

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

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

??? 13?? ??????? 2019 (*)

«????????????? ?????????? – ????? ?????????????? ????? (???) – ?????? 2006/112/?? – ?????? 53 – ?????? ?????????? ??? ??????? ??? ??????? ?? ?????????? ?????????????? ?????????? – ?????? ??? ?????????? ?????? ??????»

???? ??????? C?647/17,

?? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ??? ?????? ?? Högsta förvaltningsdomstolen (?????? ?????????? ??????????, ???????) ?? ?????? ??? 9?? ??????? 2017, ? ????? ??????? ??? ?????????? ??? 20 ??????? 2017, ??? ??????? ??? ??????

Skatteverket

????

Srf konsulterna AB,

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

????????? ??? ??? E. Regan (??????), ?????? ???????, ?. ???????, E. Juhász, M. Illeši? ??? I. Jarukaitis, ???????,

????? ??????????: E. Sharpston

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

????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ?????????? ??? 18?? ??????? 2018,

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

- ? Skatteverket, ?????????? ??? A.-S. Pallasdies,
- ? ??????? ???????, ?????????? ??? A. Falk, C. Meyer-Seitz ??? H. Shev,
- ? ??????? ???????, ?????????? ??? D. Colas ????? ??? ??? E. de Moustier ??? A. Alidière,
- ? ??????? ??? ?????? ???????, ?????????? ??? S. Brandon ??? ??? G. Brown, ?????????? ??? E. Mitrophanous, barrister,
- ? ??????? ???????, ?????????? ??? K. Simonsson ????? ??? ??? J. Jokubauskait?, G. Tolstoy ??? E. Ljung Rasmussen,

????? ?????? ?? ?????? ??????????? ??? ???????? ??? ?????? ??? ?????? ?? ???????????
?? 10?? ??????????? 2019,

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

??????

1 ? ?????? ?????????????? ?????? ??? ?????????? ??? ?????? 53 ??? ??????
2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ?????????? ???
????????????? ??? (?? 2006, L 347, ?. 1), ??? ?????????????? ?? ??? ?????? 2008/8/E?
??? ??????????, ??? 12?? ?????????? 2008 (?? 2008, L 44, ?. 11) (??? ????: ?????? ???
???).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? Skatteverket
(???????????, ????) ??? Srf konsulterna AB (??? ????: Srf) ?? ??????????
????????? ??? ?????? ??? ?????? Skatterättsnämnden (????????? ??????????
?????????, ????) ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??????????????
????? (???) ??? ??? ??????, ?? ??? ?????? ??????, ?????????????? ?????????????? ???
??? ?????????? ??? ??? ??????????, ?????????????? ???, ?? ?????????????? ???
?? ?????? ??? ??? ??? ?????????? ??? ?????? ?????????????? ??? ?????? ???
????? ?????????? ??? ?????? ???.

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

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

? ?????? 2006/112

3 ? ?????? V ??? ?????? ???, ??????? ?? ??? ??? ??? ?????????????? ???????,
????????????? ??? ??????? 3 ?? ??? «????? ?????? ??????????». ?? ??? 2 ???
????????? ???, ?? ??? «????? ?????? ??????», ?????????????? ?? ??? 44 ??? 45 ???
?????? ???.

4 ??? ???? 44 ??? ???? ??????:

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

5 ?? ?????? 3 ??? ?????????? 3 ??? ?????? 2006/112, ?? ??? «????? ??????»,
????????????? ?? ??? 46 ??? 59 ??? ?????? ???.

6 ?? ?????? 53 ??? ???? ?????? ?????????? ?? ???:

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

? ???????, ??? ?????????? ?? ?????????????? ??? ???, ????? ? ?????? ??? ????? ????? ??????»

? ?????? 2008/8/??

7 ? ?????? 2008/8/?? ??? ??????????, ??? 12?? ?????????? 2008, ??? ??? ?????????? ??? ?????? 2006/112 ??? ????? ??? ????? ?????? (?? 2008, L 44, ?. 11),
????????? ??? ?????????? 3 ??? 6 ?? ???:

«(3) ??? ??? ??? ?????? ??????????, ????? ?????????? ?? ??????, ?????????, ??? ?????? ?? ?????? ???? ?????? ?????? ?????????? ??????.

[...]

(6) ?? ?????????? ??????????, ??? ?????????? ?? ?????? ?????????? ?????? ?? ??? ??????.

? ?????????? ?????? (??) 282/2011

8 ??? ??? ?????????? ??? 4 ??? 27 ??? ?????????? ?????? (??) 282/2011
??? ??????????, ??? 15?? ?????? 2011, ??? ?? ?????? ?????? ?????? 2006/112 (?? 2011, L 77, ?. 1, ??? ????: ?????????? ??????):

«(4) ?????? ??? ?????? ?????? ?????? ?????? ?????? ? ?????? ?????????? ?????? ?????? ?????? [???? ????],
????????? 5, ?????? 4, [????], ? ????? ??????.

