ?????? ????, ?????????? ??? 20??
??????? 1996, C155/94, Wellcome Trust, ?????? 1996, ?. I?3013, ????? 35, ????? ???
Harnas & Helm, ???????????, ??? 16 ??? ??? ?????????? ??????????).

32 ?? ????????????, ??? ??? ??????? ??? ?????????????? ?????????? ??? ? SKF, ??? ???.
????????? ??? ??????? ??????? ?????????????? ???????, ?????????????? ??? ?????????????? ???
????????????? ??? ??? ?????????????? ???????, ?????????????? ???, ?? ?????????? ???????,
????????? ????????????, ?????????? ??? ?????????? ???????, ?????????? ??? ??? ??????
????????? ????.

34 ????? ?????? ??? ? ??????? ?????????????? ??? ?????? 34 ??? ?????????? ???, ?
????????????? ??? ???? ?????? ??????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ???
????????????? ??????????????, ?? ?????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
?? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ???
????????????? ??? ??? ?? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ??? ??? ??? ?????????????? ??? ?????? ?????????, ????? ?????? ??????????????
????????????? ?? ??? ?????? ?????????????? ??? ?????? ?????????? (??., ???' ????????,
????????????? ?????????? Wellcome Trust, ????? 33, ??? Kretztechnik, ????? 19).

35 ????? ?????? ?? ??? ???? ??????? ????????, ? ????????, ??? ?????????? ??????????

????????????? ??? ?? ??????? ?? ?????????????? ?? ?????????????? ?????????? ? ??????? ???????
??????, ??? ?? ?????? ?? ??????? 5, ??????????? 8, ??? ?????? ???????, ? ?????, ??
????????? ??????, ??????? ?? ?????????? ??????????? ??????????????. ????? ??? ????????, ?
?????? ????? ?? ?????????? ?? ?????????????? ????? ?????????? ??? ? ?????? ????? ??? ???????
????? ????, ??? ?????????????? ???????, ??????????.

36 ???????, ?????? ?? ??????????? ??? ???? 5, ?????????? 8, ??? ????? ??????,
????? ??? ?? ?????? 19, ????? ??????, ??? ?????? 2006/112, ????????, ??? ????? ??
???????, ??? ?? ?????? ????? ??????? ?? ??????? ???, ??? ?? ?????????? ?????? ? ??????
?????? ??????, ??????? ??????? ?????? ?????? ?????????????????? ??? ??? ???? ? ??????????
????????? ??? ??????????????. ????????, ??? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ????, ? ?????????? ?????? ?????? ? ?????? ?????? ?????? ??? ?????? ?????????? ??????
????? ??? ??? ?????? ??? ?????? ??????. ??????? ?? ?? ?????? 2 ?????, ??? ??????
????????? ??? ?????????? ?????? ??? (???. ?????????? ??? 22?? ?????????? 2001,
C?408/98, Abbey National, ?????? 2001, ?. I?1361, ????? 30, ??? ??? 27?? ?????? 2003,
C?497/01, Zita Modes, ?????? 2003, ?. I?14393, ??? 29).

37 ????????, ? ?????? «????????? [...] ?????? ? ?????? ?????? ??????» ???
????????? ??? ?? ?????????? ??? ??? ?????? ??? ?????????? ?? ?????????? ??? ??????????
??? ?????????? ??? ?????????????? ? ?? ?????????? ?????????? ?????????? ??????????
??? ?????????? ???, ??????????, ??? ?????????, ?? ????, ??? ?????,
????????? ?????????? ? ?????? ?????????? ??? ?????? ?? ???? ?? ?????? ??????????
????????? ??????????????, ??? ?????? ?????????? ??? ?????? ?????????? ??????, ??? ???
????? ?????????? ?????????? (???. ?????? Zita Modes, ??????????????, ??? 40).

