

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

??? 6?? ?????????? 2012 (\*)

«??? – ?????? 2006/112/?? – ???????? ???????? – ?? ??????????»

???? ?????? C-285/11,

?? ?????????? ?????? ?????????????? ?????? ??? ?????? 267 ????, ???  
?????? ?? Administrativen sad – Varna (?????????) ?? ?????? ??? 16?? ??? 2011, ?  
????? ??????? ??? ?????????? ??? 8 ?????? 2011, ??? ?????? ??? ????

**Bonik EOOD**

????

**Direktor na Direktsia «Obzhalvane i upravlenie na izpalnenieto» – Varna pri Tsentralno  
upravlenie na Natsionalnata agentsia za prihodite,**

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

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

?????? ??????????: J. Kokott

?????????: M. Aleksejev, ???????? ??????????,

?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ?????????? ???  
19?? ?????????? 2012,

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

- ? Bonik EOOD, ?????????????? ??? ??? O. Minchev, advokat, ??? M. Patchett-Joyce,  
barrister,
- ? ?????????? ????????, ?????????????? ??? ??? E. Petranova,
- ? ??????? ????????, ?????????????? ??? ??? G. Palmieri, ?????????????? ??? ??? A.  
De Stefano, avvocato dello Stato,
- ? ?????????? ??? ?????? ????????, ?????????????? ??? ??? L. Seeboruth ??? L.  
Christie, ?????????????? ??? ??? P. Moser, barrister,
- ? ?????????? ????????, ?????????????? ??? ?? L. Lozano Palacios ??? ??? D.  
Roussanov,

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

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

????????

1 ? ?????? ?????????????? ??????? ?????? ??? ?????????? ??? ?????? 2, 9, 14, 62, 63,  
167, 168 ??? 178 ??? ??????? 2006/112/?? ??? ??????????, ??? 28?? ???????? 2006,  
?????? ?? ?? ????? ??????? ??? ?????????????? ??? (?? L 347, ?. 1).

2 ? ?????? ??? ?????????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? Bonik  
EOOD (??? ????: Bonik) ??? ??? Direktor na Direktsia «Obzhalvane i upravlenie na izpalnenieto»  
– Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite (?????????? ???  
????????? «????????? ??? ?????????? ??? ??????????» ??? ?????????? ?????????? ???  
????????? ?????????? ?????????? ?????????? ?????????? ?????), ? ?????? ??? ?? ?????????????? ?? ??????????  
????????? ??? ????? ?????????????? ????? (??? ????: ???) ??? ??? ?????????? ??? ??? ??????  
????????? ??? ????? ?????????????? ??? ?????? ???.

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

3 ?? ?????? 2, ??????????? 1, ??????? ??, ??? ??????? 2006/112 ?????????? ?? ??  
????????? ?????? ??? ?????????????????? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ??.

4      ?? ?????? 9, ??????????? 1, ??? ?????? ??????? ??????? ?? ????:

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

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

5      ?? ?????? 62 ??? ?? ????? ??????? ?? ???:

«????????? ??:

1) "????????????????? ?????? ??? ??????" ?? ?????????? ?? ?? ?????? ?????????????????? ?? ???????  
????????????? ?? ?????? ??? ?????? ?????? ?????????? ?? ?? ?????? ?????? ?????????? ? ??????,

6      ??????? ?? ?? ?????? 63 ??? ?????? ????????

«? ?????????????? ????. ?????????? ??? ? ????? ?????????????? ?????????? ??? ???? ?????? ?????????????? ????.»

7      ?? ?????? 167 ??? ??????? 2006/112 ?????? ?? ????:

8 ?? ?????? 168 ??? ?????? ?????? ??????? ?? ????:

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

) ??? ?????????? ? ?????????? ??? ?? ??? ?????? ??? ?? ??? ?? ?????? ??? ??  
????????? ? ?????????? ?? ??? ?????????? ??? ?? ??? ?????? ??? ?? ??? ?????????? ??? ??  
? ?????????? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?? ????,

[...]».