[...]

(27) ??? ?????? ??? ?????? ?????? ? ?????? ?????? ?????? ??? ??????.

9 ??? ?? ????? 32 ??? ?????????? ??????:

«1. ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????????, ??????????????,
?????????, ??????????????, ??????????????, ??????????????, ?????????????? ? ?????????????? ?????????????? ??
????????????? ??? ????? 53 ??? ?????? [????? ???] ?????????????? ??? ?????? ?????????? ??????????
??? ?????? ?? ?????? ?????????????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??
????????? ?????? ?????????? ? ????????, ?????????????????? ??? ?????? ?????????? ??? ??????
?????????, ?????????? ?????????? ? ?????????? ?????????? ??????????.

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

[...]

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

[...]»

10 ?? ??? 33 ??? ?????????? ?????? ?????????? ?? ???:

«?? ?????????? ?????????? ??? ?????????? ??? ?????? 53 ??? ?????? [????? ???]
????????????? ?????????? ??? ?????????? ?????? ?? ??? ?????????? ?? ?????????????,
?????????????, ??????????, ??????????????, ??????????????, ??????????????, ?????????????? ? ??????????????
????????????? ??? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ??? ?????? ??????????,
????? ?????????????? ??????????.

? ?????????? ?????????? ?????? ?????????????? ?????? ?? ??? ?????? ?????????????? ?
????????????? ??????????, ??? ?????????? ??? ?????? ?????? ?????????? ?????????????? ???
????? ??? ?????? ?????? ??????????»

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

11 ??? ?? ??? 5, ??? ?????????? 5, ??? mervärdesskattelagen (1994:200) (?????
1994:200 ??? ??? ?????????????? ???), ??? ?????????? ?????????? ?? ?????????? ???
????? ??? ??? ??? ?????????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?? ??? ??????.

12 ??? ?? ??? 11a, ??? ?????????? 5, ??? ?????? ??????, ? ??? ?????? ???????, ??
????????? ???, ?????????? ??? ?????? ??? ?????? ??? ?????????? ?? ??????????????,
?????????????, ??????????, ??????????????, ??????????????, ??????????????, ?????????????? ? ??????????????
?????????, ??? ?????? ?? ?????????? ??? ?????? ?????? ??????, ?????????? ?????? ??? ?????? ??? ??????????,
?? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ??????.

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

13 ? Srf ??? ?????? ?????? ?????????????? ??? ???????, ? ?????? ?????? ?? ?????????? ??
????????????? ?????????? ?????????? ??? ??????? ?????????? ?????????? ?????????????? ???
??????????. ??? ?????? ???, ? ?????? ??? ?????? ?????? ?????????? ?????????????? ??? ?????????? ??
????? ?????????? ??? ?????? ?????? ??? ?? ?????? ?????? ?????????? ??? ?? ?????? ??? ?? ???
????????? ??? ??? ??????. ? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????? ?????????? ?????????? ???
???????, ??? ?????????? ?? ?????? ?????????????? ??? ?? ?????? ?????? ???, ??? ???
????????? ??? ?? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?????? ???
???????, ?? ?????????? ??? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????? ???

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

14 ?? ?? ???? ?????????????? ?????????????? ?????????????? ?? ?????????????? ??????? ??? ???
????????? ??? ???? 30 ??? ???? ???? ?????????? ?????????? ??? ??????. ?? ?????????????? ???
????????? ?? ??? ???????, ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???
?????????????, ?? ?????? ?????? ?? ?????????? ?????????? ?????????? ?????????? ??? ??????????????
????? ??? ???? ?????? ??? ?????????? ??? ??? ??????????.

15 ??? ?? ?????????? ??? ?????????????? ?????????????? ??? ?????? ? Srf ??????????
????????? ? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ??? ?????? ??? ?????????? ???
????????? ??? ??????.