39 ?? ??? ??????? ??????????, ?????? ?? ??????????? ??? ?? ?????????? ???????, ???
?????? ?? ?????????? ?????????????? ?????? ??? ?????????? ??? ?? ???????
??????????, ?? ??????? ?????? ?? ?????????? ?????? ??? ?????????? ?????? ??? ?? ??????
?????????? ?? ?????????? ?????? ??? ?????????? ?????? ??? ??????? ?????? ??? ?? ??????
????????? (??., ?????? ????, ???????? ?? 29?? ??????? 2004, C?482/01 ?? C?493/01,
????????? ??? Oliveri, ??????? 2004, ?. ??5257, ????? 42- ?? 18?? ?????????? 2007
C?341/05, Laval un Partneri, ??????? 2007, ?. I?11767, ????? 47, ????? ?? ?? 14??
????????? 2008, C?244/06, Dynamic Medien, ??????? 2008, ?. ??505, ????? 19).

40 ?? ????? ????????????, ?? ? ? ????? ??????? ?? ? ? ????? 5, ??????????? 8, ?? ?????
?????? ? ? ? ???? 19, ?? ???? ??????, ?? ???? 2006/112 ?????? ?? ??????????? ? ? ???
????? ???? ? ??????? ???? ????? ???, ?????? ??? ??????????? ??? ?????? ??????????? ??
???????????, ?????? ?? ??????? ??? ? SKF ??? ? ??????? ?????????? ??????????, ??? ????
?' ???????????, ??? ??????, ?? ? ??????? ??? ??????? ?????? ??? ???????, ???
?????????? ? ? ?????????? ??????, ?? ?????? ??? ? ?????????? ?????? ?????? ??? ???????
?? ?????? ?????????? ??? ?????? ??????. ?? ??? ?????? ??????????, ? ?????????? ??????
?? ?????? ?????????? ??? ?????? ??????? ?? ?????? ??? ?????????? ?????????? ??????????
?????????? ??? ???????.

41 ?????? ?????????????? ?????????? ??? ???? ?????? ?????? ?????? ?? ?????? ? ?????? ?????????
????? ?? ?????? 2, ?????????? 1, ??? 4, ?????????? 1 ??? 2, ??? ?????? ??????, ?????? ??? ??

????? 2, ?????????? 1, ??? 9, ?????????? 1, ??? ?????? 2006/112 ???? ??? ?????? ???
?????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ??? ?? ??? ?????? ???
? ?? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? 100 % ?????????? ???????, ??? ??? ??? ?????????? ??? ?????? ??? 100 %, ??? ?????? ???
????????? ?????????? ?? ??? . ??????, ??? ?????? ??? ? ?????????? ??? ??????
????????? ?????????? ?? ?????????? ?????? ? ?????? ?????? ?????? ?????? ?????????? ??? ??
????? ??? ?????? 5, ?????????? 8, ??? ?????? ?????? ? ??? ?????? 19, ??? ?????? ???, ???
????????? 2006/112, ??? ??? ??? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????????? ?? ?????????? ?????, ? ?????? ??? ??? ?????? ?????? ?????????? ???
????????? ?????????? ?????? ???.

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

42 ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ???, ???' ??????, ?? ??
????????? ??????, ??? ? ?????? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ??, ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? 13,
B, ??????? ??, ?????? 5, ??? ?????? ??????, ?????? ??? ??? ?????? 135, ?????????? 1,
????????? ???, ??? ?????? 2006/112.

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

44 ? ?????????? ??????, ??????????, ??? ? ?????????? ??? ?????????? ?? ??? 13, B,
????????? ??, ?????? 5, ??? ?????? ?????? ??? ?? ?????? 135, ?????????? 1, ?????????? ???,
??? ?????? 2006/112 ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? ?????????? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ?????? ?? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

45 ??? ? ?????????? ???, ?????? ?? ?? ?????? 13, B, ?????????? ??, ?????? 5, ???
????? ??????, ??? ???? ?? ?????? 135, ?????????? 1, ?????????? ???, ??? ?????? 2006/112,
?? ?????? ??? ?????????? ??? ?? «??? ??????, ?????????? ???, ?? ?????? ??? ??
??????????????, ???' ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???, ?? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? [...]».

