

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

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

??? 24?? ?????????? 2019 (\*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??? ???????  
77/388/?? – ?????? 2006/112/?? – ??????? ?? ????? ?????? – ?????? ??? ?????????? ??  
????????????????? ??? ???? ??? ?????????????? ??????? ??? ??? ??? ?????????????? ???  
????? ?????? (????? ??? ?????????? ?????? ??????) – ?????????? ??? ?????????? ???  
????????? ?????????? – ?????????????? ?????????? ?????????????? ?? ?????????? ??????  
????? ??? ??? ??? ?????? ??? ?????? – ??????? ??? ?????????????? ??????????????  
????????????? ??? ?????????? ?????? ??? ?????????? ?????? ?????????????? ??? ?????? – ??????  
????? ??? ?????????????? ?? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ???  
????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ??? ??? ?????? ??? ?????????? ??? ?????? »

???? ?????? C-165/17,

?? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ??  
?????? ?? Conseil d'État (????????? ?? ???????????, ??????) ?? ??????? ?? 29??  
?????? 2017, ? ?????? ??????? ?? ?????????? ??? 3 ??????? 2017, ??? ??????? ??  
?????

### **Morgan Stanley & Co International plc**

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### **Ministre de l'Économie et des Finances,**

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

????????? ??? ??? T. von Danwitz, ??????? ??? ??????? ???????, ?????????????? ???  
????????? ???????, K. Jürimäe, ?. ???????, E. Juhász ??? C. Vajda (????????), ???????,

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

?????????: C. Strömholm, ?????????? ????????

?????? ??? ?????? ??? ??????? ?????????? ??? ??????? ??? ??' ?????????? ??? ?????????? ???  
1?? ?????? 2018,

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

- ? Morgan Stanley & Co International plc, ?????????????? ??? ??? C. Aldebert ??? C.  
Reinbold, avocats,
- ? ??????? ???????, ?????????????? ??? ??? D. Colas, ????? ??? ??? ??? E. de  
Moustier, A. Alidière ??? S. Ghiandoni,

- ? ?????????????? ??????????, ?????????????? ??? ??? L. Inez Fernandes, M. Figueiredo  
??? R. Campos Laires,

- ? ?????????? ???????, ?????????????? ??? ??? N. Gossement ??? ??? R. Lyal,  
????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? 3?? ??????? 2018,

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

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1 ? ??? ??? ?????? ?????? ?????????????? ?????????? ??? ?????????? ??? ?????? 17,  
?????????? 2, 3 ?? 5, ??? ??? ?????? 19, ?????????? 1, ??? ?????? ??????? 77/388/??? ???  
??????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???  
??? ?????????? ?? ??? ?????? ?????? ?????? – ??? ?????? ?????? ??? ?????? ??????????????  
?????: ?????????? ?????????? ??? (?? ????. ???.. 09/001, ?. 49, ??? ????: ??? ??????),  
????? ??? ??? ?????? 168, 169 ??? 173 ??? 175 ??? ?????? 2006/112/?? ??? ??????????,  
??? 28?? ???????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????????????? ??? (??  
2006, L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? Morgan Stanley  
& Co International plc (??? ????: ?organ Stanley) ??? ??? ministre de l'Economie et des Finances  
(????????? ??????? ?????????? ??? ???????????, ??????) (??? ????: ??????????? ???)  
?????? ?? ??? ?????? ??? ?????? ?????????????? ??? (???) ??? ??????? ??  
????????????? ??? ?????????? ??? Morgan Stanley (??? ????: ??????????? ??? ??????????),  
??????, ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ???????, ??? ??  
????? ?????? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????????? ???  
????? ??? ??? ??? ??????????.

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

? ??? ??????

3 ??? ?? ??? 4, ?????????? 1, ??? ??? ?????? ??????, ?????????? ?? ?????????????? ???  
????? ?????????? ???, ??? ?????? ?????????? ??? ?? ?????????????? ???, ??? ??? ??  
????????? ??? ?????????? ??? ?????? ?????? 2 ??? ??? ?????? ????, ??? ??????????  
????????? ??? ??? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????????????? ???.

4 ?? ????? 13, ?, ??????? ??, ??? ?? ??? ?????? ?????? ??? ?? ?? ??????????????????  
?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?? ???.

5 ?? ????? 13, ?, ??? ?????? ?????? ??? ?? ???:

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

[...]

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

[...]».

