

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

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

??? 19?? ?????????? 2017 (\*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??????  
2006/112/?? – ?????????? ?????????? – ?????????????? ?????????? – ?????? 273 – ?????? ?????? –  
????????????? ??? ?????????????? ??? ?????????????? – ?????????? ?????????? ???  
????????????? ??? ?????????? “?????????” ??? ?? ?????????? ??? – ??????????  
????????????? – ?????? ?????????????? ??? ?????????????? ?????????? – ?????????????? –  
????? ?????????????? ?????????? ??? ?????????????? ??? ?????????????? ?????????????? ?????????????? ?  
????? ?????????????? ?????? – ?????????????? ?????????????? ??? ?????????????? ?????????????? ???  
????????????? ?????? – ??? ?????????? ?????»

???? ??????? C-101/16,

?? ??????????? ?????? ?????????????? ?????????? ??????? 267 ????, ???  
?????? ?? Curtea de Apel Cluj (?????? ??? Cluj, ???????) ?? ??????? ??? 21?? ???????????  
2016, ? ?????? ??????? ??? ?????????? ??? 19 ??????????? 2016, ??? ??????? ??? ???

### **SC Paper Consult SRL**

????

**Direc?ia Regional? a Finan?elor Publice Cluj-Napoca,**

**Administra?ia Jude?ean? a Finan?elor Publice Bistri?a-N?s?ud,**

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

?????????? ??? ??? M. Ilie?i?, ?????? ???????, A. Rosas (?????????), C. Toader, A. Prechal  
?? E. Jara?nas, ????????,

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

?????????: L. Carrasco Marco, ?????????? ??????????,

?????? ?????? ??? ?????? ?????????? ??? ??????? ??? ??' ?????????? ??? ?????????? ???  
26?? ?????????? 2017,

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

– ? SC Paper Consult SRL, ?????????????? ??? A. Bora, avocat,

– ? ?????????? ???????, ?????????????? ??? M. Bejenar ??? E. Gane, ????? ???  
??? ??? R. H. Radu,

– ? ?????????? ???????, ?????????????? ??? M. Owsiany-Hornung ????? ??? ???  
??? G.-D. Balan,

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

?? 31?? ????? 2017,

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

??????

1 ? ?????? ?????????????? ?????????? ??? ?????????? ??? ?????????? 2006/112/?? ???  
??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ????? ?????? ?????? ??????????????  
????? (?? 2006, L 347, ?. 1), ??? ?????????????? ?? ?? ?????? 2010/45/?? ??? ??????????,  
??? 13?? ?????? 2010 (?? 2010, L 189, ?. 1, ??? ????: ?????? 2006/112).

2 ? ?????? ?????????? ??? ?????? ???????, ??????, ??? ?????? SC Paper  
Consult SRL (???: Paper Consult) ???, ????????, ??? Direc?ia Regional? a Finan?elor  
Publice Cluj-Napoca (????????????? ?????????? ?????????? ?????????? ??? Cluj-Napoca,  
?????????) ??? ??? Administra?ia Jude?ean? a Finan?elor Publice Bistri?a-N?s?ud  
(????????????? ?????????? ?????????? ?????????? ??? Bistri?a-N?s?ud, ??????????)? ??  
????????? ???, ? Paper Consult ?????????? ??? ?????????? ?????????? ?? ??? ?????? ???  
????????????? ?? ??????? ??? ?? ??????? ??? ????? ?????????????? ????? (???) ??? ???  
????????? ??? ?? ?????? ??? ?????? Rom Packaging SPRL (???: Rom Packaging)  
????????? ???????, ?? ??? ?????????? ??? ? ?????????? ??? ?????? ?????? ??? ??????????  
«?????????» ?????????????? ??? ?????? ??? ?????????? ?????????? ??? ??????????.

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

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

? ?????? 2006/112

3 ? ?????????? ??? 59 ??? ?????? 2006/112 ??? ?? ??????????:

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

4 ?? ?????? 1, ?????????? 2, ??????? ??????, ??? ?????? 2006/112, ???  
????????????? ??? ????|? ??? ?????? ?????????? «????????????? ??? ???  
?????????», ?????????? ?? ????:

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

5 ?? ?????? 168 ??? ?? ??? ??????, ??? ?????????????? ??? ?????? ??? X ? ??????  
????????? «?????????», ??? ?? ????:

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

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

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

[...]]>.