46 ??? ?? ?????? ?????? ?????? ??? ?? ??? ?? ?????? ??? ?????????????? ??? ?????? ??????????
?? ?????????? ??? ?????? 13 ?? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ???,
????????? ??? ?? ?????????? ??? ?????? ?????????? ?????????? ??? ?? ?????? ??? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ??
????????? ??? ?? (??., ?????? ???, ?????? MKG-Kraftfahrzeuge-Factoring,
?????????????, ??? 63, ??? ???? ?? 19?? ?????? 2007, C?455/05, Velvet & Steel
Immobilien, ?????? 2007 ?. I?3225, ??? 14), ??? ?????? ? ?????? ??? ?????? ??? ??????
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?? ??? ??????????. ?????????? ???, ?? ?????? «????????? ?? ?????? ??? ??????
?????» ??? ?????????????? ??? ?????? 13, B, ?????????? ??, ?????? 5, ??? ?????? ???
??? ??? ?????? 135, ?????????? 1, ?????? ???, ??? ?????? 2006/112 ??? ?????? ???
????? ??? ?? ??? ?????????? ??? ?????? ???' ?????????? ??? ?????? ??? ?????? ???.

47 ?? ??????? ?? ???? ? ?????????? ?? ?????????? ?? ??????????, ??????????????? ??' ??????
?????? ?? ?????????? ?????????????? ?????????????? ?? ?????????? ?? ?????????? ?? ???????,
?????? ?? ?? ?? ?????????? ?? ??? ????? ?? ?????????? ?? ?????????? ?? ?????????? ?????????????? ??
?????????? ???. ??? ?????? ??????????? ?? ??? ?????????? ?? ?????????? ?? ?????????? ??
?????????? ???, ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????? ?? ?? ???????????
???. ??????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ???????????, ???.
?????????? ?? ??????????, ?? ?????????????? ?? ?????? ?? ?????? ?? ?????? (??., ???. ??.
????? ???, ?????? ?? 6?? ?????? 1995, C?4/94, BLP Group, ?????? 1995, ?. I?983,
????? 24).

48 ????? ?????? ?? ?????????????? ??? ???? ????? ??????????, ?? ?????????????? ??? ??????????????
???? ?? ?????????? ?? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????? ??????
???? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????
????????????? ??? ?????? ??? ?????????????? ?? ?????? ??? ?????????????? ?????????? ?????? ???
????????????? (??., ??? ???? ?????? ???, ??????? ??? 5?? ??????? 1997, C?2/95, SDC,
?????? 1997, ?. I?3017, ??????? 72 ??? 73). ? ??????? «????????? ?? ?????? ??????
??????», ??? ??? ?????? ??? ?????? 13, B, ?????????? ??, ?????? 5, ??? ?????? ??????
?????, ???????, ?????? ?????????? ?? ??????????????, ?? ?????????????? ?? ???? ??????????????
?? ?????????? ??? ??? ?????????????? ??? ??? ?????? ??? ?????????????? ?????? (???????
?? 13?? ?????????? 2001, C?235/00, CSC Financial Services, ?????? 2001, ?. I?10237,
????? 33).

49 ????????, ?? ???????????, ?????? ? ??????? ?????? ?????? ????????, ?????? ??? ??
?????????????? ?????????????????? ?????????????? ??? ?? ?????????????? ?? ?????? ??
?????????? ?????????? ??????? ??? ?????????????? ??? ?????????? ??? ?????????? ??
????????? ?? ??? 13, ?, ??????? ??, ?????? 5, ??? ????? ?????? (?. ????????????????
????????? SDC, ????? 66, ????? ?? CSC Financial Services, ?????? 28 ??? 30).

50 ??????????, ?????????? ? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ?? ??????
?? ?????? ?????? ?????? ??? ?????????????? ??????. ? ?????? ??? ?????????? ??????,
????? ?????? ??? ?????? ??? ?????? ?????????? ??? ???, ??? ??? ?????????? ??? ??????????
?? ????? 13, B, ??????? ??, ?????? 5, ??? ?????? ?????? ??? ?? ????? 135, ?????????? 1,
??????? ???, ??? ?????? 2006/112.

