

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

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

??? 14?? ??????????? 2017 (*)

«????????????? ?????????? – ?????????? – ????? ?????? ?????? ?????????????????? ?????? –
?????? 2006/112/?? – ?????? 26, ?????????? 1, ?????????? ?? ??? ?????? 168 ??? 176 – ???????
??? ?????? ?????? –????????? ?????????? ? ?????????????? ?????????? ?????????? ?? ?????? –
????? ??? ?????????? ??? ??? ?????? ??? ?????? ?????????? – ?????????? ?????????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? – ?????????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? – ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???»

???? ??????? C?-132/16,

?? ??????????? ?????? ?????????????? ?????????? ??? ?????? 267 ????, ???
?????? ?? Varhoven administrativen sad (?????? ?????????? ??????????, ??????????) ??
?????? ?? 8?? ?????????? 2015, ? ?????? ??????? ??? ?????????? ??? 1? ?????? 2016,
?? ??????? ???

Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» – Sofia

????

«Iberdrola Inmobiliaria Real Estate Investments» EOOD,

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

????????? ??? ??? R. Silva de Lapuerta, ??????? ????????, E. Regan, A. Arabadjiev, C. G.
Fernlund (???????) ??? S. Rodin, ????????,

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

?????????: R. Schiano, ?????????? ????????,

?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??' ?????????? ?????????? ??? 1??
????????? 2016,

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

– ? Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» – Sofia,
????????????? ??? ??? I. Kirova,

– ? «Iberdrola Inmobiliaria Real Estate Investments» EOOD, ?????????????? ??? ??? T.
Todorov ??? Z. Naumov, advokati,

– ? ?????????? ????????, ?????????? ??? ??? M. Georgieva ??? E. Petranova,

– ?????????? ???????, ?????????????? ??? ??? L. Lozano Palacios ??? G. Koleva
????? ??? ??? ??? D. Roussanov,
????? ?????? ?? ?????? ?????????? ??? ???????? ??? ?????? ??? ??? ?? ??????????
??? 6?? ??????? 2017,
?????? ??? ???????

???????

1 ? ?????? ?????????????? ?????? ??? ?????? ??? ?????? 26, ?????????? 1,
??? ??? ?????? 168 ??? 176 ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ??????????
2006, ??????? ?? ?? ????? ?????? ????? ?????????????? ????? (?? 2006, L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? Direktor na Direktsia
«Obzhavane i danachno-osiguritelna praktika» – Sofia (????????????? ??? ??????????)
«????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ?????????? ??????????»
??? ??????, ?????????) ??? ??? «Iberdrola Inmobiliaria Real Estate Investments» EOOD (???
????: Iberdrola) ??? ?????? ??? ?????????? ?????? ?? ?????????? ??? Iberdrola ??????
?? ?? ?????? ?????????? ??? ????? ?????????????? ????? (???) ??? ??? ??????.

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

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

3 ?? ?????? 26 ??? ?????? 2006/112 ??????:

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

[...]

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

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

4 ?? ?????? 168 ??? ?????? ?????? ?????? ?? ???:

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

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

[...]».

5 ?? ?????? 176 ??? ?? ??? ?????? ?????? ??? ???:

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

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

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

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

6 ?? ??? 68 ??? Zakon za danak varhu dobavenata stoynost (????? ??? ?? ????)
????????????? ????(1), DV ?? . 63, ??? 4?? ??????? 2006), ??? ?????????? ???
????? ??? ?????? (??? ????: ZDDS) ????????, ??? ??????? 1, ?? ???:

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

1) ??? ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ???
????? ??? ????????

[...]».

7 ??? ?? ??? 69, ?????????? 1, ??? ZDDS:

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

1) ??? ??? ??? ??? ?????? ? ??? ?????????? ??? o ?????????? – ?????? ??????????
??? ??? ??? ?????? ??? ?????? ??? – ??? ?????? ? ??? ?????? ?,
??????????, ?????? ?? ??? ?????? ? ?? ??? ?????????? ?? ??? ??????????

[...]».

8 ?? ????? 70 ??? ZDDS ?????? ?? ???:

«1. ??? ?? ??? ?? ?????????? ?? ?????????? ??? ?????? 69 ? ??? ?????? 74, ???????
????????? ??? ??? ?????? ??? ?????? ??? ??????:

[...]