6      ????? ?? ?????? 178, ?????????? ??, ??? ??????? 2006/112:

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

) ??? ??? ?????????????? ??? ?????? 168, ?????????? ??, ????????, ????? ?????? ???  
?????????? ??????? ??? ??? ?????? ?????????? ??????????, ?? ??????? ??????????, ?? ?????? ???  
?????? ??????? ?? ?? ?????? 3 ??? 6 ??? ?????????? 3 ??? ?????? XI».

7 ?? ?????? 214, ??????????? 1, ?????????? ?, ??? ??????? ?????? ?????????? ?? ??????????:

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

?) ???? ??????????? ???, ????, ?????? ?????? ??? ?????????????? ??? ?????? 9, ???????????  
2, ? ?????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ?????? ? ??????  
????????? ??? ?? ???? ?????? ??? ?????????? ?????????? ?????????, ?????? ??? ??????????  
?????? ? ??? ?????? ?????????? ??? ?? ?????? ? ??? ?????????? ?????????????? ??? ??  
????? ?????????? ? ??? ?????????? ??? ?????????? ?? ? ?? ?????? 194 ??? 197 ??? ?? ??????  
199».

8      ????? ?? ?????? 273, ?????? ???????, ??? ??????? 2006/112:

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

? ?????????? (?) 904/2010

9 ? ?????????? (?) 904/2010 ??? ??????????, ??? 7?? ?????????? 2010, ??? ??  
????????? ?????????? ??? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ??? (?? 2010, L 268, ?. 1), ???????? ?????????? ??? ?????????? (EK)  
1798/2003 ??? ??????????, ??? 7?? ?????????? 2003, ??? ?? ?????????? ?????????? ???  
????? ??? ??? ?????????? ??? ?????? ??? ??? ?????????? ??? ?????????? (???) 218/92 (??  
2003, L 264, ?. 1). ?????? ???, ???????? ?? ?????????? ??? ?????????? ??? ??????????  
????????? ??? ?????????? ?????????? ??? ?????????? (VAT Information  
Exchange System, ??? ????: VIES).

10    ? ?????????????? ?????? 16 ??? ?????????????? ?????? ?????? ?? ???????????;

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

11 ?? ?????? 17, ??????????? 1, ?????????? ??, ??? ??????????? 904/2010 ?????????? ???

????? ???? ??????????? ?????? ??? VIES ?? ??????? ??????? ?? ??? ???? ???????  
?????????? ?????? ??? ??? ??? ????? ??????? ??? ?? ?????? ?????? ?????? ?????.

12 ??? ???? ?? ????? 23 ??? ?????????? ??????, ? ?????????? ????? ?? ??????? ?? ?????????? ???  
??? ??????? ??? ?????? ??? ????? ?????????? ?????????? ???, ??? ?? ?????? ??????????,  
?? ??????? ??? ??? ??? ?????? ?????????? ??? ??? ?????????? ?????? ??? ???  
????? ??? ??? ?????? ??? ?????????? ??? ??? ?????? ??? ?????? ?????? ??? ???  
??? ??? ??????????, ? ????, ???, ??? ?? ?????????? ?????? ?????? ?????? ?????? ??????  
????????? ? ??? ????? ?????????? ??? ?????? ??? ?????????? ???.

13 ??? ?? ??? 62, ??????? ??????, ??? ?????????? 904/2010, ?? ??? 17 ??? ??  
????? ??????? ??? ??? ?????? ??? ?????????? ?????????????? ??? ?????? ???.

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

14 ??? ??? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????? ???, ?? ???  
78bis, ?????????? 1, ??? ordonan?a Guvernului nr. 92/2003 privind Codul de procedur? fiscal?,  
republicat?, cu modific?riile ?i complet?riile ulterioare (????????????? ?????????? 92/2003 ???  
????? ?????????? ??????????, ??? ?????????? ???, ?? ??? ?????????? ???  
????????? ??? ??????????) ????? ?? ???:

«????? ??????/????????????????????????????????????? ??????????????????

? ? ?????????? ??? ?????? ?????? ?????? ? ?????????? ??? ?????? ?????? ???  
????????????? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????? 11, ?????????? 1bis ??? 1ter, ??? ?????? 571/2003 ??? ??? ?????????? ???,  
????? ?????????? ??? ?????? [(??? ????: ?????????? ???)], ?? ?????? ???  
??? ??? ?????? ??? ??????????, ??? ???:

a) ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??? ?????? ???  
????????? ???

b) ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ???

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

15 ?? ??? 11, ?????????? 1bis, ??? ?????????? ??? ?????? ??? ?????? ?? ???

«?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? 78 ??? [????????? 92/2003] ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???, ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? [??]  
??? ?????? ??? ?????????? ???.