51 ? ?????????? ??? ?????????????????? ??? ???? ?????? ?????????????? ??? ?????????????? ??? ?????? ???
????? ?????????? ??? ???? ?????? ?????????? ??? ???? ?????? ???????, ??? ???? ?????????????? ??? ???
???, ??????? ?? ?? ???? 13, ?, ?????????? ??, ??????? 5, ??? ?????? ??????, ?????? ?????? ???, ??
?????? ?? ???? ??????? ?? ???????, ?? ?????? ?????????? ? ???????, ??? ?????????? ??? ???
?????? ??????? ?? ???? ?????? ?????????????? ??? ?????? ??????? ??????? ?????????? ?????????? ???
????????????? ??? ?????????????? ?? ?????????? ??? ?????? ??????? ??????? ?????????? ?????????? ???
?????? ???????, ?????????????? ??????? Kretztechnik, ??? 20). ??? ?????????????? ??? ?????
31 ??? ??????? ??????????, ?????? ???????, ?????? ???????, ??? ?????? ???????, ??? ?????????????? ???
????????????? ??? ??????? ?????????? ?????????????? ?????????????? ?????????????? ??? ?????? ???
????????????? ??? ?????? ? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ? ??????? ? ??????? ?????????? ??? ?????? ???????, ?????? ??? ???????
????????? ??? ?????????????? ?????????????? (??., ?????? ???????, ??????????????????
????????? Harnas & Helm, ??? 16 ??? ??? ?????????????? ?????????? ??? EDM,
????? 59).

52 ?? ???????????, ? ?? ?????? ??? SKF ?????? ??????? ??????????? ?? ?????? ??
????? ??????? ???, ??????????? ??????? ??????? ?? ?????? ?? ??????????? ?? ?????? ??
?? ??????????? ?? ??????? ??????????. ?????????? ?? ? ??????? ?? ?????? ?? ?? ??????

????????? ?????? ?????? ?????????????? ??? ?????????? ??? ?? ?????????????? ?????????????
????????????? ??? SKF. ????????, ? ?????? ??? ?????????????? ??? ?? ?????? ?????? ???
?????? 13, B, ??????? ?, ?????? 5, ??? ?????? ?????? ??? ?? ??? ?????? 135,
????????? 1, ??????? ?, ??? ?????? 2006/12.

53 ??? ?????? ???????, ??? ?????? ?????? ?????? ?? ?????? ? ?????? ??? ?????? ??? ?? ??????????
??????, ??? ? ?????? ??? ?????? ???, ?????? ?? ?????????? ??? ?? ?????? ???
????? 13, B, ??????? ?, ?????? 5, ??? ?????? ??????, ?????? ??? ?? ?????? 135,
????????? 1, ??????? ?, ??? ?????? 2006/12.

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

54 ?? ?? ?????? ??? ???????, ?? ?????? ?????????? ???, ???' ??????, ?? ?? ???????
????? ??????? ??? ?? ??? ?????? ?????????? ??? ?? ?????? ??? ?????????? ???
????????????? ??? ?? ??? ?????? ?????????? ??? ?????? ??????????, ??????? ??? ?? ?????? 17,
????????? 1 ??? 2, ??? ?????? ??????, ?? ?? ?????? ??? ?????? ??? ?? ?????? 28??,
????????? 1, ??? ?????? ?????, ?????? ??? ?????? 168 ??? ?????? 2006/12, ??? ??
???? ?? ?? ?????? ??? ?????????? ?????? ?????????????? ??? ?????? ?????? ???
????????? ??? ???.

55 ?????? ?? ?????????? ?? ?????????? ??? ?? ?????????? ?????????? ??? ?? ?????????? ??
????? 17 ?? 20 ?? ?????? ?????? ?????? ?????????? ?????????? ??? ?? ?????????? ??? ??
???, ????????, ?? ?????? ?? ??????????. ??????? ?????? ??? ?? ?????? ???
????????? ??? ?????? ??? ?????? (??., ?????? ???, ?????????? Kretztechnik,
?????????????, ??? 33- ?? 1?? ?????? 2008, C?437/06, Securenta, ?????? 2008, ?.
I?1597, ?????? 24, ??? ?? 4?? ?????? 2009, C?102/08, SALIX Grundstücks-
Vermietungsgesellschaft, ??? ?? ??? ?????????? ?????? ??? ???????, ?????? 70).