6 ?? ?????? 17, ??????????? 2, 3 ??? 5, ??? ????? ??????? ?????? ?? ????:  
«2. ??? ???? ?? ?????? ??? ?? ?????? ? ?? ?????????? ?????????????????? ??? ??  
????????????????? ??? ?????????????? ?????? ???, ? ?????????????? ??? ?????? ???  
????????? ??? ??? ??? ??? ??? ?????? ?????? ?????? ??????:  
?) ??? ?????????? ? ?????????? [??] ??? ????, ??? ??? ?????????? ? ?????????? ??  
??? ??????????, ??? ??? ??? ?????????? ??? ??? ?????????? ? ?????????? ??  
????????? ??? ??? ?????? ?????????? ??? ????

[...]

3. ?????? ?? ?????? ??? ?????????? ?? ??? ????? ?????????? ??? ?????? ???  
????????, ??? ?????????? 2, ??????? ? ?????????? ??? [??], ??? ?? ?????? ??? ??  
?? ?????????? ?????????????? ??? ??? ??????????:

?) ?????? ??? ??? ??????????, ?????????? ??? ?????????? ?????????????????? ???  
????????? ??? ??? 4, ?????????? 2, ?? ?????? ?? ?????????? ?????????? ??? ??????,  
??? ??? ?????????????? ??? ?????????? ??? ??????

[...]

5. ??? ?????? ?? ?????? ??? ?????????? ?? ?????????????????? ??? ?????????????? ???  
????? ??? ??? ?????????? ?????????????? ??? ?????? ?????????? ?????????????? ???  
??? 3, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??? ??????, ?? ?????? ???  
????????? ?????? ??? ??????, ? ?????? ?????? ??? ??? ?? ?????? ??? [??], ?? ??????  
????????? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????.

? ?????????? ??? ?????????????? ??? ?? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ???, ??????? ?? ?? ?????? 19.

[...]»

7 ?? ?????? 19, ?????????? 1, ??? ?????? ?????? ??? ?????????? ?? ??????????:  
«? ?????????? ?????????? ??? ?????????? ??? ?? ?????? 17, ?????????? 5, ?????? ???,  
????????? ??? ?? ?????? ??? ??????????:  
– ??? ???????, ?? ??????? ??? ?????? ??? ?????? ?????? ???????, ??? [??], ??  
????????? ??? ???????, ?? ?????? ?????????? ?????? ??? ???????, ?????? ?? ?? ??  
????? 17, ?????????? 2 ??? 3,  
– ??? ???????????, ?? ??????? ??? ?????? ??? ?????? ?????? ???????, ??? [??], ??  
????????? ??? ?????? ??? ?????????? ?????? ???????, ?????? ??? ?? ?? ??  
??? ??? ?????????? ??? ???????, ?? ?????? ??? ?????? ??? ???????, ?? ?? ??  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?? ??  
?? ?????? 11, ??? ?, ?????????? 1, [?????????] ??.

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

8 ??? ??? 1? ?????????? 2007, ??? ?????? ??? ?????????????? ??? ?????? ????, ??

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

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

9 ?? ????? 9, ?????????? 1, ??? ??????, ??? ?????? 2006/112 ?????????? ?? ????:

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

10 ?? ????? 137, ?????????? 1, ????????, ??? ?????? ?????? ?????? ?????? ??? ?? ????:  
???? ?????? ?? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
????????????? ??? ?? ??? ?????????????? ?????? ??? ?????? 135, ?????????? 1,  
????????? ?? ??? ??, ??? ?? ?????? ??????.

11 ??? ?? ????? 168 ??? ?? ?????? ??????:

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

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

[...]».

12 ?? ????? 169 ??? ?????? ?????? ?????? ?? ????:

«????? ??? ?? ?????? ??? ?????????? ??? ?????? 168, ? ?????????? ??? ?????? ??? ??  
????????? ?????? ??? ?? ??? ?????????? ??? ?????? ???, ?????? ?? ?????? ??? ??  
????????? ?????????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?? ???

?) ??? ?????? ??? ?? ?????????? ??? ?????? ?????????????? ??? ?? ?????? 9, ?????????? 1,  
?????? ??????, ?? ?????? ?????????????? ??? ?????? ??? ?????? ?????? ??? ?? ??? ??  
????????? ? ?????????? ??? ?????? ??? ?? ?????? ?????? ?????????? ?????????? ??? ?? ??? ??  
????????????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?? ???

[...]».