16 ?? ??? 11, ?????????? 1ter, ??? ?????????? ??? ?????? ??? ?? ???:

«?? ?????? ??? ?????? ???/? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??????/????????? ??? ?????? ??? ?????? ??? [??] ??? ?????? ???

?????????? ??, ??????????? ?? ???? ?????? ??? ?????? ??? ?????????????????? ??? ???????  
?????????? ?????????? ?????????? ?????/? ??? ?????????? ?????/????????? ???  
?????????? ??? ???? ??? ?????? ?????? ?? ?????????? ?????????? ??? ??? ?????? ???  
????? 85/2006 ??? ?????? ?????????? ??????????, ??? ?????????? ???  
??????????.»

17 ?? ????? 21, ?????????? 4, ??????? r, ??? ?????????? ?????? ??? ?? ??????????:  
«??? ??? ?????? ??? ?????? ??? ??????: [...]»

(r) ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ?????????? ?????, ??? ?????? ? ?????? ?????? ?????? ??? ??????????  
????? ??? ?????? ?????? ?? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ???????.»

18 ?? ????? 3 ??? ordinul Pre?edintelui Agen?iei Na?ionale de Administrare Fiscal? («ANAF»)  
nr. 819/2008 (????????? 819/2008 ??? ?????? ??? ?????? ?????????? ???,  
?????????, ??? ????: ANAF) ?????? ?? ??????:

«1. ?? ?????????? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? [ANAF] ??? ??? ?????? ?????????? ? ?????????? ???  
????????? ??? ?????????? ??????.

2. ? ?????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ???  
??? [ANAF] ??? ?????????? ??? ?????? ?????????? ???, ??? ??? “?????????  
????????? – ?????????? ?????? ?? ??? ?????? ??????????”.»

3. H ?????? ??? ?????? ??? [ANAF] ??? ??? ?????? ?????????? ? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? 15 ?????? ??? ???  
????????? ??? ?????? ???, ?????? ?? ?? 44, ?????????? 3, ??? [????????? 92/2003].»

19 ?? ??????? 1 ??? ?????????? ?????? 3347/2011 ??? ?????? ??? ANAF, ???  
????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ??????  
78bis, ?????????? 1, ?????? a, ??? ?????? 92/2003, ?????????? ??? ??????????  
????????? ??? ?????? ????:

«– 100 “????? ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ??????  
??????????”?

– 112 “????? ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????”?

– 101 “????? ?????? ?? ??? ?????? ??? ?????? ????”?

– 300 “????? ?????? ?? ??? [??]”?

– 301 “????? ?????? ?? ??? [??]”?

– 390 VIES “????????????? ?????? ?????? ?????????? ??????/????????? ????”?

– 394 “????????????? ?????? ?????? ?? ??? ?????????? ??????/????????? ????”?  
?? ?????? ??? ?????? ????”.

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

20 ?? ??????? ?? 11?? ???? 2012 ?? ?????????? ?? ??? ?????????? ?? ? Rom  
Packaging, ?? ??? ?? ?????????? (????????), ??? ?????? ?????? ??? Paper  
Consult, ?? ??? ?? Bistri?a-N?s?ud (????????), ?????? ?????? 190 340 ?????????? ??  
(RON, ?????? 44 560 ???) ?? ?????????? ??? ?, ??? ?????? ?????? ??????  
????????? ?????????? ??? 3 ?????????? 2011.

21 ?????????? ??? ? Rom Packaging ????? ?????????? ?????????? ?????????????????? ??? ??? 7  
????????? 2010 ??? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????????????? ??? ??? ??? 1??  
????????? 2010 ??? ?? ?????????? ??? ?????????????? ??? ??? ??? ??? ?????????????? ??????????,  
??? ?????????? ??? ?? ?????? 11, ?????????? 1ter, ??? ?????????? ??? ??????, ??  
????????? ??? ????? ?????????? ??? ? Paper Consult ??? ?????????? ?? ??????? ?? ??? ??? ??? ??  
45 680 RON (?????? 10 694 ???), ??? ?? ??? ??? ?????????? ?? ??? ??? ??? ??? ??  
????? ??? Rom Packaging ?????? ??????????.

22 ? ?????????? ?????? ??? ?????? ? Paper Consult ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 17? ?????? 2014 ??? ?????? ?????????????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? Cluj-Napoca. ??? ????????, ? ?????? ?????? ??? ?????? ? Paper Consult ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 8? ?????? 2015, ?????? ??? ???? Tribunalul Bistri?a-N?s?ud (????????? ??? Bistri?a-N?s?ud).

