

?????? C-242/08

Swiss Re Germany Holding GmbH

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Finanzamt München für Körperschaften

(?????? ??? Bundesfinanzhof

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

«????? ?????? ?? – ??? 9, ?????????? 2, ??????? ??, ?????? ???????, ??? 13, ?,
?????? ??, ?? ??? ?, ?????? 2 ??? 3 – ?????? ??? ??????????? ?? ??????????????
?????? – ???????, ?? ??????? ??????, ?????????????? ?????????? ?????????????? ???
?? ??????? ?????????????? ?? ????? ?????? – ?????????? ??? ????? ??? ?????????? ???
– ??????????»

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

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

(?????? 77/388 ??? ??????????, ??? 6)

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

(?????? 77/388 ??? ??????????, ??? 9 § 2, ??????? ??, ?????? ??????????, 13, B,
?????? ??, ??? 13, B, ??????? ??, ?????? 2 ??? 3)

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

(?????? 77/388 ??? ??????????, ??? 13, B, ??????? ??)

1. ?????? ?? ?????? ??????, ??? ?????? ?????????????? ?? ?????? ?????? ???
????????? ?????? ?????? ?????????????? ?? ?????? ??????, ?????????????? ??????????
????????? ?????? ?????? ?????????????? ?? ?????? ?????????? ??????, ??? ??????, ?? ??
????????? ??? ?????????????? ?? ?????? ?????? ?????????? ??? ?????? ?????? ??? ??????
?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? 6 ???
????? ?????? 77/388 ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ??????
?? ??? ?????? ?????? ?????? ??????. ?????????????? ?? ?????? ?????? ?????????????? ???
????????? ?? ?????????????? ?? ?????????? ?????? ??? ?????? ??? ?????? 5, ?????????? 1,
?? ??? ?????? ??????. ??? ??????, ??? ?????? ??? ?????????? ??? ?????? ?????? ??????
????????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
?????????.

(???. ??????? 25, 28)

2. ?????????? ?? ??????? ???????, ??? ?????? ??????????????? ?? ?????? ?????? ???
????????????? ??????? ??????????????? ?? ?????? ??????, ?????????????? ??????????
????????????? ??? ???????????????, ??? ??? ?????????? ???????, ??? ???????, ?? ??
????????? ??? ???????????????, ??? ??????? ??? ?????????? ??????? ??? ?????????? ???
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????? 9, ?????????? 2,
????????? ?, ?????? ??????????, ??? 13, ?, ??????? ?, ??? ?????? ?????? 77/388 ???
????????????? ??? ?????????? ??? ?????? ???????, ??? ?????????? ?? ??? ?????? ?????? ???
?????????, ??? ?????? ??? ??????? ?? ?????????? ??? ??????? 2 ??? 3 ??? ?????? 13, ?,
????????? ?, ??? ??????? ???.

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

??????, ? ??????? ?????????????? ?????????? ?????????????? ???, ?? ?? ??? ?????? ???,
?? ??????? ?????????????? ???, ??? ??? ?????? ??? ??????? 13, B, ?????????? ??, ???
????? ??????. ???????, ??????? ??? ?????? ?????? ??? ??? ?????? ?? ?????????? ?? ??????????
?????? ?? ??? ?????? ??? ?????????? ???, ???, ?? ?????? ?????? ?????????? ???, ??? ??? ??????
?? ?????? 13, B, ??????? ??, ?????? 2, ??? ?????? ???????, ???, ???????, ?? ?????? ???
??????????, ??? ??? ?????? ??? ?????? ??? ?????? 13, B, ??????? ??.

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

(???. ??????? 30, 34, 37-38, 48, 52-53, 59, ??????. 1-2)

3. ?? ??? 13, B, ??????? ??, ??? ??? ?????? ?????? 77/388 ??? ?????????? ???
????????? ??? ?????? ?????, ??? ??????? ?? ??? ?????? ?????? ??????? ???????, ?????? ??
????????? ??? ??? ?????? ??? ??? ?????? ?????? ??????? ??? ??? ?? ??????? ??????? ???
????????? ?????????? ??????? ?????? ?????? ?????? ?????? ??????? ??? ??? ?????? ??????? ???
????? ?? ??????? ?????? ??? ??? ?????? ??? ?????? ?????? ??????? 5, ?????????? 1, ???
????? ??????, ??? ?????? ?? ?????? ?????? ?????? ?????? ??????? ??? ??? ?????? ??? ??????? 6
?? ?????? ??????. ???????, ??? ??? ?? ?????? ??? ?????? ??? ??? ?????? ?????? ??????? ??
????????? ?????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ???????, ? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? 13, B, ??????? ??, ??? ??????
????, ?????? ? ??????? ??? ?????? ?????? ?? ??? ?????? ?????? ?? ??? ?????? ??? ??????
????, ? ?????? ?????????? ??? ?? ?????????? ?????? ?????? ?????????? ?????? ??? ?? ??????
?? ?? ?????? ?????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ?????????? ???.

