

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

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

??? 9?? ?????????? 2017 (*)

«????????????? ?????????? – ?????????? – ????? ?????? ?????? ?????????????????? ?????? –
?????? 2006/112/EK – ??? ?????? ?????????? ?????????? ?? ?????????? ??? ?? ???? ?? ?????? ??? ??????
????????????? ??? (???) – ?????????? ?????????? ??? ?? ???? ?? ??????????
????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? –
????????? ?? ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???
????????? ?????? – ?????? 176, ??????? ?????? – ?????????? ??? ??? ?????????? ??? ?????????? –
????????? – ?????? 168»

???? ?????? C-552/16,

?? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???
????????? ?? Administrativen sad Sofia-grad (?????????? ?????????? ???????, ??????????) ??
????????? ?? 21?? ?????????? 2016, ? ?????? ?????????? ??? ?????????? ??? 2 ??????????
2016, ??? ?????? ??? ???

«Wind Innovation 1» EOOD???,

????

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

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

????????? ??? ??? C. G. Fernlund (?????????), ??????? ??????????, A. Arabadjiev ??? ?.
Regan, ????????,

????????? ??????????: M. Watheler

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

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

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

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

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

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

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

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

???????

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

2 ? ?????? ????? ?????????? ??? ?????? ?????? ??? Wind Inovation 1 EOOD
(??? ????: Wind Inovation) ??? ??? Direktor na Direktsia «Obzhavane i danachno-osiguritelna
praktika» – Sofia (????????????? ??? ?????????? «????????? ??? ?????????? ?????? ?????? ???
????????? ??? ??? ?????????? ??????» ??? ??????, ??????) (??? ????: Direktor),
??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ??????
????????????? ??? (???).

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

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

3 ? ? ????? 9, ?????????? 1, ??? ?????? ??? ?????? ?? ????:

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

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

4 ? ? ????? 18 ??? ?????? ??? ?????? ?? ????:

«?? ?????? ??? ?????? ?? ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ???
????????? ????:

[...]

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

5 ? ? ????? 168 ??? ?????? ??? ?????? ?? ????:

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

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

[...]».

6 ?? ?????? 176 ??? ??????? ??? ?????? ??? ??????????? ?? ????:

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

????? ?? ??????? ?? ???? ?? ?????????? ??? ?????? ?????????, ?? ?????? ??? ?????????? ??
?????????? ???? ??? ??????????, ??? ?????????? ? ?????? ??? ?????????? ??? ??
1? ?????????? 1979 ?, ??? ?? ?????? ??? ?????????? ????? ?????????? ??? ??
????? ??????????, ??? ?????????? ?????????? ????.»

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

? ?????? ??? ?????? ?????? ?????????????? ?????? ??? ?????? ?????????????? ??? 1?? ?????????? 2007

7 ? Zakon za danak varhu dobavenata stoynost (????? ??? ?????? ?????? ?????????????? ????,
DV ????. 63, ??? 4?? ?????????? 2006, ??? ????: ZDDS) ?????? ?? ??? 1? ??????????
2007, ?????????? ???? ??? ?????? ?????? ?????? ?? ??? ? ?????? ?????? ??? ??????
????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??????
??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
(?? 2005, L 157, ?. 11).

8 ?? ?????? 106 ??? ZDDS ?????????? ?? ????:

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

2. ????? ?????????? ??????:

1) ?????? ?????????? ??? ?????????????? ??? ???????, ??? ?? ?????????? ???
????????? ???? ??? -????????? ? ?????????? -????????? ??? ?? ?? ??????,

2) ?????? ?????????? ??? ?????????? ??? ?? ?????? ??? ???????, ??? ?? ?????????? ????:

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

?) ?????? ?????? ??? ?????? 176.»

9 ??? ?? ?????? 107 ??? ZDDS:

«????? ?????????? ??? ?????? ??? ?? ?????? ????:

[...]

4) ? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? :

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

[...]».