2) ?? ?????? ? ?? ?????????? ?????????????? ??? ?????????? ? ?????? ?? ??????????
????? ? ??? ?????????????? ??? ?????? ??? ?????????? ?????????????? ??? ??????????
????? ????

[...]»

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

9 ?? ?????? ??? Tsarevo (?????????) ????, ?? ?????? ??? ???, ?????????? ?????? ???
?? ?????????????? ??? ?????? ?????????? ?????? ??? ?????????? ?????? ?????????????? ???
????? ??? ?????????? ??? ?????????? ???.

10 ? Iberdrola ?????? ?????? ?????? ??? ?????? ?????? ?????? ????

???????????????? ???? ??????? ?????????????? ?? ?????????? ??????? ?? 300 ???????
????????????? ?????????????? ??? ??????? ??????. ?????????? ?????? ??????????????
?????? ??? ?????????????? ??????, ?????? ?????????????? ??? ?????????????? ??????????????.

11 ? Iberdrola ?????? ?? ??? ??? ??? Tsarevo ?????? ?????? ??? ?????????????? ???
?????? ?????????? ?????????? ?????? ?? ??? ?????? ?????? ?????? ?????????? ?????????? ?
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?? ?????? ??????.

12 ??? ?? ?????? ??? ???????, ?? ?????? ??? ? Iberdrola ?????? ?? ??????????????
???? ?????????? ?????? ?? ?????????? ?? ?????????? ?? ??? ?????? ?????? ??????????
????????? ??????. ?? Varhoven administrativen sad (?????? ?????????? ??????????,,
?????????) ?????????? ?????? ?????????????? ?????? ?? ??? ?????, ?????? ??? ???
?????????????, ? ?????? ?? ??? ?????, ?????? ?? ?????????? ?????? ?????? ?????? ???
?????????.

13 ?? ?????????????? ??? ?????????? ?????? ??? ?????????????? ??? ?????? ??????????
????????? ?????????????? ??? ????? ?????????? ??? Iberdrola ?? «????? ?????? ??????»,
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ???, ??? ???
????????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?? ??? 2009 ??? 2010. ???
??? ??????????????, ?????????? ?????? ?????? ??? ?????????????? ??? ?????????? ??????
??? ??? ?????? ??? ?????????? ??? ? Iberdrola ??????, ??????????, ?? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ??? ?????????? ??? ??? ?????? ??? ?? ?????? ???
????????? ???.

14 ? ?????????? ??? ?????? ??? ? Iberdrola ??? ??? ?????? ?????????? ??? ???
????????????? ??? ??? ??? ?????? ??? 147 635 ?????????? ??? (BGN) (?????? 74 284
???) ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???
??? ?? ??? ?????? ?????????? ???.

15 ?????? ?? Administrativen sad Sofia – grad (????????? ?????????? ??? ???,
?????????) ?????? ??? ?????? ????. ?????? ??? ? ?????? ??? Tsarevo ?????? ??????????
????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ????. ???????, ?
????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????, ??? ?????? ??? ?????? 70, ?????? 1, ??? 2, ??? ZDDS, ?????????? ???
????????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
Iberdrola, ??? ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
?? ??? ?????? ?????? ??? ?????? ????. ??? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????? ??????, ?????????? ?? ?????????? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ??? ?????? ????. ??? ?????? ??? ?????? ?? ?????? ??? ?? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???.

16 ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ?????????? ??? ??? 70, ?????? 2, ??? ZDDS, ??? ??? ??????
?? 16?? ?????????? 2012, Eon Aset Menidjmunt (C-118/11, EU:C:2012:97), ??? ??? ??????
?? 22?? ?????? 2012, Klub (C-153/11, EU:C:2012:163). ???????, ?? ?????? ??????????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????? ???.

17 ?????? ?? ?????? ?????? ???, ?????? ??? ?????? ??? ?? ?????? ???
????????????? ??? ?????? ?????? ???, ?? ?????? ??? ?? ??? ?????? ???