25     ?? ?????? ??????????? ??????????, ?????????, ???, ??? ?? ?????????? ???  
??????????, ? ??????????? ??? ???????????, ??? ?????????? ?? ???? ???? ??????????  
????????? ?????? ??? ?????? ?????? 2006/112 ?????????? ??? ???????????, ?????? ??  
?????? ?????? ??? ?????? ?????? ??????? ?? ??? ??? ??? ??????????????. ??? ?? ??????????  
???, ??? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????????? ?? ?????????? ?? ???  
????????? ??????, ??? ?????????? ??? ANAF, ?? ??? ?? ?????? ?? ?? ??????  
????? ??? ?????? ?? ???????, ?????????? ?? ?????????? ?? ?????????? ?? ??? ?????? ?????? ?  
?? ??????? «????????? ??????????????». ??????, ?? ??? ??? ?????????? ?????????? ?? ???  
?? ?????????? ?????????? ??? ?????????? ?????????? ?? ??? ?????? ??????????.

«1) ??????????? ? ?????? 2006/112 ?? ?????? ??????? ? ?????? ??? ??????????? ??  
?????????? ??? ???? ?? ??????? ?????????? ??? ??? ??? ??? ??? ??? ??? ??? ??? ???,  
? ?????? ??????? ?? ?????????? ??? ????? ?????????????? ??????? ?? ?????? ??? ???? , ???  
????????? ?????????? ?????????????? ??? ?? ?????????? ???;

2) ?? ?????????? ?????????? ?????????? ??? ?????? ???????, ??????????? ?? ??????  
2006/112 ?? ?????? ??????? ??? ?????? ??? ??????, ??? ?? ??? ??????????? ???????  
????????? ??? ??? ??? ??? ?????????? ??? ?????????? ??? ?????? ???????, ?????? ?  
????????? ??? ??? [ANAF] ??? ??????? ??? ?????????? ??? ?????????? ??? ?????? ???????  
????????? ??? ? ?????????? ??? ????? ?????????? ??? ??? ?? ??? ?????? ???????, ???  
????? “????????? ?????????? – ?????????? ??? ?????? ?????????? ??????”;»

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

27 ? ?????????? ?????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????????????? ???????????,  
????????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ? ??????? ??? ?????????? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ??????  
??? ???????, ?????????? ??? ?? ?????????? ??? Paper Consult ?????? ?????????? ??  
?? ?????????? ??? ?????????????? ??? ?????? ??? Rom Packaging ?? ???????  
????????????? ??? ??? ?? ?????????? ??? ?????? ?????????? ?????????????? ?? ???????????,  
????? ??? ?????? ??? ??? ?????? ??????.

28 ?????????? ?? ?????????? ???, ??? ?????? ???????, ??? ?????? ??? ??????? ??  
????????? ??? ?????? ??? ?????????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??  
????? 267 ????, ??? ?? ?????? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??  
????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????  
?? ???????, ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ???  
????????????? ??? ?????? ??? ?????? ?????????? ?????????? ?? ?????????? ?? ?????? ??? ??????  
?? ??? ??? ?? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ???????, ??????  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????, ?? ??????????  
??????, ???????, ?? ?????? (????????? ??? 15?? ?????????? 2013, Križan .??., C-  
416/10, EU:C:2013:8, ??? 53, ??? ??? 21?? ?????????? 2016, Vervloet .??., C-76/15,  
EU:C:2016:975, ??? 56).

29 ???????, ??? ??? ?????????? ??? ??????? ?? ?????? ??? ?????? ??? ?????? ??????????  
????????? ??? ?????? ??????? ??????? ??????? ??? ?????? ??? ?????? ?????????? ?? ??????????  
????? ?? ??????? ?? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ??????  
????????? ??? ?? ?? ?????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????? ?? ?????????? ??? ?????? ?????????? ???, ???, ??? ?? ?????????? ??? ?????? ??? ??????  
????????? ? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????? ??? ?????? ?????? (????????? ??? 15?? ?????????? 2013,  
Križan .??., C-416/10, EU:C:2013:8, ??? 54, ??? ??? 21?? ?????????? 2016, Vervloet  
.??., C-76/15, EU:C:2016:975, ??? 57).

30 ?? ??????????, ?? ?????? ?????????? ??????? ??? ?????? ??? ?????? ??? ???, ??? ???????  
????? ?????????? ??? ?? ?????????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ANAF, ? Paper Consult ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???  
?? . ?? ? ??????, ?? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
?? ?????????? ??? ??? ?????? ??? ?????? 2006/112.