56 ???????????, ?? ?????? ??? ?????????? ??? ?? ?????????? ?????? ?? ?????????? ?????? ??
????????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ?? ?????????? ??? ?? ?????????? ??? ??
????????????? ??? ?? ?????? ??? ?????????? ?????????? ??? ?? ?????????? ???????????????,
????????????? ??? ?? ?????? ??? ?????? ?????????? ???, ??? ?? ?????????? ??? ??
????????????? ??? ?????? ??? ?????????? ?????? ??? (??., ?????? ???, ?????????? ???
29?? ?????? 2004, C?137/02, Faxworld, ?????? 2004, ?. I?5547, ?????? 37, ?????? ??
????????????? ?????? Inverstrand, ?????? 22, Securenta, ?????? 25, ??? SALIX
Grundstücks-Vermietungsgesellschaft, ?????? 71)

57 ??? ?????? ???????, ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????????????? ?????? ?????? ??? ?? ?????? ?????????? ?????? ?????? ??? ??????????
????????? ?????? ?????, ???????, ??????? ?????????? ?? ?????????? ??? ??
????????? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?? ?????????? ???
????? ??? ?????????? ??? (??. ?????? ??? 8?? ?????? 2000, C-98/98, Midland Bank,
????? 2000, ?. I?4177, ?????? 24, ?????? ??? ?????????? ?????? ?????????? Abbey National,
????? 26, ??? Inverstrand, ?????? 23). ?? ?????? ?????? ?????????? ??? ?? ??? ??? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ?????? ?????? ?????? ?????? (??. ?????????????? ?????? Cibo Participations,
????? 31, ?????? ??? Kretztechnik, ?????? 35, Inverstrand, ?????? 23, ??? Securenta ?????? 27).

58 ??????, ???????????, ??????, ? ?????? ?????????? ?????? ??? ??
????????? ??? ???, ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??

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

59 ????????, ??? ?? ?????? ? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ???????
????????????? ??? ?????????????? ??? ?????????????? ?? ?????? ?????????? ?????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ?????????? ??? ???, ??? ?????? ?????? ??? ?????? ?????? ??? ??????
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (??., ???? ??? ?????? ???,
????????? ??? 30?? ?????? 2006, C-184/04, Uudenkaupungin kaupunki, ?????? 2006, ?. I-
3039, ??? 24, ??? 14?? ?????? 2006, C-72/05, Wollny, ?????? 2006, ?. I-8297, ???
20, ??? ??? 12?? ?????? 2009, C?515/07, Vereniging Noordelijke Land- en
Tuinbouw Organisatie, ??? ??? ?????? ?????????? ??? ?????? ??? ???????, ??? 28).

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

61 ?? ????????, ?? ?????? ?????????? ?????????? ??? ??????? ??? ?????????? ??? ?????????? ??
?? ?????????? ??? ?????????? ??? SKF, ??????, ?? «????? ??????????» ?? ??? ???
????????? ???, ???, ???, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?? ?????? ??? ?????????? ?????? ??? SKF.

62 ??????, ?????????? ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????, ??? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? 57 ??? 58 ???
????????? ???????, ?? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????????? ??? SKF, ?????????? ???, ??? ?????? ??? ?????? ?????????? ?,
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? SKF.

63 ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? 234 ??,
????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (??., ???? ???

?????? ???, ?????????????? ?????? Midland Bank, ??? 25).

64 ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???????, ?????? ??
????????? ??? ?? ?????????? ??? ?????????????? ?????????????? ?? ?????????? ??
????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ???
????????? ??? ?? ?????? ?????? ?????? ?????????? ?????????? ???????, ?? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????????? ?????????? ??
?? ?????????? ??? ?? (??., ?????? ???, ?????????????? ?????? Midland Bank,
????? 31, Abbey National, ??? 35 ?? 36, Cibo Participations, ??? 33 ?? 35,
Kretztechnik, ??? 36, ??? Securenta, ??? 29 ?? 31).

65 ??????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????, ?? ?????? ?????? ???
????????? ??????, ?? ?????? ?????? ??? ?????? ?????? ?? ?????? ?????? ??
????????? ??????, ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???. ????,
????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? 28 ?? 30 ?? ????
????????? ?, ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??
????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??
????? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??.

66 ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ?????????? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ??
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ?????? ??
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ?? ?????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ?????? ??
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ?????? ??
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??.