13 ?? ????? 173, ?????????? 1, ??? ?????? 2006/112 ?????????? ?? ????:

«????? ??? ?? ?????? ??? ?? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ??  
??? ?? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ??  
??? ?????? 168, 169 ??? 170, ??? ?? ??????, ?? ?????? ??? ?????? ?????? ?????? ??? ??  
????????? ?????????? ??? ?? ?????? ??? ??, ?? ?????? ?????? ??? ?????? ??? ?? ??? ??  
??? ?????? ??? ?????? ?????? ??? ?? ???

? ?????????? ?????????? ?????????? ??? ?????? ??? ?? ?????? 174 ??? 175, ??? ?? ?????? ???  
????????? ??? ?????????????? ??? ?? ?????? ?????? ??? ?? ??? ?? ????.»

14 ?? ????? 174, ?????????? 1, ??? ?????? ?????? ??? ?? ????:

«? ?????????? ?????????? ?????????? ??? ?? ??????? ???? ?????????????? ?? ?????????? ?????;

?) ???? ????????, ?? ??????? ????? ??? ??????? ?????? ???????, ?????? ???, ???  
?????????? ?????? ?????? ?????? ?? ?????? ??????????? ?????? ???????, ??????? ?? ?  
????? 168 ??? 169,

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

[...]»

15      ????? ?? ?????? 175, ??????????? 1, ??? ?? ????? ?????? ???????, ? ?????????? ??????????  
?????????? ?? ?????? ????, ?????????? ?? ??????? ??? ?????? ????.  
????????????????? ?? ?????? ??? ????? ?????????? ??? ?????? ?????? ?????.

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

16      ??? ??? ??????? ??? ?????????????? ?????????? ??? ?? ?????????????? ??? ??????????, ??  
?????? ????????????, ?????????? ??? ??? ??? ??????. ?? ?????????????? ??? ?????????? ??  
??? ??????????? ??????? ??? ??? ?? ?????????????? ???, ??? ??? ?????????? ??? ???  
1? ?????????? 2002 ??? ??? 30? ??????? 2005, ????? ??? ??? ??? 1? ?????????? 2005 ???  
??? 30? ??????? 2009.

17      ?????? ?????? ?? ??? ??????????? ??????????????? ??? ?? ??????????????, ??????, ??????????????  
?????????? ?? ??????????????????? ??????? ?? ?????????? ?? ?????????? ??, ?????? ??,  
??? ?? ?????? ?? ?????? ?? ?????? ??, ??????? ??, ???????, ??????? ??????????  
????? ?? ?????????? ?? ??????????? ?? ??? ?? ?????? ?? ??????? ??????????, ?? ??????????? ??  
?????? ??????? ????????. ?? ??????????? ?? ?????????? ?? ??????? ?? ??????? ?? ??????? ??  
?????? ?? ?? ?? ?? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?????????? ?? ???????.

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

19 ??????? ??? ?????????? ????, ? ?????????? ??? ?????????? ??? Morgan Stanley  
????????? ?????????? ??? ?? ?????????????? ????. ?? tribunal administratif de Montreuil  
(????????? ?????????? Montreuil, ????) ?????? ?? ?????????? ??? Morgan Stanley ???  
????????? ??? ?? ?????? ?? ?????????? ????. ??????, ?? ?????? ??? ?? ?????????? ???  
????????? ?????? ?????? ?????????? ??? ?? cour administrative d'appel de Versailles  
(????????? ?????? ??????????, ????).

20 ??????? ?????? ?????????? ??? Conseil d'Etat (????????? ??? ?????????? ???,  
?????) ??????????, ??????, ??? ?????? ??? ?????? ?????????? ?????????????? ?????????????? ???  
????????? ?????? ???, ?? ?????? ?????????? ?????????? ?????????? ??? ?????????? ???  
??? ?????????? ??? ?? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ??????, ?? ??  
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ???, ??? ??????  
????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????  
?????????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????, ??? ?????? ?? ??????  
?????????, ?? ??? ?????? ??? 13? ?????? 2000, Monte Dei Paschi Di Siena (C-136/99,  
EU:C:2000:408), ? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
?? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ?? ??????  
????????? ??? ?????, ?????????? ??? ?? ?????? ??? ?????????? ?????????? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

21 ???????, ?? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????????? ???  
???? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ???  
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

22 ??' ?????? ??? ???????, ?? Conseil d'Etat (????????? ??? ?????????? ???) ?????????? ??  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????? ???  
????????? ??? ??????:

«1) ??????, ??? ?????????? ??? ?? ?????? ?????????? ?????????? ?????????? ??? ??  
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???  
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
??? ?????? 17, ?????????? 2, 3 ?? 5, ??? 19, ?????????? 1, ??? ?????? ?????? , ???  
????????? ??? ?? 168, 169 ?? 173 ?? 175 ?? 2006/112, ??  
????????? ??? ?? ??? ?????? ??? ?????????? ??? ?? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
??? ?????? ?????? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????, ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???

