

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

??? 13?? ??????? 2014 (*)

«????? ??????? ????? ?????????????? ????? — ?????? ??? ????? ?????? — ??????????????
— ?????? ?????????? ?????? — ????? — ?????????????? ??? ?????????? ?? ??????????
?? ?????????? ??? ?????????? ?????? — ??????????»

???? ??????? C?107/13,

??. ?????????? ?????? ?????????????? ?????? ?????? 267 ????, ???
????????? ?? Administrativen sad Veliko Tarnovo (??????????) ?? ??????? ??? 14?? ???????????
2013, ? ?????? ??????? ??? ?????????? ??? 4 ??????? 2013, ??? ??????? ??? ???

FIRIN OOD

????

Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» — Veliko Tarnovo pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite

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

????????? ??? ??? R. Silva de Lapuerta, ?????? ???????, J. L. da Cruz Vilaça, ?. ??????,
J.-C. Bonichot (?????????) ??? A. Arabadjiev, ???????,

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

?????????: A. Calot Escobar

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

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

– ? Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» — Veliko Tarnovo pri
Tsentralno upravlenie na Natsionalnata agentsia za prihodite, ?????????????? ??? ??? A.
Manov,

– ? ?????????? ???????, ?????????????? ??? ??? E. Petranova ??? D. Drambozova,

– ? ?????????? ???????, ?????????????? ??? ??? N. Grünberg ??? M. Linntam,

– ? ?????????? ???????, ?????????????? ??? ??? G. Palmieri, ?????????????? ??? ??? A.
De Stefano, avvocato dello Stato,

– ? ?????????? ???????, ?????????????? ??? ??? L. Lozano Palacios ??? N. Nikolova,

???? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ?? ??????????
?? 19?? ?????????? 2013,

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

???????

1 ? ?????? ?????????????? ?????? ??? ?????? ??? ?????? 65, 90, ?????????? 1, 168, ?????? ??, 185, ?????? 1, 193 ??? 205 ??? ?????? 2006/112/?? ??? ??????, ??? 28?? ?????? 2006, ?????? ?? ?? ????? ?????? ?????? ?????? ?????????????? ??? (EE L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? FIRIN OOD (??? ????: FIRIN) ??? ??? Direktor na Direktsia «Obzhalyane i danachno-osiguritelna praktika» — Veliko Tarnovo pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite (????????? ??? ?????????? «????????? ??? ?????????? ?? ?????? ?????????? ??? ?????????? ?????? ?????? ??????» ??? ?????? ??? Veliko Tarnovo, ??? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? (??? ????: Direktor), ?? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? (??? ????: ???) ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

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

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

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

4 ??? ?? ??? 14, ?????????? 1, ??? ?????? ????:

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

5 ??? ?? ??? 63 ??? ?? ??? ??????, ? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

6 ?? ??? 65 ??? ?????? ?????? ????:

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

7 ?? ??? 90, ?????????? 1, ??? ?????? 2006/112 ????:

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

8 ?? ??? 167 ??? ?????? ?????? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

9 ?? ??? 168 ??? ?? ??? ?????? ?????? ????:

«????? ?????? ??? ?? ?????? ??? ?? ?????????? ?????????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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

[...]».

10 ?? ????? 178 ??? ????? ??????? ??????:

«??? ?? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???, ? ?????????? ??? ???

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

?) ??? ??? ?????????? ??? ?????? 168, ??????? ??, ??????, ??? ?????? ??? ?????? ???

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

? ?????? ??? ?????? ?? ?? ?????? 220 ??? 236 ??? ?? ?????? 238, 239 ??? 240,

[...]».

11 ??? ?? ??? 184 ??? ?????? 2006/112, ? ?????? ?????????????????? ??? ??????

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

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

12 ?? ????? 185 ??? ?????? ?????? ??? ?? ???:

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

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

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

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

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

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

? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? [????? ???] ?????? ??????, ??

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

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

? ?????? ??? ?????? ??? ?????? 16.

? ??????, ?? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? [????? ???] ??????

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

13 ?????? ??? ?????? 186 ??? ?? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ??????

? ?????? ??? ?????? 184 ??? 185.

14 ?? ????? 193 ??? ?????? ?????? ?????? ??????:

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

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

? ?????? ??? ?????? ??? ?? ??? 194 ??? 199 ??? ?? ?????? 202.»

15 ??? ?? ?????? 203 ??? ?????? 2006/112, ? ??? ?????????? ??? ??? ?????? ??? ?????? ???