16 ? ?????????? ?????????????? ?????????????? ?????????? ?????????????? ???????, ???
????????? ??? Srf, ?? ??? ?????? ?????? ??? ?? ?????????????? ?????????????? ??????????????,
????????? ?????????????? ?? ??? ?????? ?????? ?????? ??? ?????????? ??? ??????????, ?????? ??
????????? ??? ?????????????? ??? ?????? ???, ??????, ? ??? ?????? ?? ?????????? ??? ?????????? ???
?? ??? ?????? ??????. ? ?? ??? ?????????? ??????, ?????? ?????, ??? ? ?????????????? ???
????? 53 ??? ?????? ??? ?????? «????????? ?? [...] ??????????» ?????????? ??? ???
????? ?? ??? ?????? ?? ?????????????? ?? ?????? ?????????? ??? ?????????? ???, ??????????????, ??
????????? ?? ??? ?????? ?????????? ??? ?????? ??????. ? ?????? ??? «????????? ???
?????????» ?????? ?? ?????????? ??? ?? ?????????? ?????? ?? ?????????? ??? ?????? ???, ??
????????? ??? ?????? ??? ?????????? ??? ?????, ??? ?????? ???, ??? ??????????
????????? ??? ?????? ??? ?????????? ???, ??? ?????? ?????? ?????????? ??? ??????????
????????? ??? ?????????? ?? ?????????????? ??? ?????????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????? 53 ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???, ?????? ???, ??
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ???, ?????? ???, ??
44 ??? ?????? ???.

17 ? ?????????? ???, ?????????????? ??? ?????????????? ??? ?? ??? ??????????????
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? Högsta
förvaltningsdomstolen (????????? ?????????? ??????????, ??????). ? Srf ??????, ??????, ???
????????? ??? ?? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ? ?????????? ???
????????? ??? 53 ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ??? ??????????.

18 ??? ?????? ???, ?? Högsta förvaltningsdomstolen (????????? ?????????? ??????????)
????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??
????????? ?????????? ???:

«????? ? ?????? ??? “????????? ?? ??????????” ??? ?????? 53 ??? ?????? ??? ??
????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??????????????
????? ??? ?? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????????
????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????;»

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

19 ?? ?? ?????????? ???, ?? ?????? ?????????? ???, ???' ??????, ??
????????? ??? ?? ?????? 53 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
«????? [?] ??? ?????? ??? ?????? ?? [...] ??????????» ??? ?? ?????? ???
????????? ??? ??????, ??? ? ?????? ??? ?????? ???, ?????????? ???, ?????????? ???

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

20 ????, ???????, ???????????, ???????, ??? ?? ??? 44 ??? 45 ??? ?????? ??? ??
????????? ??? ???? ?????? ??? ?? ?????????? ??? ?????? ?????????? ??? ???? ??
????????? ??? ?????? ?????????? ??? ?? ?????? 46 ??? 59? ??? ?????? ??? ?????.
????????? ??? ?????? ??????????.

21 ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ???????, ?? ??? 44 ??? 45 ???
????????? ??? ???? ?????? ?????????? ??? ?????? ??? ?????? 46 ??? 59? ??? ?????? ???
?????.. ?? ??? ?????????????? ?????????? ??? ?????? ?? ??????? ?? ?????? ?? ???
????????? ?? ?????? ??? ?????? ?????????? ??? ?????? 46 ??? 59? ??? ?????? ??? ?????. ??
????? ??? ?????????? ?, ?? ??? ?????? ?????????? ??? ?????? ??? 44 ??? 45 ??? ??????
[????., ?????????? ??? 12?? ????? 2005, RAL (Channel Islands) ???., C?452/03,
EU:C:2005:289, ????? 24 ??? ??? ?????????????? ??????????, ????? ??? ??? 8??
????????? 2016, A ??? B, C?453/15, EU:C:2016:933, ????? 18].

22 ????, ?? ??? 53 ??? ?????? ??? ?? ?????? ?? ?????? ?? ?????????? ?????????? ???
?????? ??????, ? ?? ?????? ?????? ?????? ?????????? (??., ???' ??????????, ?????? ??? 8??
????????? 2016, A ??? B, C?453/15, EU:C:2016:933, ????? 19).

23 ?? ??? 53 ??? ?????? ??? ?????? ?????????? ??? ???? ?????? ?????????? ?????????? ???
????????? ??? ???????, ?????? ???, ?? ?????????? ?????? ?????????? ?? ?????? ?????????? ???
?? ?????????? ???, ?????? ???, ????? ? ?????? ??? ?????? ?????? ?????????? ?????????? ???
?????????.

24 ??? ???? 32, ?????????? 2, ??????? ??, ??? ?????????????? ???????????, ??
????????? ?? ??? ?????????? 1 ??? ?????? ?????, ?????????? ??? ?? ?????????? ??? ????
53 ??? ?????? ??? ?? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ????
????????? ??? ?????????? ??? ?????? ?????, ?????????????? ??? ?????? ?????????? ???
????? ?? ?????? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????.
????? ?????? ??? ??????.

25 ??? ?????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ?? ?????? ??? ?????????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ???? ???? ? Srf ??
????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ???? ???? ???? ?
????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ???? ???? ?
????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????. ?? ?????????? ???, ??? ??
????? ?????????? ? ??? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ???? ???? ???? ?
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ???? ???? ???? ???? ?
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ???? ???? ???? ???? ?
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ???? ???? ???? ???? ?
????? ??????.