31      ????????, ??? ?????????? ???????? ??? ? ???????? ??? ???????? ??? ???????? ??? ?????  
?? ?????? ?????????? ?????? ?????????? ?? ?? ?????????? ??? ?????? ??? ?????? ??? ??????  
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33    ?? ?? ?????????? ???, ???. ????? ?? ??????????? ???. ???????, ?? ?????? ???????????  
?????? ?? ??????????????, ???' ??????, ?? ? ?????? 2006/112 ????. ??? ?????? ???  
????????????? ?? ?????? ???????, ????? ? ??????? ????? ?????? ????, ? ?????? ??? ???????????  
?? ??????? ???. ?????? ??????? ???. ??? ???. ?????????? ?????? ?????? ????. ??? ???. ??? ???.  
????????????? ???. ??? ???. ?????? ??????? ?????????? ?????????? ?????? ????.  
????????????? ???. ??? ???. ?????? ??????? ???. ??? ? ??????? ?????? ????. ?????? ?????? ????.  
????????? ????. ??? ???. ???????, ??? ? ?????????? ?????? ?????? ?????? ?????? ????.  
????????? ????. ??? ???. ???????, ??? ???. ?????? ??????? ???. ??? ???. ?????? ????.

34      ?? ?? ??? ?????????? ????????, ???' ??????, ?? ?????????? ??????, ??????, ???  
?????????? ???. ??????, ??? ?????? ??????? ??????? ?????? ???. ?????????? ???. ??? ???. ???,  
???????, ??? ??????????????? ???. ??????????????, ??? ?????????? ?????? ???. ?????? ???. ?????? ? ??????  
2006/112 ?????????? ???. ??????????.

35      ????? ?????? ?? ????????, ?????? ??????????????? ????, ????, ?????  
??????????, ?? ????????, ?? ?????????????? ?? ?????? ?????? ?????? ?? ?????????? ?? ???? ???  
?????????? ?? ?? ?? ?? ?? ?? ?????? ? ?????? ?????????? ? ?????????????? ?? ?????????? ?? ?? ??  
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????????? ?? ?? ?? ?????? ?????????? ?? ?? ?? ?????? ?????? ?? ?? ?? ?????????? ?? ?? ??  
????? (??., ????, ?????????? ?? 25?? ?????????? 2001, ?????????? ????, ??????, C?78/00,  
EU:C:2001:579, ????, 28, ????, ????, 21?? ?????? 2012, Mahagében ??? Dávid, C-80/11  
???, C-142/11, EU:C:2012:373, ????, 37).

36      ?????? ?????? ?????????????????? ???????? ?? ????????????, ?? ?? ?????? ?????????? ??? ?????? ??  
?? ?????? ?????????????? ??? ?????? 167 ???. ??? ?????? 2006/112 ??????? ??????????????  
????? ??? ?????????? ??? ??? ??? ??? ??????, ????????, ?? ??????????????. ????????????, ??  
????????? ??? ?????? ??????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
?????? ?????? (??., ?????, ?????????? ??? 21?? ?????? 2000, Gabalfrisa ?.., C-110/98  
?? C-147/98, EU:C:2000:145, ????? 43, ????? ??? ??? 21?? ?????? 2012, Mahagében ???  
Dávid, C-80/11 ??? C?142/11, EU:C:2012:373, ????? 38).

37    ?? ??????? ?? ?????????? ?????????? ??? ?? ?????????????? ??????? ?  
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????????? ??? ?????? ? ??? ?????????? ???, ??? ?? ?????????? ??? ??  
????????? ??? ?????? ?????? ???' ??? (??., ????, ??????? ?? 21??  
?????? 2000, Gabalfrisa ??., C?110/98 ?? C-147/98, EU:C:2000:145, ??? 44, ??? ??  
?? 21?? ??????? 2012, Mahagében ??? Dávid, C-80/11 ?? C-142/11, EU:C:2012:373, ???  
39).

38 ??????????, ?? ??????? ?????????? ??? ??? ?????????? ??? ??? ?????? ???  
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39 ??? ?????? ??? ?????????? ?????????? ? ??????????????, ??? ?? ??? 168, ???????  
??, ??? ?????? 2006/112 ????????, ??? ?? ?????? ??? ?????????? ??????????,  
??????, ? ?????????????? ?????? ?? ????? «????????????? ??? ?????» ??? ?? ???????  
?? ??? ?????? ??, ???????, ?? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??????  
??? ?? ??? ?????? ?????????? ?????? ?? ?????????????? ?? ??? ?????? ??? ?? ??????  
???? ?????? ??? ?????? ?????? ?? ?????? ?????????? ?????? ???, ?? ?????? ??????,  
?? ?? ??? ?????? ?????? ?????? ?????? ?? ?????????? ??? ?????? ?????????? ??? ?????? (??.  
????????, ?????, ?????????? ??? 6?? ?????????? 2012, Tóth, C-324/11, EU:C:2012:549, ???  
26, ??? ?? 22?? ?????? 2015, PPUH Stehcemp, C-277/14, EU:C:2015:719, ??? 28  
??? ?? ?????????? ??????).