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

16 ??? ?? ?????? 205 ??? ?????? ??????:

«????? ?????????? ??? ?????? ??? ?????? 193 ??? 200 ??? ??? ?????? 202, 203 ??? 204,

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

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

17 ?? ??? 70, ?????????? 5, ??? ????? ??? ??? ?????????????? ??? (Zakon za
danak varhu dobavenata stoynost), ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? (DV ????. 63 ??? 4?? ?????? 2006, ??? ????: ZDDS), ?????????? ??? ???
????? ?????? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ???.

18 ??? ?? ??? 177 ??? ZDDS:

«(1) ?? ?????? ??? ?????????? ???, ?? ?????? ?????? ?????? ??? ??????????????
????????? ????, ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????? ??? ?? ?????????????? ????, ?????? ??? ?????? ?????? ??? ?????? ?? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????????? ???.

(2) ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 1 ?????? ?????? ?
????? ?? ?????? ??? ?? ?????? ? ?????? ?????? ? ?????? ?????? ???, ?????? ??? ??
????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?? ?? ?????? 117 ??? 120 ???
????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????.

(3) ??? ??? ?????? ??? 2, ? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?? ?????? ??? ?????? ???:

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

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

(4) ? ??? ??? ?????? 1 ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ???.

(5) ??? ??? ?????? ??? 2 ??? 3, ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????.

(6) ??? ?????? ??? 1 ??? 2, ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???.

(7) ? ?????? 6 ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????.

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

19 ? FIRIN, ? ??? ?????? «Hlebozavod Korn», ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????? ??????????????. ?? ??????? ??? ?????? ??? 99 % ??? York Skay EOOD (??? ????: York Skay) ??? ??? ???? ??? ?????? ??? ?. Yorkishev.

20 ??? ??? ??? ??? ????? 2010 ? FIRIN ?????????? 10 000 ?????? ?????? ??? Agra Plani EOOD (??? ????: Agra Plani), ??? ?????? ?????????? ?????? ????. Yorkishev. ??? ??? ?????????? ????, ?? ?????? ??? ?????? ?????? ?? ??????????????, ? Agra Plani ?????? ??? 29 ????????? 2010 ?????? 3 600 000 ?????? ??? (BGN), ?? ?????? ??? ?????? 600 000 BGN.

21 ??????, ? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ???? 600 000 BGN ??? ?????? ??? ?????? ? FIRIN ??? ?????? ??? ?????? ??? ?????? ??? ???? ?????? ??? ???? ?????? ?????-????????? 2010.

22 ? ?????????? ??? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? 29? ?????? 2010 ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? . ?????????? , ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?????? ?????? , Agra Plani ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? , ?????? ??? ? FIRIN ??? ?????? ??? ?????? ?? ?????? . ?????????? , ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? FIRIN ?????????? ??? 30 ?????? 2010 ??? ??? Agra Plani, ??? 4 170 000 BGN, ??? ?????? ?????? ??? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? , ?????? ?????? ??? ?????? ?????? ??? ?????? York Skay. ?????? ?????? ?????? ?????? ??? 3 600 000 BGN ?????? ??? York Skay ??? ?????? ?????? ?????? ??? FIRIN.

23 ?????? ?????? ?????? , ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Agra Plani ??? ???? York Skay ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? FIRIN.

24 ?????? ??? ?????? ?????? 26 ?????? 2011 ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? . ? FIRIN ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Direktor. ?? ?????? ??? 16? ?????? 2012 ? Direktor ?????? ??? ?????? ??? .

25 ??? ??? ?????????? ??? ?????? ??? Director ? FIRIN ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 600 000 BGN ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? .

26 ?????? ???, ?? ?????? ?????? ?????? ??? ?????? ?? ?????? ??? .

27 ??? ??? ?????? ???, ?? Administrativen sad Veliko Tarnovo ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? :

«1) ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???