10 ?? ?????? 111 ??? ZDDS ?????? ?? ????:

«1. ????? ?? ??????? ?????? ?? ??????????? ?? ? ?? ??????, ??????????? ?? ? ?? ?????????????????
?????????? ??????? ?? ? ?? ?????? ?? ? ?? ??????? ?? ? ?? ??????? ?? ? ?? ?????/? ??????????
?? ? ?? ?????? ?? ? ?? ??????? ?? ? ?? ?????? ?? ? ?? ??????? ?? ? ?? ??????? ?? ? ?? ??????????????
????? ?? ? ?? ??????? ?? ? ?? ?????? ?? ? ?? ???????:

1) ?????????? ??? ????????????, ??? ???? ?????? ??? Zakon za schetovodstvoto (????? ??? ????????????) ????

2) ?????????? ??? ????????????, ??? Zakon za korporativnoto podohodno oblagane (????? ??? ?????? ??????), ?????? ?????????? ??? ?? ?????????? ??? ?? ??????? 1.

[...]

3. ? ?????????????? ??? ???? ?????????? 1 ?????? ?????????????? ??? ???? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? [...] ??? ?????????????? ??? ???? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? [...]».

11 ?? ?????? 76 ??? ZDDS ??????? ?? ????:

«1. ?? ??????? ?? ?? ?????????????? ?? ?? ?????????? ?? ?????????? ?? ?? ?? ??
????????????? ?? ?? ?? ?????????? ?? ?? ?? ?? ?????? ?? ?????? ?? ?? ?? ?????? ?? ?? ??
???' ?? ?? 111, ?? ??????? 1, ?? ??????? 1, ?? ??????? ?? ?? ?? ??????? ?? ??
???????????, ?? ?? ?? ?? ?????????? ?? ?? ?? ?? ??????????? ?? ?? ??????????.

2. ?????????? ??? ?????????? 1 ?????????? ?????? ?????????? ?????????? ?? ???
?????????????:

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

3) ?? ??????? ???. ??????????????????, ?????????????? ? ?? ?????????????????? ???.
????????????? ??????? ???. ??? ?????? ???. ?????? 69, ?? ?? ?????????? ??????? ???.
?????? 1 ??????? ???. ???????????.

[...]]».

12 ????? ?? ??????? ???????????, ???? ?? Administrativen sad Sofia-grad (??????????
?????????? ???????, ??????????), ? ?????? ???? ????? ?????????????????? ?????, ???? ???? ????
??? 31? ??????????? 2006, ?????????? ??? ?????????? ?????????????? ?? ???? ???? ???? ??????? ??
????? 111, ?????????? 1 ??? 3, ??? ZDDS, ??? ?????? ?? ???? ??? 1? ??????????? 2007,
?????? ?? ?? ?????? ?????????? ???, ???? ??? ?????????? ?????????? ???? ?? ?????? ???
??, ? ?????????? ?????????????? ?????????? ???? ?????? ??? ?????????? ?????????? ???

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

13 ? ?????? ?????? ?????? ?????????????????? ??????, ????, ?????? ?????? ??? ???? 31? ?????????????? 2006,
????????????? ?????? ?????? ?????? ?????????? ?????? ??? ?????? 76, ?????????? 2, ?????? 2,
??? ZDDS, ??? ?????? ?? ??? ???? 1? ?????????? 2007, ?????? ?? ??? ?????, ??? ??
????????? ?????? ?????? ?????????? ??? ?? ??? ???????????, ? ?????? ??? ?????????????? ??? ??
????????? ?????? ?? ??? ?????? ?????????? ?????????? ? ?????????? ??? ?? ?????????? ??? ??
????? ????. ??????????, ?????????? ?????????? ??? ? ?????????? ??? ?? ??????????
????????????? ??? ?????????? ?? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ?? ??????????
????????????? ??? ?????? ??? ??? ??? ??? ?????????? ?????????? ??? ?? ??? ?? ??????????
??????.