9 ?? ?????? 178 ??? ?? ??? ?????? ?????????? ?? ????:

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

) ??? ??? ?????????? ??? ?? 168, ??????? ??, ??????, ??? ?????? ???  
????????? ?????? ??? ?? ?????? ??????????, ?? ?????? ??????????, ?? ?????? ???  
????? ?????? ?? ?? ??? 220 ??? 236 ??? ?? ??? 238, 239 ??? 240,

[...]».

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

10 ? Bonik ??? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ??  
????? ?????????? ??? ?????? 2009.

11 ?????? ??? ?????? ???, ?? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? ??  
????? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ??????????  
????? ??? ?????? ??? Bonik ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ?????? ?????? Agrisco SRL ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ??????????  
????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? Bonik ??? ?????? ??????????  
??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
????? ?? ?? ??? ?????? ??? ?????? ??? ??????, ?????? ?? ??? ?????????? ??? ?????? ???  
????? ??? ??????, ??? ?? ?????????? ??? ?? ??? ?????? ??? ?????? ?? ??? ?????????? ???  
????? ?????? ??????.

12 ??????, ?? ?? ??? ?????? ?????????? ??? ?????? ?????????? ?? ?????????? ??????????  
????? ?? ??? ?????? ?????? ??? ? Bonik ??? ?????? ??? ?????? ?????????? ??? ?? ???  
????? Favorit stroy Varna EOOD (??? ????: Favorit stroy) ??? ??? ?????? Agro treyd BG  
Varna EOOD (??? ????: Agro treyd) ??? ??? ??? ?????? ??? ?????? ??? ?? ???.

13 ? Bonik ??? ??? ?????? ??? ?? ?????????? ??? ?????? ?????? ? Favorit stroy ??? ?  
Agro treyd ??? ??? ?????????? ????.

14 ????????, ?? ?????????? ?????????? ???, ??? ?? ?????????? ??? ?? ??  
????????? ??? ?????? ??? ?????? ?????????? ???, ?????????? ?? ?????? ??? ??????????  
????? ?????????? ??? Bonik, ?????? ?? Favorit stroy ??? ??? Agro treyd, ?? ?????? ??  
????????? ??? ?????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????????? ??? ?? ???  
????????? ??? ?????? Lyusi treyd EOOD, Eksim plyus EOOD ??? Riva agro stil EOOD.

15 ??? ??? ?????????????? ??? ?????????? ??? ?????????????? ??? ? Lyusi treyd EOOD, ?  
Eksim plyus EOOD ??? ? Riva agro stil EOOD ????? ?????????? ?????????? ?????????? ???  
Favorit stroy ??? ??? Agro treyd, ????? ?? ?????????? ?????????? ?????? ?????????? ???  
?? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ?????????? ?????????? ???  
?? ?????????????? ??? ?????????? ??? Bonik ??? ?????????? ??? ?????????? ??? ?????? ???  
?????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? Bonik.

16 ??????? ??????, ?? ?? ??? ?????????????? ?????? ?????????? ??? 10 ??????? 2010  
????????????? ?????? ?????????? ??????, ?? ?? ??? ?????? ?????????? ??? ? Bonik ??? ??? ?? ??????????  
?? ??????? ??? ??? ??? ??? ?????? ??? ??? ?????????? ?????? ?????????? ??? ??? ?????????? ???,  
??? Favorit stroy ??? ??? Agro treyd.

17 ? Bonik ??????? ?????????? ???????? ??? ?????? ??? ??????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? Direktor na Direktsia «Obzhalvane i upravlenie na izpalnenieto» – Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite, ? ??????, ?? ??????? ??? 21?? ??????? 2010, ?????????? ??? ?? ??? ?????? ?????.

18 ? Bonik ?????? ??????? ?? ?????????? ?????????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

19 ?? ??????????? ???, ?? ??? ??????? ???????????, ?? ?? ?????? ? Bonik ?? Favorit stroy ?? Agro treyd.

21 ??????? ?? ?????? ??????????? ?????????????? ??? ? ?????? ?????????? ??? ?????????  
?? ?????????? ?? ?????? ?? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ?? ?????????? ??? ??????????.