2) ????? ??????? ?????? ?? ??????????? ????? ?????? ?????????? ??? ???? ?????? ???  
????????????? ?????????? ?????????????? ??? ?????????????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ?????? ?????????????? ??? ?????? ?????????????? ??? ?????? ???  
????????? ?????????? ??? ?????, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????????? ??????;»

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

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

23 ?? ??????????, ?????? ?? ??????? ??? ? ?????? ??? ?????? ?????? ?????? ???  
????????????? ?????????? ??? ?? ??? 2002 ??? ?? ??? 2009. ??? ??? ?????? ??????, ??? ?  
????? ?????? ??? ?? ??? ? ?????? 2006/112, ?? ??? ?????? ?????????????? ? ??? ?????? ???  
??? 1? ?????????? 2007, ?????? ?????????? ??? ?????? ???.

24 ???????, ??? ?????? ?? ?????? ?????????????? ??????? ?????? ??? ??????  
????????? ??? ?????? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ???  
??? ?? ?????????? ?????? ??? ?????????? ?????????????? ?? ?????? ??? ?????? ??? ??????  
????? ?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???  
????? ?????? ?????????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (??? ????: ??????  
????? ??????), ?????? ??? ?????????????? ?????? ??? ?????? ??? ?????? ?????? ??????  
Morgan Stanley.

25 ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ?????????? ???  
????????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????????????? ???  
????????, ???' ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ???  
??? ?????? 13, ?, ??? ?????, ??? ?????? ??? ?????? ?????? ??? ?????? 137, ?????????? 1,  
????????? ?, ??? ?????? 2006/112, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? Morgan Stanley ??? ?????, ?? ?????? ?? ?????????? ??? ??????????  
??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

26 ???????, ?? ?? ?????? ?????????????? ???????, ?? ?????? ?????????? ?????? ???'  
?????? ?? ?????????????? ?? ?? ?????? 17, ?????????? 2, 3 ?? 5, ??? ?? ??? 19,  
????????? 1, ??? ?????? ?????? ?????? ??? ?? ?????? 168, 169 ?? 173 ?? 175 ?? ??????  
2006/112 ?????? ??? ?????? ???, ?? ?????? ??? ?????? ?????????????? ?????????????? ???  
????? ??? ?????????? ?????? ???, ?? ?????? ?????? ??????, ?????????????? ??? ?????? ???  
????????????? ??? ??? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???, ??????????  
??? ?? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ???  
????????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
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????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
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????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
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27 ?????????? ?? ??? ?????? ?????????? ??? ?????? ???, ?????, ?????, ?? ??????????  
??, ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????? ??? ??? ??? ??? ?????? ?????? ?????????? ??? ?????????????? ? ?????????????? ???  
??? ??? ??????? ??? ?? ?????? ??? ?????????? ?? ??????? ??? ??? ?????????? ??? ???  
????????????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??? ??? ?????????? ??  
?? ?????????? ??? ??????. ??? ?? ?????? ?????? ??? ?????? ?????????? ??? ??? ?????????? ??  
????????? ??? ??? ??? ???' ??? ?? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ???  
?????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? (?????? ??  
15?? ?????????? 2016, Barlis 06 – Investimentos Imobiliários e Turísticos, C-516/14,  
EU:C:2016:690, ?????? 37 ??? 38 ????? ??? ????? ?????????? ??????????).

28 ??? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????????? ???  
?? ??? ??? ??? ??? ?????????? ? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
????????????? ??? . ?? ?????? ?????? ??? ??? ??????????, ???????, ??? ?????????? ???  
?? ??? ?? ?????????? ?????????? ??? ??? ?????????? ?????????? ?????????? ??????????  
??? ?????? ? ??? ?????????? ???, ??? ??? ?????????? ??? ?? ?????????? ?????????? ??????  
????????? ?????? ??? (?????? ?? 15?? ?????????? 2016, Barlis 06 –  
Investimentos Imobiliários e Turísticos, C-516/14, EU:C:2016:690, ?????? 39 ??? ???  
????????? ?????? ??????????).