40 ??? ?????? ??? ?????? ?????????? ??? ?????????? ??????????, ? ?????? ?????????? ??  
?? ?????? ?????? ?????????? ? ?????????? , ?? ?????? 178, ????????, ??, ??? ??????  
2006/112 ????????, ??? ? ?????????? ??? ?????? ?????? ?? ?????? ?????????? ??????  
????????? ?? ?? ?????? 220 ?? 236 ?? ?? ?????? 238 ?? 240 ???.

41 ??? ?????? ??????????, ? ?????????? ??? ?????? ?????????????? ??? ?? ?????? ??????  
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????????????? ??? ?????? ?????? ?????????? ?? ?????????? ?????????? ?????????? ??????????  
(????????? ??? 12?? ?????? 2012, EMS-Bulgaria Transport, C-284/11, EU:C:2012:458, ???  
62 ??? ??? ?????????? ??????, ??? ?? 28?? ?????? 2016, Astone, C-332/15,  
EU:C:2016:614, ??? 45).

42 ??? ?????? ?????????? ?? ??? ?????? ?? ? ?? ?????? ??? ?????? ??? ?????? ???  
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????????? ??? ?????????? ?????? (????????? ??? 12?? ?????? 2012, EMS-Bulgaria  
Transport, C-284/11, EU:C:2012:458, ??? 71, ??? ?? 28?? ?????? 2016, Astone, C-  
332/15, EU:C:2016:614, ??? 46). ??? ?? ?????????? 6?? ??????, ??? ?? 40 ?? 43 ??  
????????? ? ?????? ?????????? ??? ?????? 40 ?? 43 ?? ?????????? ???, ??? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

43 ??????, ??? ?????? ??????????, ?? ?????????? ??? ?????? ?????????? ?? ?????????? ???  
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?????????, ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??????????????. ????????, ?  
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(????????? ??? 21?? ?????? 2012, Mahagében ??? Dávid, C-80/11 ??? C-142/11,  
EU:C:2012:373, ?????? 42 ??? 43 ??? ?????? ?????????? ??????????).

44 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????, ??? ?? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ???  
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? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
????????? ?, ??????????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???  
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?? ??? ??????????????, ? ?????? ??? ??? ?????? ?? ?????????????? ?????? ?????????????? ??? ??  
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45 ? ?????????? ?????????? ?????????? ?? ??? ?????????????? ???, ?????????????? ?? ??????????  
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2015, ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??????????  
??? ???????, ???????, ??? ? ?????????? ??? ?????? 2013, ? ?????? ?????? ???  
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41,1 %.

46 ??' ?????, ??????, ? ?????????? ?????????? ?????????????, ??? ?????? ??' ??????????????  
????????, ??? ? ?????? ?????? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ???  
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47 ????? ????????, ? ???????? ??? ?????? ?????? ?????? ?????????? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? 4, ?????????? 3, ???, ??  
????? 325 ????, ?? ?????? 2, ?? ?????? 250, ?????????? 1, ??? ?? ?????? 273 ??? ?????? ???,  
?? ??????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???  
??? ??????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? (?????? ??? 17?? ?????????? 2015, WebMindLicenses,  
C419/14, EU:C:2015:832, ??? 41 ??? ?????? ?????????? ??? ??????). ???????, ??????  
????? ?????? ??????, ??????, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
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????? ?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??.  
????? ??? 26?? ?????????? 2013, Åkerberg Fransson, C-617/10, EU:C:2013:105, ??? 26).

48 ??????, ?????????? ??? ?? ??? ?????? ??? ?????? ?????????????? ?? ?????????? ??? ??????????  
?? ?????????? ??? ???, ??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???  
??? ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? (??. ?????? ??? 9??  
?????? 2015, Cabinet Medical Veterinar Dr. Tomoiag? Andrei, C-144/14, EU:C:2015:452, ???  
26 ??? ??? ?????????? ??? ??????).

49 ??? ?? ??? 273, ??? ?????, ??? ?????? 2006/112, ?? ?????? ??? ?????? ???  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???, ???  
??? ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
??? ??????.

50 ????????, ?? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ??? ???  
????? ??? ?????????? ??? ??? ???, ?? ?? ??????, ??? ?????????? ??? ??? (????????? ???  
21?? ?????? 2000, Gabalfrisa ?.??., C?110/98 ??? C-147/98, EU:C:2000:145 ??? 52, ???  
??? ??? 21?? ?????? 2012, Mahagében ??? Dávid, C-80/11 ??? C-142/11, EU:C:2012:373,

????? 57).