22      ????? ?? ?? ????? ????????????, ?? ?????????????? ??????, ?? ??? ?????????? ?????, ???  
????????? ?????????? ?????????? ?????????, ??? ?? ?????????? ?? ?????????? ?? ?????????? ???  
????????? ?? ??????? ?? ???, ?? ??? ?????????? ? ?????????????? ?? ?????????????? ?? ??????????????  
?????????.

23 ??? ??? ????????, ?? Administrativen sad – Varna ?????????? ?? ?????????? ??  
????????? ?? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????:

«1) ??????? ??? ??? ?????????? ??? ??????? 178, ?????????? ?? ??? ??, 14, 62, 63, 167 ??? 168  
??? ??????? 2006/112 ?? ??????? ?????????? ? ??????? “?? ?????? ??????????”  
?????????” ???, ?? ???, ?????????? ? ??????? “?? ?????? ?????????? ??????????”, ??? ??  
????? ??? ??????? ???, ?? ??? ?????? ??? “?????????????” ? ??? ?????????????? ???  
????? ???; ?? ???????, ??????? ?? ??? ????? [????], ? ?????? ”?????????”;

2) ?? ??????? ?????? ? ?????? ??? ??????? ??? ??????? ??? “?????????????” ??? ? ??????? ??? ??  
? ?????????? ?????? ?????????????? ??? ?????? ??? ?????? 2006/112, ?? ?????????? ?? ?? ??????  
178, ??????? ??, [??? ??????? ???], ?????????? ?? ??? ????? ?????? ??? ??? ???????

? ?????????? ??? ?????????? ?? ???? ??? ??????? ?????????? ?????????? ??? ?????? ??? ??????  
????? ? ?????????? ?? ??? ?????????? ?? ?????????? ?????? ?? ?????????? ??? ??????, ????  
?? ?????????? ?????????? ?????? (?? ?????????? ?????? ?????????? ?????????? ??????) ???  
????????? ??????; ?????????? ? ?????? ?????????? ?????? ???/? ?? ?????????? ??????  
????????? ?????? ??? ?????????? ?????? ???/? ?? ?????????? ??????;

3) ?????? ? “?? ?????? ?????????? ??????”, ?????? ?????????? ??? ?????? ???  
????????? ??? ? “?????????” ??? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ??????  
“?????????” ??? ???? 178, ????????, [??? ?????? 2006/112] ? “?????” ??? ???  
????????? ??? ?????????? ?????? ??? ?????? [?????], ??? ???? ???? ???? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ??? ???? ???? ?????? ???  
??? ?????????? ??? ???, ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???,  
??? ?????? ??? ?????????? ?? ???? ?????????? ?????????? ?????????? ??? ??????;

4) ?????????? ? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????  
????? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? (?? ?????????? ?????? ??? ?????????? ??? ??????????  
??? ??? ?????????? ???), ?????????? ?? ?????????? ??? ? ?????????? ??? ??????  
?????????????, ?? ? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????????? (??  
????????? ??????????) ????? ?????????????? ?????????????? ?????????????? ?????????? ???  
????????? ?????????? ?? ??? ?????????????? ??? ?????? ??? ?????? ??????????;

5) ??????, ??? ?????? ??? ?????? ?????????? ??? ??? ??? ?????????? ??? ?????? 168  
??? 178 ??? ?????? 2006/112, ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???  
??? ?????? ???

?) ?? ?????????? ?? ?????? ??? ?? ?????????? ?????? ??? ?????? ?????????????? ???  
????? ?????? ? ??????, ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???  
????????????? ??? ?????? ???/?

?) ?? ?????????? ??? ?????? ??? ?????? ??? ?? ??????????, ?????????????????? ???  
????????????? ??? ??? ?????????????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????/? ??? ?????? ?? ?????, ?? ?????? ?? ?????? ??? ?????? ???/? ?? ?????????? ???  
????????? ?? ?????????? ??? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ???/?

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

6) ?????? ?? ??? ?????? ??? ?????? ??????: ?????? ?? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 2 ???  
????? 2006/112, ? ?? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? 2006/112;

7) ?????????? ?? ??? ?????????????? ??? ?????????? ??? ?????????????? ???