26 ??? ?????? ?? ?????? ?? ?? ?????? ?????????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ???? ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ?
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ?
????? ??? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ?
????? ??? ?????? 10?? ?????????? 2016, Baštová, C?432/15, EU:C:2016:855, ????? 70 ??? ???
????????? ??????.

27 ??? ??????????, ???' ??????, ? ?????????? ??? ?????? ?????????? ??? ?????? ????

?????????????? ???, ? ?????????? ?????? ?????????????? ???, ?????? ????, ?????? ???????, ???????
??? ?????????? ?????? ?????????????? ?? ?????????? ?????????? ??? ?????????????? ????.
?????????, ??? ?????? ?????????? ?????????? ?????? ?? ??? ?????????? ??? ?? ??? ??????????.
??? ??? ?????????? ?????, ? ?????????? ?????? ?????? ?????????? ??? ?????? ??????????
?????????? ?????? ??? ?????????????? ?????????? ?? ?????????? ??? ?????? ??? ??????????
?????????? ?? ?????????????? ?????????? ?????????? ??? ?????? ?? ??? ?????? ??? ?? ???
????????? ??? ?????????? ??? ?????? 53 ??? ?????? ????.

28 ???????????????, ??????, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ???
????????? ??? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ? ???????, ??????, ???
?????????? ?????????????? ??? ?????? ?? ?????????? ?? ?????? ?????????? ???, ???????,
??? ?? ?????????????? ?????? (?????? ?? 8?? ?????????? 2016, A ??? B, C?453/15,
EU:C:2016:933, ??? 24 ??? ??? ?????????????? ??????????).

29 ???????????, ? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
?????? ?????????? ?????????? ?? ?????????????? ??? ???????????, ??? ?? ??? ?????? ???
??????, ??? ??? ????? ?????????????? ??? ?????? ? ?????????? (????., ??????? ?? 8??
????????? 2016, A ??? B, C?453/15, EU:C:2016:933, ??? 25 ??? ??? ??????????????
?????????).

30 ???????, ? ?????? ?????? ??? ?????????? ?? ?????? ?????????? ??? ?????? ???????????,
??? ?? ?????? ???, ?????? ?? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? 53 ??? ??????
???? ?? ??? ?? ??? ?????? ??????, ???????, ?? ?????????? ?? ??? ??? ??? ??? ??
????????? ?????????? ?? ?????????? ?????, ??????? ??? ?????? ??? ?????? ??? ??? ?????? ??????????
?? ?? ??? ?????? ?????????? ??????????.

31 ??????, ??? ?????? ?????????? ?? ???????, ??? ?????????? ? Srf, ?? ??????? ??
????? ??? ?????????? ?????????????? ?????????? ?????????? ??????????????, ??????? ?
????????? ?????? 6 ??? ?????? 2008/8, ?? ??? ?????? ?????????? ?? ?????? 44 ??? 53 ???
?????? ??? ???, ?? ??? ?????, ??????? ??? ? ?????????? ??? ?????? ??? ?????? ??????????????
??????, ??? ?????? ??? ??????, ?? ??? ?????? ?????????? ?????????? ?????????????? ??????????????
?????? ?? ??? ??????????.

32 ???????, ??? ?????????? ? ?????? ?????????? ??? ?????? 74 ??? ??????? ??,
??? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ??? (?????? ?? 13?? ?????????? 2018, ?eská
pojš?ovna, C?287/17, EU:C:2018:707, ??? 33).

33 ?? ????????, ?????????? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? 53 ??? ?????? ??? ??? ??, ??? ?????????? ??? ??
????? ??? ?? ?????????? ?? ??? ?????? 32 ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???.

34 ??? ??????, ??????, ?? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? 53 ???
?????? ??? ??? ?????????? ??? ?????? ??? ?????? 6 ??? ?????? 2008/8.

35 ??? ?????? ?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??????????, ?????? ??? ???
????????? ??? ??? ?????? 53 ??? ?????? ??? ?????? ??? ??? ??, ??? ?????? ???

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

36 ?????? ??? ??????????????, ??? ?????????? ?????????????? ?????? ?????? ?????? ?? ?????? ?
????????? ??? ?? ????? 53 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «?????[?] ???
????????? ??? ?????? ?? [...] ?????????» ??? ?? ?????? ??? ?????????????? ???
?????????, ??? ? ?????? ??? ?????? ???, ?????????? ??? ?? ?????????? ??? ?????? ???
?? ????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???.

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

37 ?????????? ??? ? ?????? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?????? ???
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??? ??? ?????? ????, ?? ?????????? (????? ????) ??????????:

? ? ?????? 53 ??? ?????? 2006/112/?? ??? ??????????, ??? 28? ?????? 2006,
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??? ?????? 2008/8/E? ??? ??????????, ??? 12? ?????????? 2008, ??? ???? ??
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(?????????)

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