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

14 ? Wind Inovation ?????? ??? ??????????? ???????? ??? ??????????? ????????, ?
?????????????? ??? ?????? ?????????? ??? ?????? ??????? ?????????? ??? ???????, ?
?????????? ?? ?????????? ????. ? Gräss Solartechnik GmbH & Co KG, ??????? ???
?????????? ???????, ????? ??????? ??? ??????? ??? ??????? ??? ?????????? ??? Wind Inovation ???,
???? ???????, ? ??????? ??????? ???.

15 Kühling Stahl-und Metallbau GmbH, ??????? ??? ??????????? ???????, ??? ???????
???? ??? Gräss Solartechnik. ??????? ??? ? ??????? ??? ??????? ??? ??????? ???, ?
Kühling Stahl-und Metallbau GmbH ?????? ?? ??? ??? Wind Inovation, ??????? ?? ??
?????????? ??????.

16 ?? ?????? ??????????? ?????????????? ??? ? ?????????? ??? ?????????? ?????????? ??????
?? ??????????????? ??? ?? ?????????????? ??? ?????????? ??? ??, ?? ?????????? ??????????
??? ?????? ??? Gräss Solartechnik, ?? ?????? ?????????? ?????????? ??? Wind
Inovation.

17 ??????? ?? ??? ?????????? ??? ZDDS, ? Wind Inovation ??????? ?????? ?????????? ???
?? ?????? ??? ???.

19 ????? ??? ??????????????? ? ?????? ??????????, ? Wind Inovation ???????, ??? 27
????????? 2015, ??? ?????? ?????????????? ??? ?????? ??? ???, ?????????????????? ??? ???
???? ?????? ??? ???????? ??? ?????????????? ??? ???, ?????? ??? ??? ??? ??? ???
????????????? ??? ?????? ??? ?? ?????????? ??? ?????, ? ?????? ?????? ???
???? ?????????????? ??? ?????????? ?????? ??? ??? ?????????? ?????????? ??? ?????? ???
???, ??? ???? 50 000 ?????????? ??? (BGN) (?????? 25 000 ???). ? ??????
????????????? ?? ??? ??? ??? ??? ?????? ??? 12? ?????????? 2015.

20 ? Wind Inovation ?????????? ??? ??? ??? ??? ?????????????? ??? 7 ?????????? 2015
????????? ??? ?????????? ??? ??? ??? ??????????, ?? ?????????? ???, ??? ?????? ???
??? ??????? ??? ??? ??? ???.

21 ??????????, ? Wind Inovation ??????? ?????????? ??????? ?????? ??? ??????

?????????? ??? ?? ?????? ??? ??? ??????? ??? Direktor. ??????? ??? ??????????? ???
?????????? ??? ?? ????????, ? Wind Inovation ?????? ??????? ??? ??????? ???
Administrativen sad Sofia-grad (?????????? ??? ??????? ??? ???????).

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

24 ??' ?????? ??? ????????, ?? Administrativen sad Sofia–grad (?????????? ??????????
??????) ?????????? ?? ??????????? ?? ??????????? ??? ?? ?????????? ??? ?????????? ??
????????? ?????????????? ??????????;

???? ???? ???? ???? ?????? ???? ?????????? ?????????????????? ???? ?????????? ???? ??????????????????
?????????????? ?????, ?? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ?
????????????? ???? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??
?? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??
???? ??????? ??? ?????? ??? ?????? ??? [ZDDS], ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?? ???????, ??? ?????? ?????? ?????????? ?????????? ?????????? ???
????????????? ??? ??? ??? ??????;»