? ?????????? ??????, ??? ???? ?????? ??? ?????? 2 ??? ?????? 2006/112, ?? ??????? ??? ?  
????????????? ??? ???? ?????? ?????????? ??? ??? ?????? ??? ???, ?????????????? ?? ??????  
????????????????, ??? ???? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?? ??? ?????? ?????????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?? ?? ?????????? ?????????? ?? ?????????? ??? ?????? ??? ??????  
??? ??? ??? ?????? ??? ?????????? ??? ???? ?????? ??? ?????? ??? ??? ?????? ??? ??? ?  
????????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?  
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?????????;

8)    ?????????? ?????????? ??? ?????? ??? ???? ?????????? ??? ?????????? ??? ?????? ??? ???  
????????? ??? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? /? ??? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?

9)    ?????? ?? ??? ?????????? ??? ?????? 2, 3 ??? 4: ?????????? ??? ?????? ???  
?????????????, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ?? ?????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
???? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ?? ?????????? ?? ?? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????;

10)    ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???;  
»  
???

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

?????????????, ???' ??? ???? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 2006/112 ??? ??  
????? ??? ??????????????, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?? ?? ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????.

25    ?????? ?? ?????????? ???, ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?? ?????? ??? ?????? ??? ?????? (???. ?????? ?? 21?? ?????? 2012, C-80/11  
?? C-142/11, Mahagében ?? Dávid, ??? 37 ??? ?????? ?????? ???).

26    ?? ?????????? ??? ?????? ???' ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? 167 ??.. ??? ?????? 2006/112, ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
????? (???. ?????? ?? 21?? ?????? 2000, C-110/98 ?? C-147/98, Gabalfrisa ??.,  
????? 2000, ?. I-1577, ??? 43, ?? 15?? ?????? 2005, C-63/04, Centralan Property,

?????? 2005, ?. I-11087, ??? 50, ??? 6?? ?????? 2006, C-439/04 ??? C-440/04, Kittel ??? Recolta Recycling, ?????? 2006, ?. I-6161, ??? 47, ??? ?????????????? ?????? Mahagében ??? Dávid, ??? 38).

27    ?????? ??? ?????????? ??? ?????????? ?????? ?? ?????????? ?????? ????  
????????????? ??? ??? ?????????? ??? ??? ?????? ?????? ? ?????????? ??? ?????? ???  
????? ??? ?????????? ??? ?????????? ??? ???????????. ?? ?????? ?????? ??? ??? ?????????? ???  
??? ?????? ??? ??? ?????? ?????????? ?? ??? ?? ?????????? ?????????? ??? ??? ???  
????????? ??? ?????????? ???, ?????????? ??? ?????? ? ??? ?????????? ??? ???, ??? ???  
????????? ??? ?? ?????????? ??? ?????? ?????????? ?????? ??? ??? (?. ????????  
??? 14?? ?????????? 1985, 268/83, Rompelman, ?????? 1985, ?. 655, ??? 19, ??? 15??  
????????? 1998, C-37/95, Ghent Coal Terminal, ?????? 1998, ?. I-1, ??? 15, Gabalfrisa  
?.., ??????????, ??? 44, ??? 3?? ?????? 2005, C-32/03, Fini H, ?????? 2005, ?. I-  
1599, ??? 25, ??? 21?? ?????????? 2006, C-255/02, Halifax ?.., ?????? 2006, ?. I-1609,  
????? 78, Kittel ??? Recolta Recycling, ??????????, ??? 48, ??? 22?? ?????????? 2010,  
C-438/09, Dankowski, ?????? 2010, ?. I-14009, ??? 24, ??? Mahagében ??? Dávid,  
?????????, ??? 39).

28    ?? ?????? ??? ???? ???? ? ?????????? ??? ?? ??? ?????????? ? ?? ??????????????  
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????  
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? . ?  
??? ?????????? ??? ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ? ?? ??????,,  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? (?. ?????? ??? 12?? ?????????? 2006, C-354/03, C-  
355/03 ??? C-484/03, Optigen ?.., ?????? 2006, ?. I-483, ??? 54, ??? ??????????????  
????????? Kittel ??? Recolta Recycling, ??? 49, ??? Mahagében ??? Dávid, ??? 40).