(???. ??????? 61, 63, ????????. 3)

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

?? 22?? ??????? 2009 (*)

«???? ??????? ?? – ??? 9, ?????????? 2, ??????? ??, ?????? ???????, ?? 13, ?,
?????? ??, ?? ?? ??, ?????? 2 ?? 3 – ?????? ?? ??????????? ?? ???????????????
?????? – ???????, ?? ??????? ??????, ?????????????? ?????????? ?????????????? ??
?? ??????? ??????????? ?? ????? ?????? – ?????????? ?? ?????? ?? ?????????? ??
– ???????????»

???? ?????? C242/08,

?? ?????????? ?????? ??????? ?????????? ?????????? ??????? 234 ??,
????????? ??? ?? Bundesfinanzhof (????????) ?? ??????? ?? 16?? ??????? 2008, ?
????? ??????? ??? ?????????? ??? 4 ??????? 2008, ??? ??????? ?? ??????

Swiss Re Germany Holding GmbH

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Finanzamt München für Körperschaften,

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

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

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

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

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

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

- ? Swiss Re Germany Holding GmbH, ?????????????? ??? ??? K. von Brocke,
Rechtsanwalt, ??? S. Trapp, Steuerberater,
- ?? Finanzamt München für Körperschaften, ?????????????? ??? ?? Schmid,
- ? ?????????? ???????, ?????????????? ??? ??? M. Lumma ??? B. Klein,

– ?????????? ??????????, ??????????????? ??? ??? ?. ?????????? ??? ??? ?. ?????? ????.
?. ????,
– ?????????? ??? ??????? ???????, ?????????????? ??? ??? L. Seeboruth,
– ?????????? ??? ?????????? ?????????, ?????????????? ??? ??? ?. ??????????????
???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? 13?? ??? 2009,
?????? ??? ??????

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1 ? ?????? ?????? ?????????? ?????????????? ?????? ??? ?????????? ??? ?????? 9,
????????? 2, ??????? ??, ?????? ???????, ??? 13, ?, ??????? ??, ?? ??? ??, ?????? 2
??? 3, ??? ????? ?????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ???
????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? – ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ??? (??
???. ???.. 09/001, ?. 49, ??? ?: ??? ?????).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? Swiss Re
Germany Holding GmbH (??? ????: Swiss) ??? ??? Finanzamt München für Körperschaften
?????? ?? ??? ?????? ??? ?????? ?????? ?????? (??? ????: ???) ??? ??????????
????????????? ?????????? ?????????? ???.

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

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

3 ?? ????? 5, ?????????? 1 ??? 2, ??? ?????? ?????? ??????:

«1. ?? “????????? ??????” ?????????? ? ?????????? ??? ?????????? ?? ?????????? ??? ??????
????????? ????? ?? ?????.

2. ?????????? ?? “????????? ??????” ?? ?????????? ?????, ?? ??????????, ? ??????????, ??
????? ?? ?????? ??????»

4 ??? ?? ????? 6, ?????????? 1, ??? ?????? ??????:

«1. ?? “?????? ??????????” ?????????? ??? ?????, ? ?????? ??? ?????????? ?????????? ????
????? ?? ?????? ??? ?????? 5.

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

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

5 ?? ????? 9, ?????????? 1 ??? 2, ??????? ??, ?????? ??????????, ??? ?????? ??????
????? ?? ????:

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

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

2. ????????:

[...]

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

[...]

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

[...]».

6 ?? ????? 13, B, ??? ????? ??????? ??????:

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

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

[...]

?) ??? ?????????? ??? ?????, ?? ?????? ?????????? ??????????? ?? ???????????????
????????????? ??? ?????, ??????? ??? ?????? ?????? ?????? ? ?? ?????? 28, ??????????? 3,
????????? ??, ??? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????????? ??????????
????????? ??? ?????? ??? ?????? ?????????? ???????, ??? ?????? ? ?????????? ? ? ???????,
????????? ??? ?????? ?????????? ???????????, ??????? ??? ?????? 17, ?????????? 6?

?) ??? ?????????? ??????:

[...]

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

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

[...]».

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

7 ????? ?? ??????? ???????????, ?? ??????????? ??? ??????? ?????????? ??? ??????
????????? ??? ??????? ??? ??????? ??? ???????.