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

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

25 ?? ??????????? ?????????? ??????? ??????? ??????? ??????? ?? ???? ?????????? ?? ???? ??????????
?????? ?? ???? ?? ?????? ?? ???? ?? ??????? ?? ???? ?? ?????? ? ???? ?????????? ?? ???? ???????
?????? ?? ?????????? ?? ???? ?? ??????? ?? ???? ?? ?????????? ?? ?????????????? ?? ???? ?? ??????
?????? ?? ?????? ?? ???? ?? ??????? ?? ???? ?? , ?????????? ?? ???? ?? ?????????? ?? ???? ?? ???? ?? ?
?????????? ?? ?????????? ?? ???? ?? ?????????? ?? ???? ?? ?????????? ?? ???? ?? ?????????? ?? ???? ?? ?
?????? ?? ???? ?? ?????????? ?? ???? ?? ?????????? ?? ???? ?? ?????????? ?? ???? ?? ???? ?? ???? ?? ?
?????? ?? ???? ?? ??????? ?? ???? ?? ??????? ?? ???? ?? ?????????? ?? ???? ?? ???? ?? ???? ?? ???? ?? ?
?????? ?? ???? ?? ??????? ?? ???? ?? ??????? ?? , ??? ?? ???? ?? ??????? ?? ???? ?? ???? ?? , ??? ??

26 ?? ??????? ??????????? ?????? ????. ?????? ? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ???.
????????????? ?????????? ? ?????? ????. ?????? ?????? ?????? ????. ?????? ????. ?????? ?????? ?????? ????.
????? ????. ?????? ????. ????, ??????, ??????, ?????????? ????. ?? ?????? 176, ??????, ??????,
???. ??????? ???.

27 ????? ?? ??????? ?????, ? ?????? ?????????? ?????????????? ??? ????? ?????????? ??? ???????????
?? ??????? ?????????? ??? ??, ?? ?????? ??? ?????? ??? ?????????????? ??? ????? ?????? ??? ?????? ??? 1?
?????????? 1979 ??????? ?? ?????????????? ??? ?? ?????????????? ??? ?? ?????????????? ??? ?? ??????????????
??? ?????????? ? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????????? ?????????????? ??? ?? ???
?????.

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

29 ????? ????????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????? ???, ?????? ?? ???????? ?? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ?? ?? ?????? 168 ???
??????.

30 ????????, ?? ?? ?????????? ???, ?? ?????? ?????? ?? ???????????????, ?? ??????
????????? ?????, ???' ??????, ?? ?????????????? ??? ?????? ? ?????? ???, ????? ??
?? ????? 168 ??? ??????, ?????????? ?????? ?????? ?????? ??? ? ?????? ??? ?????? ??
????? ?????, ? ????? ?????? ??? ? ?????????? ?????? ?????? ??? ?? ?????? ??? ??
????????? ??? ?????? ? ??? ?????????? ?? ?????????? ?????? ???????, ?????? ??? ??? ?
????????? ?????? ?????????? ?????????? ?????? ?????? ?????? ??? ?????? ?? ?????? ??? ??????
??? ??? ?????? ?? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??? ??????????,
????????? ?????????? ??? ?????????? ? ?????????????? ??? ?????? ??? ?????? ??? ??? ??
????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ???, ??????, ???
????????? ??? ??? ??????, ??????, ???, ?? ??? ?????? ???, ?????? ??? ??????

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

??? ??? ?????????? ??? ?????? 168 ??? ?????? ??? ??

31 ??????????? ?? ????? ?????????? ??? ?????????????? ??? ?? ?????? ?????????? ???????????
??????????, ?????? ?? ?????????? ???, ??? ???? ???????, ? ?????? ???????????
?????????????? ???????????, ???' ??????? ??? ?????? 9, ??????????? 1, ??? ??????? ???
???, ??? ??????????? ??? ??????????? ??? ???????, ??? ?????? ? ?????? ??? ???????????
????????? ?????????? (??., ??????, ?????? ??? 3?? ?????? 2005, Fini H, C-32/03,
EU:C:2005:128, ??? 19).

32 ??? ????? ??????????, ??? ?? ?????????? ?????????? ??? ?????????????? ??? ?? ?????? 168
??? ??????? ??? ?????? ??? ?????????? ?????????? ??? ?? ?????????? ??? ?? ??????? ???
??????, ???' ????, ?? ???????????. ?? ??????? ??? ?????????? ?????????? ??? ?? ??????
??? ?????? ??? ?????????? ??? ??????? ??? ?????????? ??? ?????????? (????????? ???
12?? ?????????? 2006, Optigen .., C-354/03, C-355/03 ?? C-484/03, EU:C:2006:16, ???
53, ??? ??? 29?? ?????????? 2009, SKF, C-29/08, EU:C:2009:665, ??? 55).