29 ??????, ??? ?? ?????? 17, ?????????? 2, ????????, ??? ?????? ?????? ??? ??  
????? 168, ????????, ??? ?????? 2006/112 ?????????? ??? ? ?????????? ??? ??  
????? ?? ????????, ??? ?????? ?????? ??? ?????????? ??? ?????????????? ??????? ???, ??  
????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ? ?????????????? ??? ??  
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????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? (????. ??????  
??? 15?? ?????????? 2016, Barlis 06 – Investimentos Imobiliários e Turísticos, C-516/14,  
EU:C:2016:690, ?????? 40 ??? ??? ?????????? ??????????).

30 ??? ??????? ????, ?? ?????????? ??? ?????? ???, ?????????? ?? ?????? ??  
????????? ??????? ??? ???, ?????? ?? ?????? ?????? ??? ?????????? ?? ?????????? ??? ??  
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??????????, ?? ??????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?????????? ?????? ??????  
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???? ?????? (?????? ?? 16?? ?????? 2015, Larentia + Minerva ??? Marenave Schiffahrt, C-  
108/14 ??? C-109/14, EU:C:2015:496, ?????? 23 ??? ??? ?????????? ??????????).

31 ???????, ??????? ??? ?????? 17, ?????????? 3, ????????, ??? ?????? ??????? ???  
??? ?????? 169, ????????, ??? ?????? 2006/112, ? ?????????? ??? ??  
????????? ??? ?????? ??? ?????????? ? ?????????? ??? ?????? ??? ?? ?????? ??? ??  
????????? ??? ?????????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??  
??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? 29 ??? ?????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?? ?????? ?????? ??? ??.

32 ???????, ?? ??????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? ??????????, ???????, ??? ?? ??????  
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????? ??? ???, ???????, ??? ?? ?????? ?????? ?????? ?????????? ??? ?? ?????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? (????. ?????????? ??? 13?? ?????? 2000,

Monte Dei Paschi Di Siena, C-136/99, EU:C:2000:408, ????? 28, ??? ??? 22?? ????????????  
2010, RBS Deutschland Holdings, C-277/09, EU:C:2010:810, ???????? 31 ??? 32).

33   ????? ?????? ?? ??????? ??? ???? ?????????????? ????, ???????? ?? ?????? 17,  
?????????? 3, ??????? ??, ??? ??? ????? ??????? ?? ?? ????? 169, ???????? ??, ??? ??????  
2006/112 ??? ??????? ?????????? ???????????????, ?????? ?? ?????? ?????? ??? ? ??????????  
???? ??????? ????? ??, ??? ????? ?????? ?????? ?????? ?????? ?????, ?? ??????? ???  
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????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????????????? ?????? ??? ?????? 13, ?,  
????? ??????, ??? ?????? ?????? ??? ?? ?????? 137, ?????????? 1, ?????????? ??, ???  
?????? 2006/112.

34   ????????, ?????????????? ??? ?? ??? 4, ?????????? 1, ??? ?????? ??????? ??? ??  
????? 9, ?????????? 1, ??? ?????, ??? ?????? 2006/112 ??????? ??? «?????????????  
????? ???» ??? ??? ?????? ??? ?? ?? ??????? ??? ?????? ?????????? ??????????????  
«????? ???? ??????????» (????. ?????????? ??? 23?? ?????? 2006, FCE Bank, C-210/04,  
EU:C:2006:196, ????? 33, ??? ??? 7?? ?????? 2018, TGE Gas Engineering, C-16/17,  
EU:C:2018:647, ????? 40).

35   ????? ?????? ??????? ??? ?????? ?? ??? ??????? ?????????? ??? ?????? ?????????? ??  
??? ?????? ????, ?? ?? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????????  
??????, ??? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?? ??????????  
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????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????????? ???  
(????. ?????????? ??? 7?? ?????? 2018, TGE Gas Engineering, C-16/17, EU:C:2018:647,  
????? 41 ??? ??? ?????????????? ??????????).

36   ?? ??????????, ??? ?????? ??????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????????? ??? ?????? 35 ??? ?????? ??? ?????? ??? ?????? ??? ?? ??  
??????, ??? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ???, ?????? ??  
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????? ?????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???.