29    ???????, ??? ?? ?????? ??? ?????? 168, ????????, ??, ??? ?????? 2006/112  
????????? ??? ? ????????????, ??? ?? ?????? ????????, ?????? ?? ??????  
????????? ?????????? ???, ??? ?? ?????? ?????? ??? ?????? ???, ???, ????????, ??? ??  
????? ? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ???, ?? ?????? ??????, ?? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ??? (?. ?????????? ?????? Centralan Property, ??? 52, ???  
????? ??? 6?? ?????????? 2012, C-324/11, Tóth, ??? 26).

30    ?? ??????????, ??? ?? ?????? ??? ?????? ?????? ?????????? ??? ?? ?????? ???  
????????? ?? ?????????? ??? ?????? ?????? ?????? ??????, ?????? ? Bonik ??? ??  
????????? ???, ?????? ?????? ?????????? ???, ?????? ??? ?????? ??? ?????? ???  
2006/112.

31    ???????, ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????????  
?? ?????? ? Bonik ?????????? ?? ??? ??? ?????? ??????, ?????? ?? ?????????? ??  
?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??????????????  
??? ??? Bonik ??? ??? ?????? ??? ?????????? ??? ?????? ???.

32    ?????????? ???, ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????????  
????, ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ? Bonik ?????? ??  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (?. ????????

?????? ?? 6?? ?????????? 2012, C-273/11, Mecsek-Gabona, ??? 53).

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

34 ??????? ?? ?????? ??????????? ??????? ?????? ??? ?? ??????????? ???????????  
????? ?? ??????????? ?? ? Bonik ?????? ?? ?????? ??? ?????? ??? ??????????? ??  
????? ??????????? ?? ??? ??? ?? ? Favorit stroy ??? ??? Agro treyd ??? ??????? ??  
?????? ?? ??????? ?? ??? ??? ??????????? ?????? ??????? ?? ??? ??? ??????? ??  
????? ?????? ?? ??? ??? ?????? ??? ?????? ??? ??????????? ?? ??????? ?? ? Bonik  
?????????????? ?? ??? ??????? ??????????? ??????????? ?? ??? ?????? ??? ?? ??? ??????  
????? ?????? ??? ??????????? ?? ??? ??? ?????? ??? ???????.

35    ?? ?? ????????, ???, ?????? ??, ?? ?????????????? ?? ???? ? ?????? ??  
??????????, ??? ??????????? ?? ???? ???? ?????????? ?????????? ?????? ??  
????? ??????????? ?? ???? ?????? ? ?????? 2006/112 (??., ?????? ??, ??????????????)  
????????? Halifax ?.??., ????? 71, ??? Kittel ??? Recolta Recycling, ????? 54, ??? ???????  
?? 7?? ??????? 2010, C-285/09, R., ?????? 2010, ?. I-12605, ????? 36, ??? 27??  
????????? 2011, C-504/10, Tanoarch, ?????? 2011, ?. ?-10853, ????? 50, ????? ??  
Mahagében ??? Dávid, ????????????, ??? 41).

37 ????????, ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ?? ??  
????????? ?? ?????? ??? ?????????? ??? ?????? ??????, ??? ??????????????, ????  
????????????? ??? ????????, ??? ? ???????? ??? ?????????? ??? ?????? ?????? ?? ??? ??  
????????? ? ??? ?????????????? ??? (??. ?????????????? ?????? Fini H, ??? 34,  
Kittel ??? Recolta Recycling, ??? 55, ??? Mahagében ??? Dávid, ??? 42).

38      ????? ?????????? ????? ?????????? ??? ? ?????? ? ?????????????? ??? ????  
?????????????. ????????, ??? ?????????? ???, ??? ?????????? ?? ??????????????  
????????? ??? ????? ?????????????? ?? ??????? ?????? ??? ?????????? ?????? ? ??? ??????  
????????? ??? ?????????????????? ??? ??????? ?????????? ??? ?????? ??? ?????? ??? ????  
????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????????? (?? . ??????????????)  
????????? Halifax ?.?. ?????? 58 ??? 59, ??? Kittel ??? Recolta Recycling, ????? 53).