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

18 ?????? ??????, ?? ?????? ??????????? ?????????????? ???, ??????? ?? ???? ?????? ???
?????? ?? ???? ?????? ?????? ??????? ???????, ?? ??????? ?? ???? ?????? ??????????
????????????? ??? ???? ?????????????? ??? ?????? ??? ?????????? ??? ?? ???? ??????????
????????????? ??? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ???, ??? ???????????, ???
????? ??????? ? ?????????? ??? ?????? ?? ???? ?????? ?????????? ?????????????????? ???
????? ??? ?????????? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ???? ? ???
????? ?????? ??? ?????? ??? ?????????? ??? . ?? ?????????? ??? ????? ???????????, ??????????,
?? ?????? ?? ???? ?? ???? 26, ?????????? 1, ?????????? ??, ??? ?????? 2006/112, ???
????? ??? ?????? ?????????? ??? ?????????? ?????????? ??? ?? ???? ?????????? ?? ???? ???? ????
????????? ?? ?????????? ??? ?????????????? ??? ?? ???? ?????????? ??? ?????????? ?? ???? ????
????? ??? ?? ?????????? ??? ?????????????? ???.

«1) ?????????? ??? 26, ?????????? 1, ??????? ?, 168, ??????? ?, ?, ??? 176
??? ?????? 2006/112 [...] ?????? ?????? ??????, ??? ?? ?????? 70, ?????????? 1,
????? 2, ??? ZDDS, ? ?????? ?????????? ?? ?????? ?????????? ??? ?????????????? ???
??? ?????? ??? ?????? ?????????? ?????????? ? ?????????? ?????????? ??????????
?????, ?????????? ?? ?????? ?????????????? ?????? ??? ?? ?????????? ??? ?????????? ???
??? ??? ??? ???, ?? ?????? ??? ?????? ??? ? ?????? ?????? ?? ?????????? ??? ?????????? ???
????? ??? ?? ??? ??????????, ?????? ?? ?????????? ?????? ?? ?????????? ??? ?? ?????????? ???
????????????????? ??? ?????? ??? ?????????? ?????????????? ??? ?????????? ???
?????????;

2) ??????????? ?? ???? 26, ?????????? 1, ??????? ?, 168, ??????? ?, ?, ??? 176,
??? ??????? 2006/112 [...] ?????????? ??????? ? ????? ?????????? ??? ? ? ??????????
?????????? ??????? ??? ?????????????? ??? ??? ??????? ??? ??? ?????? ??? ??? ?????? ??????????,
???? ?? ??????? ??? ?????????????? ??? ?????????? ??? ????? ?????????????? ?????????? ???
?????? ?????? ??? ?????????? ??? ?????? ??? ??? ????? ?????????????? ??? ??? ???
????????? ? ?????????? ??????? ??? ?????? ??? ????? ?????????? ?? ??????, ??? ??
????????? ?????? ?? ??????? ??? ?? ?????? ??? ?? ????? ?????????????? ?????? ??? ??
?? ??????? ??? ?????????????? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????????? ???;»

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

20 ????????????????, ??? ? ? ?????????????? ??? ? ???????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ?? ?????? ?????????? ?????? ?? ?????????????? ??? ?????? 168, ?????????? ?,
?????.

21 ??? ?????? ??? ?? ???????????? ?????????? ??????? ?? ?????? 176 ??? ??????
2006/112, ?????? ?? ?????????? ??? ?? ?????????? ??? ?????? ?? ?????? ???
?????? ?????? ??? ?????? ?? ?????? 70 ??? ZDDS (????????? ?? 16?? ??????????)

2012, Eon Aset Menidjmunt, C-118/11, EU:C:2012:97, ??????? 71 ??? 74, ??? ??? 18??
?????? 2013, AES-3C Maritza East 1, C-124/12, EU:C:2013:488, ??????? 45 ??? 54). ??????
?? ??????????????? ??, ??????? ?? ???? 70 ??? ZDDS ?????????? ?????????? ?? ??
????????? ?????????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????????????? ????? ??????????
?? ?????????? ?????? ?????? ?????? ?? ?? ?????? 176 ??? ?????????? ?? ??????????
?????? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??
????????? ?????????? ?? ?????????? ?? ?????? 2006/112 ???, ?????? ??????, ?? ????? 168
?? ?????? ??? (??., ??????, ?????? ??? 23?? ?????? 2009, PARAT Automotive
Cabrio, C-74/08, EU:C:2009:261, ????? 29 ??? ??? ?????????? ??????????).