37   ?? ?????? ???, ?????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????????? ??? ??? ??? ??????????  
??? ?????? ??? ??? ?????? ??? ?????? ?????????? ??? ?????? [????????? ??? 23??  
????????? 2006, C-210/04, FCE Bank, EU:C:2006:196, ????? 34, ??? ??? 17?? ?????????? 2014,  
Skandia America (USA), filial Sverige, C-7/13, EU:C:2014:2225, ????? 24].

38   ??????????, ?????????????? ???, ?????? ?????? ?????????? ??? ?????? ?????????? ???  
????????????? ??? ??? ?????? ?????????? ??? ?????, ??? ?????????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ???, ?? ?????????????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? ?????????? ??? ?? ?????????? ?? ???, ?? ?????? ??? ?????? ??? ??? ??????????????  
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39   ????????, ?????????????? ?????????????? ??? ?????? ??? ?????? ?????????? ?????????? ???  
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??? ?????? ??? ?????? ??? ??? ?????? ?????? ?????? ?????????????? ?? ?? ??? ?????? ??????????.

40      ??????, ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????????????? ???  
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????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? , ? ??????  
???????????, ?????? ?? ???? 173, ?????? 1, ??? ?????? 2006/112, ?? ???  
????????? ??? 17, ?????? 5, ??? ?????? ??????, ??? ?? ?????? ??? ?????? ??? ?? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????. ??? ?? ??? ???  
????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??????, ?????? ?? ?? ?????? 174 ??? 175 ???  
????? 2006/112, «??? ?? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?? ??? ??????????  
???? ???».

41      ??? ?? ?????? ??? ?????? ?????? ??????????, ?????? ???, ?? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????????  
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??? ?? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(????. ?????? ??? 13? ?????? 2000, Monte Dei Paschi Di Siena, C-136/99, EU:C:2000:408,  
????? 26 ??? 28).

42      ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?? ?????????? ???  
17, ?????????? 5, ??? ?????? ?????? ??? ?????? 173, ?????? 1 ??? 2, ??? ??????  
2006/112 ?????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ?? ?????? ?? ??????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????????? ???  
????????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????  
????? ??????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (????).  
????????? ??? 6?? ?????????? 2012, Portugal Telecom, C-496/11, EU:C:2012:557, ??? 40,  
??? 16?? ?????? 2015, Larentia + Minerva ??? Marenave Schiffahrt, C-108/14 ??? C-109/14,  
EU:C:2015:496, ????? 26, ?????? ??? 9?? ?????? 2016, Wolfgang und Dr. Wilfried Rey  
Grundstücksgemeinschaft, C-332/14, EU:C:2016:417, ????? 26).

43      ????????, ?? ?????? ??? ?? ?????? ??? ?????? ?????????? ??? ?? ??????????  
???? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???  
????? ?????? ??? ?????? 173, ?????? 1, ??? ?????? 2006/112, ???, ??? ?????? ??  
????????? ??? ?????? ??? ?????? ??? 17, ?????? 5, ??? ??????  
????????? ??? ?????? 173, ?????? 1, ??? ?????? 2006/112, ???, ??? ?????? ??  
????????? ??? ?????? ??? ?????? 17, ?????? 2, ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? 168 ??? ?????? ??? ?????? ?????? (????? ??? 6??  
????????? 2012, Portugal Telecom, C-496/11, EU:C:2012:557, ??? 41).