????? ??????????????? ??????????? ?????? ?????????????? ?????? ???
??????????????, ??? ?? ??????? ?? ???? 168, ??????? ??, ?? ??????? ?? ??
????? 65, 90, ??????? 1, ??? 185, ??????? 1, ??? ?????? 2006/112 [...] ??? ??????
??? ?? ??????? ??????? ??? ?????? ?? ?????????????? ??? ?? ?????? ??? ??????? ???
????, ??? ?????? ?????????????? ?/??? ??????????????, ? ?????? ?????????? ???
????????? ??? ?????? ?? ??? ?????? ??????????;;

2) ??? ?????? ??? ?? ??? ??????????? ???????, ??? ??????????? ?????? ???
????? ??? ??????????? ??? ??, ??? ?? ?????????????? ?????????? ??? (? ???
????) ?????? ? ?????? ?????????????? ?????????? ??? ?????????? ?? ??????????????
????? ??? ?????? ??? ??????? ??? ?? ?????? ?????????? ??? ?? ?????? ?????????? ???
??? ?????? ?????????? ?/??? ?? ??? ?????? ??? ??, ??? ?? ?? ?????? ???
????? ?????????? ?? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????? ??????????;;

3) ??? ?? ??? 205, ?? ??????? ?? ?? ??? 168, ??????? ??, ??? ?? ?? 193
??? ?????? ???, ?????????? ??? ??, ?????????? ??? ?? ?????????? ?????????? ??????????
????????? ???, ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?? ?????????? ???
????????? ??? ?????? ?? ?????? ?????????? ??? ?? ?????? ??? ?? ?????? ???
????????? ??? ?????? ?????????? ??? ?? ?????? ?????????? ?? ?????? ???, ?????? ???
??? ?????? ? ?????????? ?????? ?????????? ??? ?? ?????? ??? ?? ?????? ???
??? ??????, ??? ?????? ?????????? ??? ?? ?????? ?????????? ?????????? ???
????? ?? ?????? ?? ?????????? ?? ?????????? ??? ?????? ?? ?????? ??? ?? ?????? ???
??? ?? ?????? ???;;

4) ?? ? ?????? ??? ?????? ?????? ?????? ?????? ???????????, ??????????? ??? ?????? ??????
?? ??? ?????? ??? ?????????????? ??? ?? ?????????? ??? ?? ???????, ???' ??????
??? ?????? 205 ??? ?????? ???, ?????? ?????????? ??? ?? ?????? ??? ?? ?????? ???,
????? ?????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?? ?????????? ??? ?? ?????? ??????????
????? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ??? ?? ?????? ??????????
????? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ???, ??? ?????????? ??????????
????? ??? ?????? ??? ??????, ?? ?????? ?? ?????????? ??? ?????? ?????????? ???
??? ?????? ??? ??????;»

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

??? ?? ??????

28 ?? ?? ?????????? ?? ?? ?????? ?????????? ?????? ??? ?? ?????????? ??? ??????
??? ??????? ?? ?? ?????? 2006/112 ?? ??? ?? ?????? ?????? ??? ?????????? ???,
????, ??????, ?? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?? ??????
??, ??????, ?? ??? ?? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?? ?????? 205 ??? ?????? ???.

29 ?????? ?? ?????????? ??, ??? ?????? ??????????, ? ?????????? ??? ?????? 267 ???
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????????, ?? ??
????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
?? ?????????? (??., ?????? ???, ?????? ??? 19?? ?????????? 2013, C-279/12, Fish Legal
?? Shirley, ??? 29).

30 ??? ?????? ?? ?????????? ??, ?? ?????? ??? ?????? ?? ?????? ??? ??????
????????? ??? ?????? ??, ?? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ??????? ??? ??????? ??????? ??? ?? ?? ?????????? ? ?? ?????????????? ??? ??????? ??
??? ?????? ????, ??? ?? ??????? ??? ????? ?????????? ??? ?? ?????? ??? ?? ??????????
??? ??? ?? ??????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?? ?????? ??????
????????? ??? ?????????? ?????????? (?. ?????????? ?????? Fish Legal ??? Shirley,
????? 30).

31 ??? ??????? ?????????? ??? ?????? ?? ??? ? ??????? ??? ?????? ??? ??????? ???
??? ?????????? ??? ?????????? ??? FIRIN ??? ?????? ??? ??, ?????????? ??? ??
?????? ??? ?????????? ?????????? ??? ?????????? ?????????? ??? ?? ??????????
????????? ??? ?????? ??? ?????????? ??? FIRIN ?????????? ?????????? ??? ?? ??????????
??? ??? ??????? ??? ?????????? ??? ??? Agra Plani ???.

32 ??????, ??? ?? ?????? ??? ??????? ?? ?????????? ??? ??????? ???, ?? ???
????????? ??? ?????? ?? ?????? ??? ?? ?????? ?????????? ?????? ??? ?? ??????????
??? ?????????? ??? ?????? 205 ??? ?????? 2006/112 ?????? ?????? ??? ?? ?????? ?? ??
????????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?? ??????, ?????? ?? ??????
?????????.