8 ?? ???? 3a ??? ?????? ??? 1999 ??? ?????? ?????? ??????? (Umsatzsteuergesetz
1999, *BGBI.* 1999 I, ?. 1270, ??? ????: UStG), ??? ??? ?????? ?????? ?????? ??? ????
?????, ????:

«1. ??????????? ??? ?????? 3b ??? 3f, ? ?????? ?????????????????? ??? ?????? ??? ???? ???? ???? ???? ?????????????? ??? ?? ?????????????? ??? [...]

3) ?? ? ?????? ?? ? ?? ? ?????? ?? ? ?????? ?? ? ?????????????? ?? ? ?????????????? 4 ?? ?
?????????????, ?? ? ??????????? ?? ? ?? ? ?????????? 1 ? ?? ? ?????? ?? ? ?????????? ?? ?
????????????????? ?? ? ?? ? ?? ? ? ?????? ?? ? ?????? ?? ? ?????????????? ?? ? [...]

4) ????? ??? ?????? ?? ?????????? 3, ?? “?????? ??????” ????????:

[...]

6.a) ?? ?????? ??????? ?? ?????? ??????? ?? ?????? ?? ??????????????? ?? ?? ?????? 4, ?????? 8, ??????? a ??? g, ??? 10 [...].».

9 ?????? ??? ?????? 4, ?????? 8, ??????? c ??? g, ??? UStG, ?????????????? ??? ????,
??????, ?? ?????? ??? ?????? ?????????, ??????? ??? ?????? ?????????? ?????? ??
????????????????? ??? ??? ?????? ?????, ?????????????? ??? ?????????? ?????????? ???,
??????, ?? ?????????????? ??? ? ?????? ?????????, ?????????? ??? ??????.

10 ????. ?? ?????? 4, ??????? 10, ????????? a, ??? UStG, ???????????????? ???. ?????? ????. ???.
???????. ???. ????????????. ???. ????????????. ????????. ???. ????. ??????. ???. ????????????. ??????
?????. ?????????? (Versicherungsteuergesetz).

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

11 ? Swiss ?????? ? ??????? ??????? ?????? ?????????? ?????????? (??? ????: ?????????? ??????) ? ?????, ?? ?????????? ??????, ????? ?????? ????? ?????????????? ?????????????? ????.

12 ?? ??????? ??????????? ?????????????? ??? ?????????????? ??? 10 ??? 21 ???????????
2002, ? ?????????? ??????? ?????????? ??? ?????????????? ?????? S (??? ????: ???????
S), ? ?????? ????, ?????????????? ????, ?????????????? ???, ?????????????? 195
????????? ?????????????? ????.

13 ????? ?? ??????? ?????, ? ??????? S ?????? ?? ?????? ?? ?????????????? ??
????????????? ?? ?? ?? ?????????? ?????? ?? ?????????? ?????? ?? ?? ?????????? ?? ?????? ??
????????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ??????.

14 ?????? ??? ?????? ??????????, ??????????? ?????????? ?????? ??? ?????? ?????? 18 ??? ???
?? ??? 195 ????????, ??? ?? ??????? ?? ??????? ??????? ??? ??? ??????? ??? ??? ??????? ???
????????? ????.

15 ?????????????? ?????????? ?????????????? ?????????? ?????????????? ??????????????
????????????? ?? ??? ????? ????? ????? ????? ?? ?????????? ? ?? ?????? ?????.

16 ?????????? ??? ? ?? ??? ?????? ?????????? ?? ??? ?? ?????????? ???????, ??
Finanzamt München für Körperschaften ??????? ????, ?? ??? ??? ?????? ??????? ??
????????????? ????, ?? ???, ??? ???????? ?? ?????????? ??????? ??? ?????????? ????
??? ??????? ????.

17 ??? ???????, ? Swiss ?????? ??????? ??????? ??? Finanzgericht München.

18 ??????? ??? ?????????? ??? ? ??????? ???, ? Swiss ?????? «Revision» ???????
??? Bundesfinanzhof ?????????? ??? ?????????? ??? ?? ??????? ??? ?????????? ??? ?????????? ???
??? ?? ??? ???????.

19 ?? ?????? ?????????? ????, ????, ??? ?????? ?????? ?????????? ?, ??????? ???
????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ??????? ???
????? ?????????? ?? ??? ?????? ??? ?????? ?????? ???.

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

21 ??? ??? ??????? ????, ?? Bundesfinanzhof ?????????? ?? ?????????? ?? ?????????? ???
??? ?? ??????? ??? ?????????? ?? ?????????? ?????????? ??????????:

«1) ??? ?? ??? 9, ?????????? 2, ??????? ??, ?????? ???????, ??? 13, ?, ???????
?? ??? ?, ?????? 2 ??? 3, ??? ?????? ?????? [...] ??? ?????? ??? ? ??????????????????
?????? ?????????? ??? ??????? ?? ?????????? ? ?????????? ??????? ??????????
????????????? ???, ?????? ??? ?????? ??? ??????? ?? ? ?????????? ?????????? ??? ??????????
??? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??????????
?? ?? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??????????
????????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??????????:

?) ?? ?????????? ? ?????????? ??????? ??? ??? ?????? ??? ?????? 9, ?????????? 2,
????????? ?, ?????? ???????, ??? ?????? ?????? [...], ?