44      ??? ?? ?????????? ??? ?????? ???, ??? ??' ?????? ?????? ?????????? ? ?????? ???  
??? ??' ?????????? ???, ? ?????? ?????? ??? ?????? 17, ?????? 5, ?????? ???,  
??? ?????? ?????? ??? ?? ?????? 173, ?????? 1, ?????? ???, ??? ??????  
2006/112, ?????? ?? ??? ??????, ??? ?? ?????? ??? ?????? ?????? ??? ??????????????  
??? ?????? ?????? ??? ?? ?????? ?????? ?????? ?????? ??? ?????????????? ??? ??????  
????????? ?????? ???, ? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????? «?? ?  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ???, ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
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45 ??????, ??? ????? ??, ??????? ?????? ?? ?????? ?????? ???????, ? ??????????? ???  
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??? ?????? ?????????? ???, ? ??? ??? ?????? ?? ?? ??? ?????? ??? ?????? ??? ??????  
?????? ?? ??????? ?? ??????????, ??????? ?? ?? ?????? 17, ?????????? 2 ??? 3, ??? ??????  
?????? ?????? ??? ?? ?????? 168 ??? 169 ??? ?????? 2006/112 (????. ??????? ??? 14?  
?????????? 2017, Iberdrola Inmobiliaria Real Estate Investments, C-132/16, EU:C:2017:683,  
????? 27 ??? ??? ?????????????? ??????????). ?????????, ??? ??? ??? ??? ?????? ??  
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46 ??? ???????, ??? ????? ?? ?????? ?????? ?????? ?????? ?????? ??????????????????  
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?????????????, ??? ?? ?????????????? ?????? ?????? ??? ?? ??? ?????? ?????????????? ???  
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????????????? ??? ?????????????? ??? ?????? ???????, ?????? ???, ??? ?? ?????? ???  
?????? ???, ?????????????? ??? ?????? ?????? ?????? ??? ?????????? ? ?????????????? ???  
????, ?????????????? ?? ?????????????? ??? ?????????? ?? ?????? 19, ?????????? 1, ??? ??????  
?????? ?????? ??? ?? ?????? 174 ??? 175 ??? ?????? 2006/112. ??????, ?????? ??  
????????????? ???, ??????? ?? ?? ?????? 17, ?????????? 3, ??? ?????? ?????? ??? ?? ??  
????? 169, ??????? ??, ??? ?????? 2006/112, ?????? ??? ?????? ??? ?? ?????????? ???  
????????????? ??? ?????? 32 ??? ?????? ???????, ?????? ? ?????? ?????? ???????, ?????? ???,  
??? ?????????????? ?????? ?? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????????? ???  
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47 ?????, ?????, ?? ?????????????? ??? ? ?????????????? ??? ?????????????? ???  
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????????? ?????????? ??? ?????», ??? ?????????? ??? ?????? ?????????????? ???  
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48 ? Morgan Stanley ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
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49 ??????, ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ???  
????????? ??? ??? ?????? ?????? ?????? ??? ?????? ?????????????? ???, ? ??? ?????? ???  
????????? ???, ?????????? ??? ?? ?????????? ??? ?????? 30 ??? ?????? ?????? ???  
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50 ? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ?? ??  
????? ??? 12?? ?????????? 2013, Le Crédit Lyonnais (C?388/11, EU:C:2013:541),

?????????? ??? Morgan Stanley ??? ?????? ??? ?????????????????? ?  
???. ??? ????? ?????? ??, ?? ??? ?????? 40 ??? 55 ??? ?????????? ????, ?? ??????????  
?????? ???, ?? ??? ?????????? ?? ?????????? ?????????? ?? ??? ??? ?????????? ???  
?????????? ??? ??????? ?? ?????????? ?? ?????????? 17, ?????????? 5, ??? ??? ?????? ??????  
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51    ??????, ?????????????? ?????? ???, ??? ?????????? ?????? ??? ?? ?????? 19 ??? ??  
???? ???????, ?? ?????????? ?????? ??? ?????? ?????? ?????? ?? ?????????? ??????? ?? ??  
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????? ?????? ?? ?????? ?? ?? ?????? ??? ?????? ????. ???, ?? ?????????? ?????? ?????? ???  
????, ?? ?? ??? 38 ??? ?????????? ?? 12?? ?????????? 2013, Le Crédit Lyonnais (C-  
388/11, EU:C:2013:541), ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ???  
????????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??? ?????? ???, ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ???, ?? ?????? ?? ?????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ? ?? ???  
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??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
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52    ??????? ?????? ???, ?? ??? ?? ??? ??????, ?? ?????????? ?????????? ???  
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?? ??? ?????? ???, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ???  
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?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
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????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
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53    ??????, ? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????? ?????? ???  
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????? ?????? ???, ??? ?????????? ??? ?????? ??? 38 ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?? ?? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ???, ??? ?????? ?? ?? ?????? 17, ?????????? 5, ??? ?????? ?????? ???  
?? ?? ?????? 173, ?????????? 1, ??? ?????? 2006/112, ?????? ?? ?????????? ???, ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
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54    ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????????  
????? ?????? ??? ?????? ??? ?? ?? ??? 17, ?????????? 2, 3 ?? 5, ??? ?? ?????? 19,  
????????? 1, ??? ?????? ??? ?????? ??? ?? ?? ??? 168, 169 ?? 173 ?? 175 ?? ??????  
2006/112 ??? ?????? ??? ?????? ???, ?? ??? ?????? ??? ?????????? ?????????? ???  
????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????????? ???, ?????????? ???, ??? ??