33 ?? ??????? ?? ?????????? ??? ?????????? ???, ???????????, ?? ?????? ?? ?????????? ??????? ???
????????????? ??? ?? ?????? ??? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??
?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ??
????????? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??
??? ?????????? ???, ??? ?? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ???,
????????, ?? ?????? ??? (????????? ??? 22?? ?????????? 2001, Abbey National, C-
408/98, EU:C:2001:110, ??? 24, ??? ??? 3?? ?????? 2005, Fini H, C-32/03, EU:C:2005:128,
????? 25).

34 ??? ?? ?????? 168 ??? ??????? ??? ?????? ??? ?????????? ??? ? ?????????????? ??? ??, ?
?????? ??????? ??? ???? ???? ?????? ?????? ?????????? ??? ?? ?????? ?????????? ??? ??
????????? ???????, ??????????, ?????? ?????????? ??? ?? ?????? ?????? ??? ??
????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ???, ?????? ??? ?? ??? ?? ?????? ???
? ?????????? ??? ?? ?? ??? ?????? ??? ?? ??? ?? ?????? (????????? ??? 14?? ?????????? 2017,
Iberdrola Inmobiliaria Real Estate Investments, C-132/16, EU:C:2017:683, ??? 27).

35 ??? ??? ??????? ????, ?????? ?? ??????? ??? ?? ??????? ?????????? ?????????? ???
?? ??? ?????? ?????????? ??????????????.

36 ?? ??????? ?? ??????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????????? ???
????????, ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??
????????? ??? ?????? ??? ?? ?????? 19 ??? ?????? ??? ??, ? ?????? ?????? ??? ?????????? ???
????, ??? ?????? 8, ??????? ??, ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??
????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????, ??? ??
???? ?? ?????? ???, ??? ?????????? ??? ?????? ??? ??????.

37 ?? ?????????? ??? ????? ?????????? ??? ?? ??? ?????? 18, ?????????? ??, ???????
??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??
????????? ??????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??
????? ???, ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??, ??? ??,
???? ???????, ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??
????????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ??? (?????????
??? 8?? ?????? 2013, Marinov, C-142/12, EU:C:2013:292, ?????? 26 ??? 28) .

38 ???????????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? 18,

????????? ??, ????? ?? ?????? ??? ??? ?????? ?????????? ?????????? ?????????? ?????????? ?? ??
?????????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????????
????????????? ??????????????, ?????????? ??? ?????? ? ??? ?????? ?????????????? ??? ??????
(?????? ?? 8?? ??? 2013, Marinov, C-142/12, EU:C:2013:292, ??? 27).

39 ????????????? ?????? ???????, ???? ??????????, ???? ?????????? ?????? ?????????? ?????????? ??????????????
????????????? ?????????? ?? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??????????
????????? ??? ?????? ?????? ??? ?? ?????? ??? ??? . ?????? ?? ? ? ?????? 18, ??????????
??, ??? ?????? ???, ?? ?????? ??? ?????? ??? ???????, ??? ?????? ??? ?????? ???, ??? ?????? ?????? ???, ??? ?
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???, ??? ?????? ???, ? ?????? ?????????? ???
????????? ?????????? ??? ?????????? ???? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?
????????? ??? ??????.

40 ??????????, ??? ?????? ?????? ?? ???? ?? ?????? ?? ??????? ?? ?????? 18, ?????????? ??, ???
????????? ?? ?? ???? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??, ? ??????? ?? ?????? ??
????? ?? ?????? ??????? ?? ?? ???? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??????? ?? ?????? ???????
?? ??????????????? ?? ?? ???? ??????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??????? ??.

41 ????? ? ?????????????????? ?????????????? ??? ?????????????? ??? ??????????????????, ?
????????????? ??? ?? ??? ????? ?????? 18, ?????????? ??, ?????????? ??? ?????????? ??? ?????????? ??? ??????
?????.