?) ?? ?????????????? ??????? ??? ?? ?????? 13, B, ??????? ??, ??? ?????? ?????? [...], ?

?) ?? ???????, ? ???' ?????? ?????????? ??? ?????????????? ??? ?????????????? ???
??????????, ????, ??? ?? ?????????????? ??? ?????? ?????? ??? ?????? ???????????,
??????????, ??? ?? ?????? 13, B, ??????? ??, ?????? 2 ??? 3, ??? ?????? [...]»;

2) ?? ?????? ? ?????????? ??? ??????? 1, ?? ??????? ??? ?? ?????????? ?????????? ???
????? ?? ? ?????????? ??? ? ?????? ??? ?????? ??????;»

3) ?? ?????? ??????? ??????? ??? ??????? 1, ??????? ??, ?? ??? ??, ??? ?? ???? 13,
B, ??????? ??, ??? ?????? [...] ??? ?????? ??? ? ?????? ??????? ??????????
????????? ?????????? ??? ?????? ?????? ???, ??? ?????? ?????? ?????????? ??????????
?????? 13, B, ??????? ??, ??? ?????? ?????? [...] , ??? ?????? ?? ?????? ??????????
?????? ?? ?? ? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????????? ???
?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ???;
»

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

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

22 ?? ?? ?????? ??????? ???, ?? ?????? ??????????? ?????? ??????????? ??
????????????? ?? ??????? ?? ??????? ??????, ??? ?????? ?????????????? ?? ??????
????? ??? ?????????????? ?????? ?????????????? ?? ?????? ??????, ??????????????
????????? ?????????????? ??? ??????????????, ??? ??? ?????? ?????? ??????, ??? ??????, ??
?? ??????? ?? ??????????????, ??? ?????? ??? ?????????????? ??? ?????????????? ??
????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ?????? 9, ??????????
2, ??????? ??, ?????? ???????, ??? ?????? ??????, ??? ????? 13, ?, ??????? ??, ??
?????? ?????? ?? ???? ?????? 2 ??? 3 ??? ?? ??? ?????? 13, ?, ??????? ??.

23 ??????, ?????? ?? ?????????? ?? ? ?????? ?????? ?????? ?????? ?????? ?????? «?????????
?????» ??? ??? ?????? ??? ?????? 5 ??? ?????? ?????? ? «????? ??????????» ??? ??
????? ??? ?????? 6 ??? ?????? ??????.

24 ??? ?? ?? ??? ?????? 5, ?????????? 1, «?? “????????? ??????” ?????????? ?
????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ??? ??????».

25 ?? ??????????, ??? ? ?????????? ?? ?????????? ?????? ?????????? ?????? ??? ??????
?? ?????????????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ???, ???
????????, ??? ?????? ??? ? ?????? ?????? ??? ?????? ???, ? ?????? ?????????? ??? ?????? ??????
????????? ??????????, ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
?????????.

26 ??????, ??? ?? ?????? 6, ?????????? 1, ?????? ??????, ??? ?????? ??????, ??? ??????
?? ??? ?????? ?????? ?????? ??? ??? ?????? ??? ?????? 5 ??? ?????? ???
????????? ?????? ??????.

27 ??? ?????? ???, ?????? ?? ?????????? ??? ?????? ?????? ?????? 6, ?????????? 1,
????? ???, ?????? ??????, ?????? ??????, ?????? ??? ?????? ?????? ?? ??????????, ????
?????, ??? ?????? ?????? ??????, ?? ?????? ?????????????? ??? ??? ??? ??????.

28 ??????, ??? ?? ?????? ?????? ?????? ?????? ?????????? ?????????? ??????????
????????????? ???, ??? ? ?????? ??? ?????? ???, ?????? ?????? ?????? ?????????? ??? ??? ???
????? ??? ?????? 6 ??? ?????? ??????.

29 ??????, ?????? ?? ?????????? ?? ??? ?????? ?????????? ?????? ?? ?????????????? ??
????????? ?? ?????? ?????????? ??????, ??? ??? ?????? ??? ?????? 9, ?????????? 2,
????????? ??, ?????? ??????????, ??? ?????? ??????, ? ?????? ?? ?????????? ?
????????????? ??????, ??? ??? ?????? ??? ?????? 13, ?, ??????? ??, ??? ??????
?????.