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?? ?????????????? ??????? ?????????? ???? ?????? ?????????? ?? ??? ?????? ?????? ?????? ??????????????  
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55 ?? ?? ???? ?????? ?????????????? ???????, ?? ?????? ?????????????? ?????? ???' ?????? ??  
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??? ?? ????? 19, ?????????? 1, ??? ?????? ?????? ?????? ??? ?? ?????? 168, 169 ?? 173 ??  
175 ?? ?????? 2006/112, ?????????? ?? ?????????? ? ?????????? ?????? ?????? ??? ??  
????????????? ??? ?????? ?????? ?????????????????? ?????????????????? ??? ?????? ??? ?????? ??? ??????????  
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56 ?????? ??????????????, ??????, ??? ? ?????? ?????? ??? ?????????? ?????? ??????????  
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????? 30 ??? ??????? ??????????, ?????? ???' ?????? ?????? ?????????? ?????????? ??? ??  
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????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
(?????? ?? 14?? ?????????? 2017, Iberdrola Inmobiliaria Real Estate Investments, C-132/16,  
EU:C:2017:683, ??? 28 ??? ?????? ?????????????? ??????????).

57 ???????, ??????? ??? ?????? ?????? ?????????????? ?????? ??? ?????? ??? ??????????  
????? ??? ?????? ??? ?? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????????? ?????? ???  
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????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(?????? ?? 14?? ?????????? 2017, Iberdrola Inmobiliaria Real  
Estate Investments, C-132/16, EU:C:2017:683, ??? 29 ??? ?????? ?????????????? ??????????).

58 ??? ??? ?????????? ????, ??? ? ?????????? ?????????????? ??? ?????????????? ???  
????? ?????????? ?????? ??? ?? ?????????????? ??? ?? ?????????????? ?????? ??? ?? ??? ??  
????????????? ??? ?? ???, ?????? ?? ?????????????? ?? ??? ?????? ?? ?????? ?????? ??? ??  
????????? ??? ?????????? ??? ?? 17, ?????????? 5, ??? ?????? ?????? ??? ?? ??? ??  
173, ?????????? 1, ??? ?????? 2006/112. ?????? ?? ??? ?????? ?????? ??? ??????????????  
????? ?????? 40 ??? 46 ??? ?????? ?????? ?????? , ?????? ?????? ?????? ??? ?????? ???  
??? ?? ??? ?????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
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????????????? ??? ????? 19, ?????????? 1, ??? ????? ??????? ?????? ??? ????? 174 ???  
175 ??? ?????? 2006/112.

59    ??? ?????? ??? ???????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???  
????????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
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??? ?????????? ?? ??????????????, ?????? ?? ?????????????? ?????? ??? ?????????? ??  
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60    ??????? ??? ????????????, ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ????? 17, ?????????? 2, 3 ??? 5, ??? ?? ????? 19, ?????????? 1, ??? ???  
????????? ??? ?? ????? 168, 169 ??? 173 ??? 175 ??? ?????? 2006/112 ?????? ???  
????? ???, ??? ?? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???  
????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???  
????????? ???, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??? ?? ?????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
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????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
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61    ?????????? ??? ? ??????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?' ???  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

1)    ?? ????? 17, ?????????? 2, 3 ??? 5, ??? ?? ????? 19, ?????????? 1, ??? ???  
????????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ?????????? ????: ?????????? ?????????? ???, ???  
??? ?? ?????? 168, 169 ??? 173 ??? 175 ??? ?????? 2006/112/?? ??? ??????????, ???  
28?? ?????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????? ?????????? ???,  
????? ??? ?????? ???, ?? ?????? ??? ?????? ?????? ?????????? ?????? ???  
????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???, ?? ??????  
????????? ???, ??????????????, ??? ?? ?????? ?????????? ??? ?????? ???  
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????? ?????????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ???, ???  
????????? ???, ??? ?????????? ???, ??? ?????? ?????? ???, ??? ?????? ??? ?????? ???  
?????, ??? ??? ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???  
????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???, ???  
????????? ??? ?????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ???, ???  
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ??? ?????? ???

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2) ?? ???? 17, ?????????? 2, 3 ??? 5, ??? ?? ???? 19, ?????????? 1, ??? ????  
?????? 77/388, ????? ?? ???? 168, 169 ?? 173 ?? 175 ?? ?????? 2006/112  
????? ??? ?????? ???, ??? ??? ?????????? ??? ?????????? ?????????? ???  
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(?????????)

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