42 ?? ???????????, ?? ?????? ?????????? ?????????????? ??? ? ??????? ???.
????? ??????? ???. ??????? ?????? ?????????? ???????, ? ????? ???????????, ??????, ??
????????? ?????????? ?????????? ??????? ???. ?????? ?????????? ?????? ??????????, ??
????????? ?? ???????????, ??????? ???. ??????? ??????, ?? ?????? ???.
????????? ???. ??? ???.

43 ?????????? ???, ? ?????????? ?????????????? ??? ?????????????? ??? ??? ??
????????????? ??? ?? ???? ?????????? ??? ?? ??? ?? ???? ?????? ?????????? ??? ??
????????????? ??? ?? ???? ?????????? ??? ?? ??? ?? ???? ?????? ?????????????? ?? ?? ????
????????? ??? ?????????? ??? ?????????????? ??? ?? ??? ?????????????? ??? ?? ??? ??
????????? ??? ?????????????? ??? ????????

45 ???????, ??? ?? ?????? 30, 31 ??? 35 ??? ?????????? ??? 3?? ?????? 2005, Fini H
(C-32/03, EU:C:2005:128), ?????????? ???, ??? ????? ????? ??????, ??? ????? ???? ? ?????? ???
??????????, ??? ????? ?????? ??? ?????????? ?? ?????????? ?????????????? ?????????? ???
????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???,
????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

46 ??? ???????????, ?? ??? ?????????? ??? ?????? ??? ?????? ??????, ??? ?????? ???
???????, ??? ?????? ??? ??????, ?????????? ?????? ?????? ?????????? ??? ?????? ???
????????????????? ??? ??? ?????? ??? ?????? ?????? ??????, ??? ?????? ??? ?????? ???
????????? ??????????????, ??? ?????? ??? ?????? ??? ?????? ??????, ??? ?????? ???
????????? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ?? ?????????? ??? ???
????????? ??? ?????????????? ??? ?????? ???, ??? ?????? ??????, ??? ?????? ?????? ???
????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????????? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ?? ??? ?????? ???
????????? ??? ?????????????? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ?? ??? ?????? ???
????????? ??? ?????? ???.

47 ??? ?????? ?????????? ??????? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????? ?? ??? 168 ??? ?????? ???.

48 ?????????? ??? ?????? ??? ?????? ??? ??????????????, ??? ?????????? ?????????? ???
????? ? ?????????? ??????:

- ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????????? ??? ?????? ???.

- ??? ?????? ???, ??? ?????? ?? ?? ?????? 168 ??? ??????, ??? ??? ?????? ???
????????? ???, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ???, ?? ??? ?????? ???, ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???.

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

49 ??? ?????? ??? ? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ???
??? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?' ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???.

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

1) ? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ?????? ?? ??
????? ?????? ?????? ?????? ?????? ?????? ??????, ??? ?????? ?????? ??? ?????? ??????
????? ?????? ? ?????? ?????? ?????? ??? ? ?????? ?????? ?????? ?????? ??? ?? ?????? ???
????? ?????????? ?????? (???) ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??
????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???,
????? ??? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???,

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

2) ? ?????? 2006/112, ????? ?? ?? ????? 168 ??? ??????, ???? ??? ?????? ???
????????? ?????? ???????, ???? ? ??????? ??? ??????? ??? ?????? ??????, ? ??????
????????? ??? ? ??????????? ??????? ??? ?? ?????? ??? ??? ??????? ???
????? ? ??? ??????????? ?? ??????? ??????? ???????, ?????? ??? ??? ???? ?
?????? ?????? ??????????? ?? ??????? ??????? ??????? ??????? ?????? ?? ???????
?? ?????? ??? ??? ???????, ??? ??????? ??????????? ??? ?????? ??????????? ?
????????????? ??? ??????? ??? ??? ??????????? ??? ??? ?????????? ??? ???????
????????? ??? ???????????, ??????, ??? ??????? ??? ??? ???????, ???????,
??, ?? ??? ????? ???, ?????? ?? ??????? ??????? ??? ??? ?????? ??? ?? ???
??????????.

(?????????)

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