22 ??? ?????? ?? ????? 26 ??? ?????? 2006/112, ? ?????? ??? ?????? ?? ?????? ???
????? ?????????? ?????????? ?????????? ?? ????. ?????, ??? ?????? ??? ?????? ???,
? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????????????? ?
????????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? ??????????
????????? ??? ??? ??? ?????????? ?????? ?????? ?????? ???, ??? ?? ?????? ?????? ?????? ???
????????? ??? ??? ??? ?????????? ?????? ?????? ?????? ???, ??? ?? ?????? ?????? ?????? ???
????????? ??? ??? ??? ?????????? ?????? ?????? ?????? ???, ??? ?? ?????? ?????? ?????? ???
????????? ??? ??? ??? ?????????? ?????? ?????? ?????? ???, ??? ?? ?????? ?????? ?????? ???.

23 ???????, ? ??? ?????? ??????? ??? ?????? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ???
?????? 26.

24 ??? ???????, ?????? ?? ?????? ?????? ??? ?? ?????????? ???, ?? ?????? ?????? ??
??????????????, ?? ?????? ?????????? ?????, ???' ??????, ?? ?????????????? ??? ?????? ???
????? 168, ??????? ??, ??? ?????? 2006/112 ???? ??? ?????? ??? ?????????? ??? ?????? ???
????? ??????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??????????
????????? ??? ?????? ?????? ? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ???
??????, ??? ? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ???
????????? ??? ??? ?????? ??? ?????? ?????????????? ??? ?????? ??? ??? ?????? ?????? ???
??? ??? ??? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

25 ??? ?????? ?? ?????? ?????? ??? ?????? ?? ?????????? ?????????? ??? ?????????? ???
168, ??????? ??, ??? ?????? 2006/112 ?????? ?????? ??? ?? ?????? 70 ??? ZDDS,
????? ?? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ??????????
?? ??? ??? ??? ??????, ???' ?????, ?? ?????????? ?? ?????? ?????? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? (??., ??????,
????????? ??? 29?? ?????? 2009, SKF, C-29/08, EU:C:2009:665, ????? 55 ??? ?? 18??
?????? 2013, AES-3C Maritza East 1, C-124/12, EU:C:2013:488, ????? 25).

26 ???????????, ?? ?????? ??? ?????????? ?????? ?? ?????????? ?????? ???
????????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ???
????????? ?????????? ????. ?? ?????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ?? ?????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???, ??? ?? ?????? ???
??? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? (??., ?????? ???,
????????? ??? 29?? ?????? 2009, SKF, C-29/08, EU:C:2009:665, ????? 56, ??? ?? 18??
?????? 2013, AES-3C Maritza East 1, C-124/12, EU:C:2013:488, ????? 26).

27 ??? ?? ?????? 168 ??? ??????? 2006/112 ?????????? ??? ? ?????????? ??? ???? ????, ?
?????? ??????? ?????? ???? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ???, ?????? ??? ?? ?????? ???
????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? (??., ??????, ?????? ??? 22?
????????? 2015, Sveda, C-126/14, EU:C:2015:712, ??? 18).

28 ??? ?????? ??????????, ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????
????????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????
????????? ??? ?????? ?????? ???' ?????, ?????? ??? ?? ?????????? ?????? ?? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?? ?????? ???
??? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??? ?? ?????? ???
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? ???
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? (????????? ??? 29?? ??????? 2009, SKF, C-29/08, EU:C:2009:665,
????? 57, ??? ?? 18?? ?????? 2013, AES-3C Maritza East 1, C-124/12, EU:C:2013:488,
????? 27).

29 ??????, ? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????? ??? ??
??????, ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????
?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
??????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???, ???????, ???????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
????? ???, ???????, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????????? ??? (??., ?????? ???, ?????? ??? 29??
????????? 2009, SKF, C-29/08, EU:C:2009:665, ??? 58, ??? ?? 18?? ?????? 2013, AES-
3C Maritza East 1, C-124/12, EU:C:2013:488, ??? 28).