67 ??????, ?? ?????? ??? ?????? ??? ?????? ??? ? ??? ?????? ?????? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ???, ?????? ???, ??????, ??
????????? ?????? ???, ?? ?????? ???, ?????? ?????? ?????? ???, ?? ?????? ???
????????? ?????? ??? ?? ??? ??? ?? (??., ?????? ???, ?????? ??? 26?? ??
2005, C-498/03, Kingscrest Associates ??? Montecello, ??? 2005, ?. I?4427, ??? 41- ??
12?? ??? 2006, C?246/04, Turn- und Sportunion Waldburg, ??? 2006, ?. I?589,
????? 33, ??? 27?? ??? 2007, C?409/04, Teleos ??., ??? 2007, ?.
I?7797, ??? 59), ??? ???, ?????? ?? ?????? ?????? ???, ??? ?????? ???
????????? ??? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??.,
????? ???, ??? ?????? ??? 7?? ??? 1999, C?216/97, Gregg, ??? 1999, ?.
I?4947, ??? 20, ??? 16?? ??? 2008, C?288/07, Isle of Wight Council
??., ??? 2008, ?. I?7203, ??? 42).

68 ??????, ?? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ???.

69 ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ?????? ???, ?? ?????? ???
????????? ??? ?????? ??? ?????? (??., ?????? ???, ?????? ??? 27?? ??
1993, C?281/91, Muys' en De Winter's Bouw- en Aannemingsbedrijf, ??? 1993, ?. I?5405,
????? 14). ? ??? ??? ?? ?????? ??? ?????? ??? ??? ?????? ???

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

70 ??? ?????? ?????????? ?? ?????????? ??? ?????????????? ?? ?? ?????? ??? ??? ???
????????? ??? ?????????????? ??? ?????????????? ???, ?????? ?? ??? ?????? ??? ?????????? ???
????????? (??., ??? ?????? ???, ?????????? ???, ?????????? ??? 21?? ?????? 2000, C?110/98 ???
C?147/98, Gabalfrisa ?.??., ?????? 2000, ?. I?1577, ????? 45, ?????? ??? Abbey National,
????????????? ???, ?????? 35).

71 ??? ?????? ??? ?????? ???, ??? ??? ?????? ?????? ???, ??? ?????? ???, ??? ??????
????????????? ? Skatteverket, ? ?????????? ??? ? ?????????? ?????????? ??? ? ?????????? ???
????????? ?????????? ?, ? ?????????? ?????? ??? ?????????? ??? ???? ??? ??? ?????????? ???
????????? ?????? ?????? ?, ??? ?????? ? ?????????? ??? ?????????? ??? ?????? ?? ??????????????
????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????????????? ?? ??????. ??, ??????????, ??? ?????????? ?????? ?????? ??? ?? ?????? ???
????????? ?????? ?????????????? ??? ?????? ??? ?????????? ??? SKF, ?????? ?? ???
????? ? ?????????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ???.

72 ??????, ????, ?? ?????????? ??? ?? ?????????? ??? ?????? ?????? ?????????? ???
??? ??? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???
????????? ?????????????? ???, ?? ?? ?????? ??? ?????? ??? ?????????? ??? ??? ?????????? ???
????? ?????? ?????????????? ??? ?? ?????? ??? ?????????? ?????????? ??? ?????? ???
????????????? . ??????????, ?? ?????? ??? ?????????? ?? ??? ?????????? ??? ?????? ???
????? ??? ?????? ??? ?? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???, ???
????? ?????????? ??? ?? ??? ?????? ??? ?????????? ?????????? ?? ??? ?????????? ???
????????????? ?????????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? (??.
????????????? ?????? Securenta, ?????? 28 ?? 29).

73 ??? ?? ?????????? ??? ?????????? ??? ??? ?????? ?????? ?????? ?? ?????? ? ??????
??? ?? ?????? ??? ?????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? 17,
????????? 1 ?? 2, ??? ?????? ???, ?? ?? ?????? ??? ?????? ??? ?????? ??? ?? 28??,
????????? 1, ??? ?????? ???, ??? ?????? ??? ?????? ??? 168 ??? ?????? 2006/112, ??
????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

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

74 ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ???, ???' ??????, ?? ??
????????? ??? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ??? ?? ?????? ???
? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

75 ??????, ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???