40      ????? ????????, ? ?????? ??? ?????????????? ??? ?????? ?????? ??? ?? ?????????????? ??? ?????  
?????? ?????? ?? ?????????????? ??? ?????? ??? ?? ?????????????? ??? ?????? ?????????????? ?? ??????  
????????????? ????????, ??? ?? ??????? ???, ??? ????? ?????????????? ?? ?????? ?? ???? ? ??  
????????? ??? ?????????? ?? ???? ??? ?? ?????????? ?? ?????? ??? ?????????? ??? ?????? ?????? ??

?????? ?? ??? ?????? ?????? ??? ??????????? ??? ????????, ?? ??? ?????? ??? ??????????? ? ???  
????????? ????, ?? ?????? ??? ?????? ??? ??????? ?????? ??????? ??? ??? ???, ??? ??????  
????????? ? ??????????? ? ?????? ?????????????? ?? ?????????????? ? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????????? ? ?????? ?????? ?????? (?. ??????? ?????????????????? ?????????? Kittel  
??? Recolta Recycling, ?????? 56 ??? 61, ??? Mahagében ??? Dávid, ????? 45).

41 ????????, ??? ?????? ????? ?? ??????? ????? ?????????????? ??? ?????? ?????? ???  
????????????? ??? ?????? ?????? ? ??????? ?????? ??? ?????????????? ??? ?????? ?????? ???, ??  
?? ?????? ??? ?? ?????????????? ??? ?????????????? ??? ?????? ??????, ???????? ?? ?????? ??? ?????? ???  
????? ? ??? ??????? ?? ??? ?????? ??? ?????????? ??? ? ??????? ?????? ?????? ?????? ??? ??????  
?????? ??? ??????? ? ?????????????? ? ??? ?????????? ??? ?????? ?????? ?????? ??? ??????????  
????????????? ??? ?????? ???, ?????????????? ??? ?????????????? ??? ?????? ???  
????????????? ? ?? ??? ?????? ?????????? ??? ???, ? ?????? ?????? ?????? ??? ??? (?)  
?????? ?????????????? ?????? Optigen ???., ??????? 52 ??? 55, Kittel ??? Recolta  
Recycling, ?????? 45, 46 ??? 60, ?????? ??? Mahagében ??? Dávid, ????? 47).

42 ??????????????, ? ??????? ?????????? ?????????????? ??????? ?? ?????? ?????? ???  
????????? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????? (?)?. ??????????????  
?????? Mahagében ??? Dávid, ??? 48).

44 ????????, ?? ?? ?????? ??????????? ?????? ??? ??? ?????????????? ?????? ??? ??  
????????? ???? ???? ???? ?????? ?????? ?????? ???? ?????? ?????? ?????????????? ??? ??  
??? ? Bonik ?????????????? ??? ?????????? ?? ?? ??? ?????? ?????? ??? ?? ?????? ????  
????????????? ?????? ???, ?? ?????????? ??? ?? ?????? ?????? ?????? ?? ?????????? ?? ??  
????????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????????  
?????????.

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

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

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

? ? ?????? 2, 9, 14, 62, 63, 167, 168 ??? 178 ??? ?????? 2006/112/?? ??? ???????????, ???  
28?? ?????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????? ?????????????? ???,  
????? ??? ?????? ??? ??? ?????????? ?? ??? ???????????????, ??? ??????????????  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ???, ?? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ???  
??? ?????????? ??????, ?? ?? ?????????? ???, ??? ?????? ?????? ? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??????????,  
????????? ??? ? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???, ??????  
??? ??????????, ?? ??? ?????????????? ???, ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?  
????? ?? ??? ?????? ??? ?????????? ??? ? ?????? ??? ?????? ?????? ?????????? ?????????? ???  
????????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ?????? ?????????? ?????????? ???  
????????? ?????? ?????? ??? ??? ?????? ?????????? ??????, ? ?????? ?????????? ???  
????????? ?? ?????????? ?? ?????? ?????? ?????? ?????????? ??? ?????? ??????????, ?????? ???  
????????? ?? ?????????? ?? ?????? ?????? ?????????? ??????.

(?????????)

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