30 ?? ??????????, ??????, ?????? ?? ?????????? ???, ?? ?? ??? ?????? ???, ??????
????????????? ?????????????? ?????? ??? ?????? ?????? ?????????? ??????.

31 ??????, ?????? ?? ?????????? ??? ? ?????? ?????????? ??? ? ??????????
????????? ??? ?????? ?????????? ??? ??? ?????? ?? ?????????? ?? ??? ?????? ??????????, ??
????????? ?? «?????????????» ??? ??? «????????????? ?????? ??????» ??? ?????????????? ???
????? 9, ?????????? 2, ?????? ??, ?????? ?????? ???, ??? 13, B, ??????? ??, ??? ??????
?????.

32 ??????????, ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? 9, ??????????
2, ?????? ??, ?????? ??????, ??? ?????? ?????? ?????? ?????? ?????? ??????.

?????? ?????? ?? ?????????????? ??????????? ??? ?? ?????????????? ?????????????? ?????????????? ?????
?????????? ? ?? ??????????? ??? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ???
?????????? ?????? ??? (??., ?? ???? ?????, ??????? ??? 17?? ?????????? 1993, C?68/92,
????????? ??? ??????, ??????? 1993, ?. I?5881, ????? 14).

33 ??????, ??? ????? ????????, ?? ?????????? ??? ?????? ?????? ??? ?????? 13 ??? ???
?????? ?????????? ?????????? ??????? ??? ?????????? ???????, ?? ?????? ?????? ??
?????????? ?? ?????????? ?????????? ??????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ???
?? ??? ?????? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????
??? ?????? ?????????? ??? ??? (??.. ?????????? ??? 8?? ?????? 2001, C?240/99, Skandia,
?????? 2001, ?. I?1951, ??? 23, ??? ??? 3?? ?????? 2005, C?472/03, Arthur Andersen,
?????? 2005, ?. I?1719, ??? 25).

34 ??? ??????? ???, ?????? ?? ?????????? ???, ??? ?? ?????????? ??? ???????????, ?
?????? ??? «????????????? ??????» ??????????????, ??? ?????? ???????, ??? ??
?????? ??? ? ?????????? ???????????, ??? ??? ?????????? ?????????? ???????????, ???
?? ??????? ??? ???????????, ?? ?????????? ?????????? ??? ?????????? ???????????, ???
?????? ??? ?????????? ??? ?? ?????? ??? ?????? (??.. ??????? ??? 25?? ??????????
1999, C?349/96, CPP, ?????? 1999, ?. I?973, ??? 17- ?????????? ?????? Skandia,
????? 37, ??? ?????? ??? 20?? ?????? 2003, C?8/01, Taksatorringen, ?????? 2003, ?.
I?13711, ??? 39).

35 ?? ??????????, ?? ?????????? ??? ????? ?????????? ???, ?? ??? ??? ?????????????? ???
? ??? «????????????? ??????» ??? ?????????? ??? 13, ?, ??????? ??, ???
????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????
??? ??? ?????? ??? ?????????? ??? ?????, ???' ????, ?????? ?????? ??? ?????? ??? ??????
??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????? ???????, ??? ? ?????, ??? ?????? ?????????? ???????????, ?????? ??????
????? ??? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ?????? (??.. ?????????? ?????? CPP, ??? 22- Skandia,
????? 38, ??? Taksatorringen, ??? 40).

36 ??????, ?? ?????????? ??? ?????? ???, ?????? ?? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? 34 ??? ?????? ??? ???????, ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
????? ?????? ??? ?????? ??? 13, ?, ??????? ??, ??? ?????? ?????? ??? ??? ???
????? ?????? ?? ?? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ??????
??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ???????, ?????? ??? ?????????? (??.. ?????????? ?????? ??????
Skandia, ??? 41, ??? Taksatorringen, ??? 41).

37 ??? ?????? ??? ?????? ???, ? ?? ?????? ??? ?????? ?????? ?????????? ??????????
????????? ?????????? ???, ? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ???
????? S ??? ? ??? ?????? ??????? ??? ???????, ??? ??? ???????, ?????????? ??
????????? ??? ?????? ??? ?????? ???, ??? ??? ?????? ??? ?????????? ??? ??????
????????? ??? ???????, ??? ??? ?????? ?????????? ??? ?????? 34 ??? ?????? ??? ???????.

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

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

39 ????????????, ?????????? ??? ?????? ?????? ?????????????????? ????????, ? ?? ???
????????? ?????????? ??? ????????, ??? ??? ?????? S, ??? ?????? ??? ?????????????? ???
????????? ??? ?????????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????????
????????? ??????????????, ?????? ?????? ??? ?????????? ?????? ? ?????? ?????????? ?????? ???
????? ?????? ?????? ??? ?????? ?????? ?????? ?????????????????.