30 ????????, ??? ?? ?????? ?? ?????? ??? ?????????? ??? ?????? ?????? ?????? ???
?????????? ?? ?????????????? ?? ?????? ?????? ?????? ?????? ??? ?? ??? ?? ?????? ???
?? ?????? ??????? ?? ???, ??? ?????? ?????? ??? ?????? ?????? ??? ?? ??? ?? ?????? ???
?????? ?? ??? ?????? ??? ?????? (??, ??????, ???, ?????? ???, ??? 29??
????????? 2009, SKF, C-29/08, EU:C:2009:665, ??? 59).

31 ??? ?? ?????????? ??? ?????????? ?????? ???, ??? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
?? ?????????? ?? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? (??., ??????, ???, ??? 22?? ?????? 2015,
Sveda, C-126/14, EU:C:2015:712, ??? 29).

32 ??? ????????, ?????????? ?? ?????????? ?? ?????? ??? ?????? ???, ??? ?????? ???
????? ??? ??????? ?? ?????? ???, ? berdrola ?????????? ?? ?????? ??? ?? ??? ??
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??????, ?????? ??? ?????? ?????? ?????? ?????? ???, ?????? ???, ??? ?????? ??? ?????? ???
?????? ?????? ??? ?berdrola ? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

33 ??? ?? ??????? ???. ?????????????? ??????????? ???. ?????? ???. ?????????????????? ?????? ???.
???????. ?????????? ???. ???????, ?? ???. ?????? ? ??????? ???. ??? ?????? ???. ?????? ???.
???????. ??? ??????? ???. ?????????????? ???. ?berdrola, ?? ?????????? ???. ??? ? ??????????????
?? ???. ?????????? ???. ??? ???. ?????????????? ???. ??? ???. ??? ?????? ???. ???, ??? ? ??????????,
???????. ??? ?????????????? ???. ?berdrola ???. ??? ?????? ???. ?????? ???.
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34 ?????????? ?????? ?????? ?????? ?? ?????????????? ??? ?????? ?????? ?????? ??? ??????
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?berdrola, ?????? ?????????? ??? ? ?????? ?????? ??? ?????????????? ?????????????? ?? ??????????
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35 ?? ??????? ?? ???? ?? Tsarevo ?????????????? ?? ?????? ?? ?? ?? ?? ????? ???????
?? ?????? ?? ?????????????? ?? ?????? ?????????????? ?? ??? Iberdrola ?? ??????????
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36 ???????, ?? ?????? ?? ?????????????? ?? ??????? ??? ? ??????? ??? ??????? ??
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37 ?????? ??????, ??????????? ?????? ??? ?????? ?????????? ?? ??????? ???? ?????? ?????????? ?? ?????? ?
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38 ????? ?????? ??????????, ?? ??????? ?? ?????????????? ?????????? ???
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39 ??????????, ??? ?????? ?? ??????? ?????????????????????? ??? ?? ?????? ?????????
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?? ?????? ??? ?????????? ? Iberdrola, ? ?????? ??? ?????? ?????? ??? ?????????? ???
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????????????? ? Iberdrola ??? ? ??? ?????????????? ??? ?????????? ??? ?? ??? ??????????,
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?? ?????? ??? ??????? ??? ?????? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ?????????? ???
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40 ???? ??? ?????????? ??????, ??? ?????????????? ?????????? ?????? ?? ??? ???? ? ?????????? ???
?? ??? 168, ??????? ??, ??? ?????? 2006/112 ??? ?????? ??? ?????? ??? ?????????? ???
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41 ?????????? ??? ???? ?????? ?????????? ??? ????? ?? ???? ????? ?????????? ??? ?????? ???
???? ?????????? ?????????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??????????, ?' ????
????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ????? ??????????????
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???? ??? ?????? ?????? , ?? ?????????? (????? ????) ?????????? :

? ? ????? 168, ?????????? ??, ??? ?????? 2006/112/?? ??? ?????????? , ??? 28??
????????? 2006, ??????? ?? ?? ????? ?????? ?????? ?????????????? ?????, ???
??? ?????? ??? ?????????? ??? ?????? ????? ?????????? ?????? ??? ?????? ???
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?? ?????? , ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????????
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(?????????)

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

1 ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????.