52 ???????????, ?? ?????? ??? ?????? ??? ??????????? ?? ??????????? ??? ??  
?????????????? ??????????????? ?? ????? ??????????? ????? ?? ??????? ??????? ?? ??  
?????? ??????????? ?? ??????????? ??? ? ?????? ??? ????? ????? ??????????????? ??  
??? ?? ??????????? ?? ??????????? ??? ?? ??????????? (??., ???????, ??????????? ?? 27??  
?????????? 2007, Teleos ?.??., C-409/04, EU:C:2007:548, ??????? 65 ??? 68, ????? ?? ??  
21?? ??????? 2012, Mahagében ??? Dávid, C-80/11 ??? C-142/11, EU:C:2012:373, ????? 54).

53      ????????, ??????????? ? ?????????? ??? ? ??????? ????? ????? ????? ?????? ?????? ?????? ???????  
??? ?????????? ??? ??????????? ??? ?? ?????? ?? ?????? ??? ?????????? ?????? ?????? ?????? ??????  
????? ?????? ??????????? ?? ?????? ? ???????, ??? ?????? ??? ?????????? ??? ?? ?????? ????  
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??? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????????? ??? ?? ?????? ?????? ???????,  
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??? ??????????, ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????????????? ??? ?? ?????? ?????????? ???  
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54 ????????, ? ????. ?????????? ???. ?????????????? ???. ?????????????? ???. ?????????????? ???.  
????????????? ???. ??? ???. ?????????? ???. ?????????????? ???. ?????????????? ???. ?????????????? ???.  
????????? ???. ??? ???. ??? ANAF ???. ?????????? ???. ?????????????? ???. ????? ??? ??????????  
?????, ??? ?????? ???. ??? ?????? ?????????? ???. ?????? ??????.

55      ?????, ?????????? ???, ?????????????? ??? ?????????????? ??? ????? ???? ?? ?????? ??? ???? ??  
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56 ??????? ? ??????? ?????????? ??? ?????????????? ??? ?????? ??? ????? ?????????????? ???????  
?????? ?? ?????????? ??????? ?????????? ???????, ??????, ?????? ??? ?????????????? ??? ?????  
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????????????? ??? ?????????? ???????, ???, ?? ??? ?????????? ??? ?????????? ???  
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11, ?????????? 1ter, ??? ?????????? ?????? ?????? ?????????? ?? ??????????, ?????? ?  
????????? ??? ?????? ??? ?????? ?????? ??? ?? ?????? ?? ?????????? ?? ?????????? ???  
?????? ??? ????. ???????, ?? ??? 11, ?????????? 1bis, ??? ?????????? ???  
????????? ??? ? ?????????????? ??? «?????????????????????» ??? ???? ??????????, ???  
??? «?????????????????????» ??? ??? ?? ?????????? ??? ??? ??? ?????? ? ?????????? ???

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57 ???????, ? ?????????? ?????????? ??????? ?? ? ??????? ?????????? ??????????????  
??? ??, ??? 1?? ?????????? 2017, ?? ??????? ?????????????????????? ??????????????  
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?? ?? ?? ?????? ???????.

58 Paper Consult, Rom Packaging Paper Consult. Rom Packaging Paper Consult.

59    ?? ??? ?????????? ???. ?????????????? ???. ????? ?????? ?????? ?? ?????? ?? ??????  
??????????, ?????????? ???. ?? ????? 11, ?????????? 1ter, ???. ?????????????? ??????, ???. ??  
????? ???. ???. ?????? ?????? ?????? ?????? ?????????? ???. ?????????????? ?????????? ???. ???. ???.  
????? ??????, ???. ?????????? ?????????? ?????????? ?????????????? ???. ???. ???. ?????????? ???.  
????????????? ???. ???. ?????????? ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???.  
???.  
????????? ???. ???. ?????????? ???. ???. ?????????? ???. ???. ???. ???. ???. ???. ???. ???. ???. ???.