40 ????????, ? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ????????, ??? ??
????????? ?????????????? ??? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ??
???????????????, ? ??? ?????? ?????? ?????????????? ??? ?? ??? ????????, ???, ?????????, ???
?? ?????????? ?????????????? ?????? ?????? ??? ?????? S ??? ??? ?? ???
???????????????, ? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?? ???
????? ??? ?????? ?????????????? ??? ??? ?????? ??????.

41 ????????, ? ?? ??? ?????? ???, ? ?????? ?????????? ?????? ?????? ??? ?? ??????????
????????????? ??? ??????, ??? ?????? ?? ?????? ?????????? ? ?????????????? ? ??????????????
????? ??? ??? ?????? ??? ?????? 9, ?????????? 2, ?????????? ?, ?????? ??????????, ???
13, B, ?????????? ?, ??? ?????? ??????.

42 ?????, ?????? ?? ?????????? ?? ??? ?? ?????????? ?????? ?????? ?????????? ??????????????
????????? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????????? ???
??? ??????????, ??????, ?? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? 13, B,
????????? ?, ?????? 2, ??? ?????? ?????? ???, ????????, ?? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?? ??? ?????? 13, B, ?????????? ?, ?????? 3.

43 ?? ??????????, ?????? ?? ?????????? ??? ?? ??? ?????? ?????????????????? ??? ??
????????? ?? ?????????? ??? ?????? 13 ??? ?????? ?????? ?????? ?? ??????????????
????, ?????????? ??? ?? ?????????? ??? ?????? ?????????? ?????????????? ??? ?? ?????? ???
??? ?????????? ??? ??? ?????? ?????? ?????????? ??? ?????????????? ?? ?????????? ???
??? ?????????? ??? ??? (??.. ?????????????? ?????? Taksatorringen, ??? 36, ???
Arthur Andersen, ??? 24, ??? ?????? ??? 14?? ??? 2008, C?231/07 ??? C?232/07, Tiercé
Ladbroke ??? Derby, ??? 15).

44 ??? ?????? ???, ?????? ?? ?????????? ??? ?? ?????????? ??? ?? ??? ?????????????? ???
????????? ??? ?????? 13, ?, ????????, ??, ?????? 2 ??? 3, ??? ?????? ?????? ?????????? ??
????????? ?? ?? ??? ?????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ???
????????? ??? ?????????? ??? ?????? ??? ?????????? (??., ??? ??? ?????? ??????, ?????????? ???
5?? ?????? 1997, C?2/95, SDC, ?????? 1997, ?. I?3017, ??? 32- ??? 4?? ??? 2006,
C?169/04, Abbey National, ?????? 2006, ?. I?4027, ??? 66, ??? ??? 21?? ?????? 2007,
C?453/05, Ludwig, ?????? 2007, ?. I?5083, ??? 25).

45 ????????, ???? ?? ?????????? ??? ????????????, ??? ?? ?????????????? ??
????????? ??? ?????? ??? ?????? ??? ?????? 13, ?, ????????, ??, ??? ?????? ????????, ??
?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ????????, ?????????? ????????, ??
????? ??? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????? ?????????? ??????????
????? ?????????? ??? ?????????? ??? ?????? ??? (??., ?????????????? ?????? SDC,
????? 66- ??? 13?? ??? 2001, C?235/00, CSC Financial Services, ??????
2001, ?. I?10237, ??? 25, ??? ?????????? ??? ?????? Abbey National, ??? 70, ???
Ludwig, ??? 27).

46 ?? ??????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ??????
????? ? ?? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????????? ??? ??????????

?????????????????????????, ??? ?????, ??? ?????? ????, ?????????? ??? ?????? ???
????????????????????? (???. ??????? ?? 19?? ??????? 2007, C?455/05, Velvet &
Steel Immobilien, ??????? 2007, ?. I?3225, ??? 22, ??? ?????????????? ??????? Tiercé
Ladbroke ??? Derby, ??? 17).

47 ??? ?????? ????, ??? ?????? ???, ?? ?? ??? ?????? ???, ??? ?????? ??????????????????
????? ??? ???? ?????? ??? ?????? 13, B, ????????, ??? ?????? ?????? ??? ?????? ???
????? ?????????? ??? ?????????? ?????? (??., ??? ??? ?????, ?????????????? ??????
Velvet & Steel Immobilien, ??? 23).

48 ??????, ? ?????? ??? ?????? ???, ?????? ??? ?????? ??????????????????
????????? ?????????????? ????, ?? ?? ??? ?????? ??? ??? ?????? ??????????????????
????? ??? ???? ?????? ??? ?????? 13, B, ????????, ??? ?????? ??????.