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

33 ?? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ???, ?? ???
????? ?? ?????????? ??? ??????, ?? ?????? ?????????? ?????????? ???' ?????? ?? ??
????? 65, 90, ?????????? 1, 168, ????????, 185, ?????????? 1, ??? 193 ??? ??????
2006/112 ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??????
????????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????, ???,
????????? ??? ??? ?????? ???, ? ?????? ?????? ??? ?????? ??? ??????????????, ??? ?? ??? ??
? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?????????.

34 ?????????? ???, ??? ?? ?????? 167 ??? ?????? 2006/112, ?? ??????? ??????????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ??,
????? ?? ?????? 63 ??? ?????? ??????, ? ?????????? ?????? ?????? ?????????? ??? ?? ??????
????????? ?????????? ??? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??
????????? ??????.

35 ?? ??? 65 ??? ?????? 2006/112, ??? ?? ??????, ?? ?????????? ?????????? ???
??? ??? ?????? ??? ?????? ??? ?????? ??????????, ? ?????? ?????????? ?????????? ??? ??
????? ??? ??????????, ?????? ??? ?????? ??? ?????????? ??????, ?????????? ??????????
??? ??? ?????? ??? ?????? ??? ?????? 63 ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
(??????? ??? 21?? ?????????? 2006, C?419/02, BUPA Hospitals ??? Goldsborough
Developments, ?????? 2006, ?. I?1685, ??? 45).

36 ?????????? ? ??? ?? ??????? ?????????? ?? ??? ? ?????? ?????? ??????????, ?????? ??? ??
????????? ?????????? ??? ?????????? ??????, ?????? ??? ?????????? ?????????? ??????????
??? ?????????? ?????? ??????????, ?? ?????? ??? ?????? ??? ??????, ??????????,
????? ??? ??? ?????? ?????? ??? ?????????? ?? ?????? ?????????? ?? ?????????? ??
????? ? ?? ?????? (??? ??? ?????? ???, ?????????? ?????? BUPA Hospitals ???
Goldsborough Developments, ??? 48).

37 ?????????? ?? ?????????? ??? ?????????? ??? FIRIN ??? ?????? ?????? ??? ??????
????????? ??? ?????? ?? ?????????? ?? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???

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

? ?????????? ??????????????? ?? ? FIRIN, ?? ?????? ?? ?????? ?????????? ? ?????????? ???
????????? ???????????.

39 ??????????, ??? ?????? ?? ?????? ?????????????? ??? ?????? 24 ??? ?????????? ???, ??
????? 65 ??? ?????? 2006/112 ??? ?????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ???
????? ? ?????????? ??? ?????????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??????????. ?????? ??????????, ?????? ???, ?? ?????????? ?????? ?????????? ????????????

40 ????????, ?????????????? ??? ? ?????? ??? ??????????????, ??? ?????????????? ??? ??
????????? ?????? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
2006/112. ?? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ???
????????????? ??? ?????? ?????? ??? ?????? ?????????????? ? ?????????????????? ????. ????????,
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????????????? ?? ??? ?????? ???
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
?????????, ??? ? ?????????? ??? ?????????? ?????? ?????? ?????? ?? ?????? ??? ?????? ???
????????????? ??? (??? ??? ?????? ???, ?????? ??? 6?? ?????????? 2012, C-285/11,
Bonik, ?????? 35 ??? 37).

41 ??? ?????????? ??? ?????????? ??? ? ?????? ? ?????????? ??? ?????? ???
??????????. ????????, ??? ?????????? ???, ??? ?????????? ?? ??? ?????????? ?? ??????????????
????????? ??? ?????? ?????????? ?? ????????, ??? ?????, ??? ?????????? ?????? ???
????????? ?????????? ??? ?????????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??????
??? ??? ?????????? ??? ?????? ???, ????????, ??? ?????????? ?????????????? ??????????
(????????? ?????? Bonik, ?????? 38 ??? ??? ?????????? ??????????).

42 ????????, ??? ?????? ??? ?? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ???????, ??
?? ?????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ???
????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ??????
????? ??? ?????????? ? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????? ???, ?????????? ??? ?????????? ??? ?????????????? ??? ?????? ???
????????????? ??? ?? ?????? ?????????? ??? ?????? ?, ??? ?????? ?????? ??? ?????? ??? ??? ???
(????????? ?????? Bonik, ?????? 41 ??? ??? ?????????? ??????????).

43 ????????, ? ?????? ??? ?????? ?????? ?????????? ?????????? ?? ?????? ??? ?????? ???
????????? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????? (??., ??? ??? ??????
????, ?????????? ?????? Bonik, ?????? 42 ??? ??? ?????????? ??????????).