60 ? ??????? ???????????, ????, ??? ?????????? ??? ????? ?? ?????????? ??? ??  
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????????????? ??? ?????????????? ??? ????? 2006/112 ???, ?????, ??? ? ??? ?????  
????????? ??? ?????? ?????? ??? ??? ???? ?????????????? ?????????? ??? ????? ??  
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61 ????????, ??? ?????????? ?????????? ?????? ?? ?????? ? ?????????? ??? ? ???????  
2006/112 ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ??????, ??? ? ?????? ???  
?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????????? ?????? ??????? ??? ??????  
??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ??? ??? ??????  
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??? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??????, ??? ? ??????????  
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????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ? ?? ??? ?????? ?????? ?????????? ???  
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62     ? ?????????? ?????????? ?????? ?? ? ????????????, ?? ?????????? ??? ??? ????? ?????? ???  
?? ?????? ?? ???? ?????? ??????????? ?? ?????????? ??? ???? ? ?????? ?? ?????? ??? ?????? ??? ??????  
?????, ?? ?????????? ?? ???? ?????? ?????????? ??? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ???  
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63      ????? ?????????? ??? ?????????????? ???, ? ?????????????? ??? ????? ??????????, ???????, ??? ????? ????

??????, ??? ?????????? ??? ?????????????? ?????????? ??? ?????? ?? ?????????????? ???  
?????????? ??? ???????????, ??? ???? ?? ?????????? ??? ?????? ?? ??? ?????????? «EU  
Pilot» ??????? ?? ??? ?????????? ??? ?????? ??? ?????? ?????? ???????, ??? ?????????? ??? ??????,  
????? ??? ?????????? ??? ?????? ?????? ?????? ?????, ? ?????????? ??? ?????? ??? ?????? ???  
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????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
64    ???????, ?????????????? ???, ??? ?????? ??????????, ? ?????????? ??? ?????? ?????? ??  
??????????, ??? ???? ?????? ??? ?????????????? ??? ???? ?????? ?? ?????? 267 ???, ??  
?????? ??? ??????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????????? ???  
??? ?? ??? ?????? ??????, ??? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ???  
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????? ??? ?????? ?????? (???. ?????????? ??? 10?? ????? 2012, Santander Asset Management SGIIC  
??., C-338/11 ??? C-347/11, EU:C:2012:286, ????? 58, ????? ??? ??? 22?? ???????????  
2016, Microsoft Mobile Sales International ??., C-110/15, EU:C:2016:717, ????? 59).

65    ?????? ??? ??????????? ??? ?????? ?? ???????????, ???' ?????????? ??? ?????????? ??  
?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???????, ?? ?????????? ???  
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????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? (???. ?????????? ??? 10?? ????? 2012,  
Santander Asset Management SGIIC ??., C-338/11 ??? C-347/11, EU:C:2012:286, ????? 59,  
????? ??? ??? 22?? ?????????? 2016, Microsoft Mobile Sales International ??., C-110/15,  
EU:C:2016:717, ????? 60).

66    ???????????, ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????????? ???????????, ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???????????  
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????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ??? ?????? (???. ?????????? ??? 10?? ????? 2012, Santander Asset Management  
SGIIC ??., C-338/11 ??? C-347/11, EU:C:2012:286, ????? 60, ????? ??? ??? 22??  
????????? 2016, Microsoft Mobile Sales International ??., C-110/15, EU:C:2016:717, ?????  
61).

67    ??? ?????? ??? ?????????? ??? ?????????? ? ?????????? ?????????? ?????? ???  
????????? ??? ?????? ??? ??????, ?????? ?? ?????????? ??? ???? ?????? ?????????? ???  
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????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???

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68 ? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ???? ?????????? ??? ???? ?????????? ???  
????????????? «EU Pilot». ????????, ? ?????????? ??? ?????????? ????? ?????????? ?????????????? ?????????????? ,?  
????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ?????? ?????? ?????????? ?????? ??? ?????????? ???  
????????? ?????? ?????????? ??? ?????? ?????? ?????? , ?? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???  
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??? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? 258 ????. ?? ??? ????????????, ? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????? ???  
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2006/112.

69 ?????????? ??? ??? ?????????????? ?? ?????????? ?????????? ?? ??? ?????? ??? ?????? ???  
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70 ??? ??? ?????? ?????? ?????????? ??? ?????????? ?? ?????????? ? ?????????????? ??? ??????????????  
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71 ?????????? ??? ? ??????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ,?' ???  
????????? ?? ?????????? ??? ??? ?????????? ?????? ?????? . ?? ?????? ??? ?????? ?????? ??????????  
????? ?????????? ?????????????? ??? ?????????? , ??? ?????? ??? ??? ?????? ?????? , ??? ??????????.

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

? ?????? 2006/112/?? ??? ?????????? , ??? 28? ?????????? 2006, ??????? ?? ?? ???  
????????? ???? ?????????????? ????, ???? ??? ?????? ??? ?????????? ?? ?????????? ?? ??????  
??????, ???? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? , ?????? ??? ?????? ???  
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????? ?????? , ?????????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???  
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(?????????)

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