49 ? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ?
????? ???, ? ?????? ???, ?????? ???, ?? ?????????? ?????? ??? ?????? ??? ?????? ???
????????????? ?????? (???. ?????????????? ?????? Velvet & Steel Immobilien, ??? 24,
??? ?????????????? ?????? Tiercé Ladbroke ??? Derby, ??? 24). ??????????????, ?????? ?
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ?????? ???
??? ?????? ?? ?????? ??? ?????? ??? ?????? ???.

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

51 ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ??? ????
????? ?? ?????? ?????????? ?????????? ?????????? ?????????? 13, ?,
????? ??, ?????? 2, ??? ?????? ??????, ??? ?????? ??? ?????? ?????????? ??? ??
????? ?? ???? ?????? 13, ?, ?????? ??, ?????? 3, ?????? ?? ?????????? ???, ???
?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ??????????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ???
????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????????? ??? (???. ?????????????? ?????? CPP, ??? 29,
??? Ludwig, ??? 17).

52 ??????, ?????? ?? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ??????
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??????????????
???, ?????? ??? ?????? ??? ?? ?????? ?? ?????? ??? ?????? ?????? ??? ?? ?????? ???
????????? ???, ??????, ?? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? 13, B, ??????
??, ?????? 2, ??? ?????? ??????, ???, ???????, ?? ?????? ??? ?????? ?????? ???, ??? ??
????? ??? ?? ?????? ??? 13, B, ???????, ??? 3.

53 ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??????????
????????? ?????????? ??? ?????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ???, ??? ?????? ???
?? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 9,
????????? 2, ?????? ??, ??? ?????? ???????, ??? 13, ?, ?????? ??, ??? ?????? ???,
????? ??? ??? ?????? ??? ?????? ??? ?????? 2 ??? 3 ??? ?? ?????? ??? 13, ?,
????? ??.

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

54 ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ??? ?????? ??? ??, ??? ??????

???????????? ? ? ?????????? ?????? ?????????????????? ?? ?????? ?????????? 195 ??????????
????????????? ??, ????, ????, ? ??????? ?????? ?????? ?????, ????, ?????? ?????? ???, ???, ???, ???, ???, ???, ???, ???, ???
????? ??????? ?? ??????? ??, ???, ???, ? ???????, ???, ? ???????, ?????? ??????? ??, ???, ???, ???, ???, ???, ???, ???, ???
????????? ??????? ??, ???, ???, ? ??????? 18 ???????, ???, ???, ???????, ???, ???, ???????, ???.

55 ?? ??????? ?? ??????????? ?? ?? ??????? ??, ??? ?????????? ?? ???? ??????? ??,
????????????? ?? ??????? ?? ?? ?? ???????, ??? ?? ?? ??????? S, 18 ?? ?? 195 ????????
????????????? ?? ?? ??????????? ?? ?? ??????? ?? ?? ?? ?? ?????????? ???.

56 ?? ????????????, ??? ? ????????????, ???, ??? ???????????, ?? ??? ?? ??????
???????????, ? ??????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ???
????????? ? ??????? ?????????? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??????
195 ????????.

57 ????? ????????, ??? ?????? ?? ????? ?????????? ?????? ??? ?????????? 18 ??? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? ???.

58 ????????, ??? ? ????????, ??? ?????????? ??? ?????????? ??? ?????? 195 ??????????
 ?????????? ??? ?????? ???, ??? ? ?????? 18 ??? ??? ?????????? ??? ??????
 ??????, ??? ??? ?????? ??? ?????????? ??? ?????????? 37 ??? 41 ??? ?????????? ??????????,
 ?? ???????? ??? ?? ?????? ??? ?????????? ??? ?????? 9, ?????????? 2, ???????? ??, ??????
 ????????, ??? 13, B, ????????, ??, ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??.
 ????????, ??? ??????? 2 ??? 3 ??? ???? ?????? 13, B, ????????.

59 ????? ??????????, ??? ??????? ??????? ?? ?????? ?????? ?? ?????? ???? ?????? ???? ?????? 195 ??????????
????????????? ????, ??? ?????? ??????? ?? ?????? ?????? ?????? ?????? ???? ?????? ?????? ???? ?????? ???? ??????
??? ??? ? ???????, ??? ? ??????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 18 ??????? ???? ???

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

60 ?? ?? ?????? ??????? ??, ?? ?????? ??????????? ??, ?? ?????? ??, ?? ?? ?????? 13, B,
?????? ??, ?? ?????? ??????? ??, ?? ?????? ??????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ??????
??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ?????????
??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ?????????
??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ?????????
??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ?????????
??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ??????????? ??, ?? ?????? ?????????.

61 ?? ???????????, ?????? ?? ??????????? ??? ??? ?? ?????????? ?????? ???????
????????????? ?????? ?????????????? ???, ??? ? ?????? ??? ?????? ???, ???
????? ?? ??????? ??????? ???, ??? ??? ?????? ??? ?????? 5, ?????????? 1, ???
????? ??????, ??? ??????? ?????? ???????, ??? ??? ?????? ??? ?????? 6 ??? ??????
?????.