44 ??? ????????, ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ?????? ??? ?????? ??? ?????? ??? ?????? (????????? ?????? Bonik, ?????? 43
??? ??? ?????????? ??? ??????????).

45 ??????, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? 267 ???, ??
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ???.. ?????????? ???, ????????, ??? ??????
????????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????????? (??., ?????? ????, ???????????? ?????? Bonik).

46 ?????? ?????? ?????????? ?? ?????? ?????? ?????????? ?? ?????? ?????????? ??
????????? ?? ?????? ?????? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?????? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ? FIRIN ??? ??????
? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ?????? ??????.

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

48 ??????, ?????????? ?? ?????? 184 ??? 186 ??? ?????? 2006/112 ??????????
??? ?????????? ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?? ?????????? ??? ??
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? (??? ??? ?????? ???,
????? ??? 18? ?????? 2012, C?234/11, TETS Haskovo, ????? 26).

49 ??? ?????? ??? ?????? ?? ?????? ?????? ?? ?????? ?????????? ?? ?????? ?????? ??????
????????? ???, ?????? ?? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ??
??? ?????? ? ??? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??
? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??
????????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
????? 184 ??? 186 ??? ?????? (????????? ?????? ?????? TETS Haskovo, ????? 29 ??? ???
????????? ?????? ??????).

50 ??????, ? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?? . ?????? ??? ?????? ? ?????????? ?????? ?????? ?????? ?????? ?????? ???, ??? ??
????????? ??? ? ?????????? ??? ??, ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ??
????????? ??? ? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ?????? ?????? ?????? (????????? ?????? ?????? TETS Haskovo, ?????? 30 ??? 31).

51 ??? ?????? ?? ?????? ?????????? ?????????? ?????????? ?????? ?????? ??? ??????
??? ??????, ?? ?????? 185, ?????????? 1, ??? ?????? 2006/112 ?????????? ??? ??
????? ?? ?????????? ?????? ?????? ?????? ?????? ???, ??? ?? ?????? ??? ?????? ??? ??
????????? ???, ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?? ?????? ?????? (????????? ?????? ?????? TETS Haskovo, ???
32).

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

53 ?? ?????????? ??? ??? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????????????? ???

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

??????? ??? ?????????? ?????????? ???, ??? ??? ?????? 2006/112 ?????????? ??? ?? ???

????????? ??? ?????????? ???' ?????? ??? ?????? ??????????.

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

????? ??? ?? ??? ?????????? ?????????? ???, ??????? ?? ?? ?????? 203 ??? ??????

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

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

????????? ?? ?? ?????? 63 ??? 167 ??? ?????? ?????? (?????? ??? 31?? ?????????? 2013,
C?643/11, LVK — 56, ?????? 46 ??? 47).

55 ?? ?????? ???????, ? ?????? ??? ?????? ??? ?????????? ?????????????? ??????????????

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

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

????????? ?????????? ?????? (????????? ??? LVK — 56, ?????? 48).

56 ??????, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? 43 ??? ?????????? ???,

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

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

65, 90 ??? 193 ??? ?????? 2006/112 ?????? ??? ?????? ?????????? ??? ?????? ??? ??????

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

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

?????????, ?????? ??? 29?? ?????? 2001, C?86/99, Freemans, ?????? 2001, ?. I?4167,
????? 35).

57 ??? ??? ??????? ????, ??? ?? ??? ?????? ??? ?????????? ??? ?????????? ???

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

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

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

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

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

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

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

????????? ??? ?? ??? 65, 90, ?????????? 1, 168, ??????? ??, 185, ?????????? 1, ??? 193

??? ?????? 2006/112 ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

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

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

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

59 ?????? ??? ? ?????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ???

??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ???, ?' ???

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

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

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

?? ??? 65, 90, ?????????? 1, 168, ??????? ?, 185, ?????????? 1, ??? 193 ???
?????? 2006/112/?? ?? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ???
?????? ????? ?????????????? ????, ?????????? ??? ?????????????? ??? ??????????
?? ????? ?????????????? ????, ??? ?????? ?????? ?????? ? ?????????? ??????????
????????? ?????? ?????????? ??? ???????, ???, ??? ?????????? ????
?? ?????? ??????, ? ?????? ?????? ??? ???????????????, ????? ??? ?? ?
????????? ?????????? ?? ?????? ??? ?????? ??? ??? ????? ?????????? ????
?????????.

(?????????)

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