???? ? ?????????? ?????????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ???????????
????????? ??? ?? ?????, ??? ?????? ?? ?????????? ?? ?????????? ??? ?? ?????? ??????????
????? (?. ?????????? ?? 14?? ?????????? 1985, 268/83, Rompelman, ?????? 1985, ?.
655, ??? 22, ??? 3?? 2005, C?32/03, Fini H, ?????? 2005, ?. I-1599, ??? 21).

76 ????????, ??? ?????? ?????? ? ?????????? ??? ?????? ??????????, ???
????????? ?????? ?????????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ??
????? ??? ?????????? ?????????? ??? ?????? ?????? 67 ??? ??????
?????????, ??? ??? ?????? ??????, ??? ?????? ?????? ??? ?????? ?????? ??? ???.

77 ??? ?????? ??? ?? ?????? ?????? ??? ???????, ?? ?????????? ??? ?????? ??????????????
????????? ??? ? ?????????? ?????????? ??? ?????? ?? ?????? ??????, ?? ?? ?????????? ???
????????? ??? ??? ?????????? ?' ??? (?., ?????? ???, ?????????? ??? 22??
????????? 2001, C?301/97, ??? ?????? ??? ?????????? 2001, ?. I?8853, ??? 43,
????? ??? ?? 21?? ?????????? 2006, C?255/02, Halifax ?.??., ?????? 2006, ?. I?1609,
????? 72). ??? ? ?????? ??? ?????????? ?????? ?? ?????? ?? ?????????? ?? ??????????
?????????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?? ?????? ??????????
?????????, ??? ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? (?. ?????????????? ?????????? Teleos ?.??., ?????? 48,
????? ??? Isle of Wight Council ?.??., ?????? 47).

78 ????????, ? ?????????? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????? ?? ??????
????????? ??? ?????? ?? ? ?????????? ??? ?????? ?????????? ??? ?????? ?? ?????? ???.

79 ??? ?????? ?????? ?????? ??? ?????? ?? ?????? ? ?????????? ??? ?? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ? ?????????? ??? ??????
????????????? ?? ?????? ?????????? ??? ?????????? ??? ??????.

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

80 ?????????? ??? ? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ???
?? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ??????????, ?' ???
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??????????
????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????.

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

1) ?? ??? 2, ?????????? 1, ??? 4, ?????????? 1 ??? 2, ??? ??? ?????? ??????
77/388/????? ??????????, ??? 17?? ????? 1977, ??? ?????????? ??? ??????????
?? ?????? ????, ??? ?????? ?? ?????? ?????? ?????? ?????? - ??? ??????
????? ?????????? ?????: ?????????? ?????? ?????? ???, ??? ?????????? ????
?? ?????? 95/7/?? ??? ??????????, ??? 10?? ?????? 1995, ?????? ??? ?? ?????? 2,
????????? 1, ??? 9, ?????????? 1, ??? ?????? 2006/112/?? ??? ??????????, ???
28?? ?????????? 2006, ?????? ?? ? ?????? ?????? ??? ?????? ?????????? ???,
????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????????? ??? ??????
????????? ??? ?? ?????? ?????? ?????? ?? ?????? ??? 100 % ?????????? ????????,
????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?, ??? ?????? ???
????????? ??? ?????? 100 %, ??? ?????? ?????? ?????? ?????? ?????????? ??
???. ??????, ??? ?????? ??? ? ?????????? ?????? ?????????? ??? ??????????
????????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? 5,
????????? 8, ??? ?????? ?????? 77/388, ??? ?????????? ?? ??? ?????? 95/7, ?
??? ?????? 19, ??? ?????? ???, ??? ?????? 2006/112, ??? ??? ??? ?????????? ??? ??
????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????

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

2) ??? ?????????? ???????, ??? ? ??????? ??? ?????? ???, ?????? ??
????????????? ??? ???? ?????? ??? ?????? 13, B, ?????????? ?, ?????? 5, ??? ????
????? 77/388, ??? ?????????????? ?? ??? ?????? 95/7, ?????? ??? ??? ?????? 135,
????????? 1, ??????? ???, ??? ?????? 2006/112.

3) ?? ??????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????????? ???
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4) ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?? ???
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