62 ???????, ??? ?? ?, ??????? ?? ???? , ??????? ?? ?? ???? ??????? ???????????, ??? ?? ???? ??
????????? ??? ?????????? ??????? ??? ? ??????? ??? ?????????? ?????????? ?????????? ??? ??
?????? ??? ?????? ???????, ??? ?? ??? ????? ?? Bundesfinanzhof ??????? ??? ?????? ??? ??
???? ????????, ??? ?? ?????????? ??? ??????? ??? ??????? ??? ?????????? ??? ?????????? ??? ??
??? ?????????????????? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ?????? ??? ?????? ??? ??????
?? ??????? ??? ?? ??? ??????? ??? ??????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ??? ??????? ??? ??????? ??? ??????? ???????, ??? ?? ??? ?????? ??? ?????? ??? ?????? (?)

?????? ?? 8?? ?????? 2000, C?375/98, Epson Europe, ?????? 2000, ?. I?4243, ????? 26).

63 ????????, ??? ? ?? ??????? ?? ? ?????? ?????? ??? ? ?????? ?????? ??? ???? ???? ??
????????? ??????? ?????? ??? ???? ?????? ??? ?????? ???????, ? ?????? ??? ???? ?? ???? ??
????????? ??? ??? ??????? ??? ?????? ?????? ??? ?????? 13, B, ??????? ??, ??? ??????
?????, ?????? ? ??????? ??? ?????? ?????? ?? ?????? ??????? ?? ??? ?????? ??? ???????
?????, ? ?????? ??????? ??? ?????? ?????? ?????? ?????? ?????? ??????? ?????? ??? ??????
?? ? ?????? ??????? ??? ??? ?????? ?????? ?????? ?????? (?????? ???? 25??
?????? 1997, C?45/95, ??????? ??? ?????? 1997, ?. I?3605, ????? 15, ???
?????? ??? 6?? ?????? 2006, C?155/05 ??? C?18/05, Salus ??? Villa Maria Beatrice Hospital,
?????? 2006, ?. I?6199, ????? 29).

64 ??? ???????, ?? ??? 13, B, ??????? ??, ??? ??? ?????? ??? ??? ?????? ???????
?? ??? ?????? ???????.

65 ??? ??? ??????? ????, ??? ?????? ??????? ??? ?????? ??????? ?? ?????? ???? ?? ???? ??
?? ???? 13, B, ??????? ??, ??? ?????? ??????? ??? ?????? ?? ?????????? ??? ??? ??
??? ??? ??? ??????? ??? ??? ?? ??????? ??? ?????? ?????????? ?????????????? ??????????
????????????? ??? ??? ?? ??????? ??? ?????? ???????.

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

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

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

1) ??? ??????? ?? ??????? ??????, ??? ?????? ?????????????? ?? ???? ??
????? ??? ??????????? ??????? ??????? ?????????????? ?? ?????? ??????, ??????????????
????????? ??????????? ??????? ????? ???????????, ??? ??? ??????? ???????, ???
??????, ?? ?? ??????? ??? ???????????, ??? ??????? ??????? ???????, ???
?????????? ??? ??????? ??? ??????? ??? ??????? ??????? ??????? ??????? ???
????????? ??? ?????? 9, ??????? 2, ??????? ??, ?????? ???????, ??? 13, ?,
????????? ??, ??? ?????? ?????? 77/388/???, ??? ?????? ???????, ??? 17?? ???? 1977,
??? ??????????? ??? ?????????? ??? ??????? ?????, ??? ??????? ?? ???
????? ?????? ?????? - ?????? ?????? ?????? ?????? ?????????????? ?????: ??????????
????????? ???, ??? ?????? ??? ?????? ?? ??????? ??? ??????? 2 ??? 3 ???
?? ??? ?????? 13, ?, ??????? ??.

2) ??? ??????? ??????????? ?? ??????? ?????? ?????????????? ?? ???? ??
?????? 195 ??????? ??????????? ???, ??? ?????? ??????? ?? ??? ?? ???? ??
??? ??? ?????? ??????? ?? ??????? ??? ??? ???? ???????, ??? ???? ??????? ?????? ??????
??? ??????????? ??????? ??? ??? ?????? 18 ??????? ??? ??? ??????? ???????.

3) ?? ?????? 13, B, ??????? ??, ??? ?????? ?????? 77/388 ?????? ?? ??????????
?? ??? ?????? ??? ??? ?????? ??????? ??? ?????? ?? ??????? ?????? ??????? ??????
????????????? ??????? ??????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ???.

(?????????)

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