

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

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

??? 15?? ??? 2019 (*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??????
2006/112/?? – ????? 135, ?????????? 1, ?????????? ?? – ?????????? ?????? – ?????????? ??????
????????????? – ?????????? ??? ?????????????? ?????????? – ?????? ??????»

???? ??????? C2235/18,

?? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???
?????? ?? Naczelnego S?d Administracyjny (?????? ?????????? ??????????, ???????) ??
?????? ??? 23?? ??????? 2017, ? ?????? ??????? ??? ?????????? ??? 28 ??????? 2018,
?? ??????? ??? ??????

Vega International Car Transport and Logistic – Trading GmbH

????

Dyrektor Izby Skarbowej w Warszawie,

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

?????????? ??? ??? F. Biltgen, ??????? ???????, C. G. Fernlund ??? L. S. Rossi
(??????????), ????????,

?????? ??????????: E. Tanchev

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

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

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

– ? Vega International Car Transport and Logistic – Trading GmbH, ?????????????? ???
??? J. Pomorska-Por?bska, ?????????? ??????????,

– ? ?????????? ????????, ?????????????? ??? ??? B. Majczyna,

– ? ?????????? ????????, ?????????????? ??? ??? R. Lyal ??? ??? J. Hottiaux,

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

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

??????

1 ? ?????? ?????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 135, ??????????
1, ??????? ??, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ??????? 2006,

????????? ?? ?? ?????? ??????? ?????? ?????????????????? ?? (?? 2006, L 347, ?. 1).

2 ? ?????? ??? ??????????? ??? ?????? ??????? ??????? ?????? Vega
International Car Transport and Logistic – Trading GmbH ?? ??? ?????? ?????? (??? ????: Vega
International) ??? ??? Dyrektor Izby Skarbowej w Warszawie (?????????????? ??? ???????????
????? ??? ????????, ??????), ?? ??????????? ??? ?????? ??? ??????????? ?? ??????????
??? Vega International ??? ??? ?????????????? ??? (???) ?????? ?? ?????? ???
????????? ?? ?? ?????? ?????? ???????.

?? ?????? ???

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

3 ?? ?????? 2, ??????????? 1, ?????????? ?? ??? ?, ??? ??????? 2006/112 ?????? ??
?????????:

«????? ??? ??????????? ?? ?????????? ????????

[...]

?) ?? ??????? ??????????, ??? ?????????????????? ?? ??????? ??????? ??? ??????? ??? ??????? ??? ??????? ?????????? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ??????? »

4 ?? ?????? 14. ??????????? 1 ??? 2. ??? ??????? ?????? ??????????? ?? ???;

«1. ?? “????????? ??????” ?????????? ? ?????????? ??? ?????????????? ?? ?????????? ????????, ?? ?????? ?????????? ?????»

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

[...]

?) ? ?????????? ??????, ? ????? ?????????????????? ?? ??? ????? ??????? ?????? ???)
????? ? ?????? »

5 ?? ?????? 24 ??????????? 1 ?? ? ? ????? ??????? ?????? ?? ?????

« 22 “?????? ??????????” ??????? 2222 22222 2 ?????? 222 22222222 22222222 222222 »

6 ????? ?? ?????? 135 ??????????? 1 ?????????? ?? ?? ?????? ????????

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

[1]

22 22222222 222222

7 2 2222222 2006/112 222222222222 222 22222222 2222222 22 222 ustanawa z dnia 11 marca

2004r. o podatku od towaru i us?ug (????? ???? ??????????? ?????? ??? ??????????), ??? 11?? ??????? 2004 (Dz. U. de 2011, ????. 177, ????. 1054), ??? ?????????????? (??? ????: ????. ????. ???).

8 ????. ?? ?????? 5, ??????????? 1, ?????? 1, ??? ?????? ????:

«[??? ??????????? ?? ???] ??????????: ? ?? ??????? ?????? ??????? ??????? ??? ? ?? ??????? ??? ?????? ?????? ?????? ?????? ?????? ??????».»

9 ?? ?????? 7, ?????????? 1 ??? 8, ??? ?????? ?????? ?????????? ?? ????:

«1) ?? ??????? ?????? ??? ?? ?????? 5, ?????????? 1, ?????? 1, ?????? ? ?????????? ??? ?????????? ??? ?????? ?????? ??????, ?? ??????, ?? ?????? [...].

[...]

8) ????. ??????????? ??? ? ??????? ??? ?????? ?????? ?????????????? ??? ?????????????? ???????????, ??? ?????? ??? ? ?????? ?????? ?????????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? [...]».

10 ?? ?????? 8, ?????????? 1, ??? ?? ??? ?????? ?????? ?? ????:

«?? ?????? ?????????? ??? ?? ?????? 5, ?????????? 1, ?????? 1, ?????? ??? ?????? ??? ?????????????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 7 [...].».

11 ?? ?????? 43, ?????????? 1, ?????? 38, ??? ?????? ??????, ?? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? 135, ?????????? 1, ?????? ??, ?? ?????? 2006/112, ?????? ??? ????:

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

12 ????. ?? ?????? 86, ?????????? 1, ??? ?????? ??? ??? ????:

«????? ?????? ??? ?? ?????? ??? ?? ?????????? ?????????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? [...]».

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

13 ????. ??? ?????? ?????? ??? ?????????? ?????? ?????? ??? ? Vega International ????. ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? Vega International, ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? Vega Poland sp. z o.o., ??? ?????? ?????? ?????? ?????? ?????? ??????.

14 ? Vega International ?????????? ??? ?????????????? ??? ???????????, ??? ?????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Vega Poland ?????????????? ?? ?????? ??? ?????? ??? ?????? ?????? (????????? ??? ?????? ??? ??????) ?????? ?????? ??? ?????? ???

????????????? ??????, ??? ?????????????? ?????? ??? ?????? ??? ???????, ??? ?? ???????
??? ?????????????????? ?? ?? ?????? ?????? ?????? ?????????? ?????????????? ?? ???????
?????? ?? ?? ?????? ?????? ?????? ?????? ???????, ? ?????? ?????? ?????? ?? ?? ???????
????????? ?????? ?????? ?????? ?????? ???????????, ?????? ?????, ? ?????? ?????? ?? ?? . ??
????????, ??? ?????? ????, ? Vega International ?????? ?? ??? ?????? ??? ??????????? ???,
?????? ??? ?????? ? Vega Poland, ?? ?????? ??? ?????????????? ??? ?? ??? ?????? ???
????????? ?????????? ??? ???????, ?? ?????????? 2 %. ?? ?? ??? ?????? ?????????? ???
????????? ?? ?????????? ?? ?????????? ??? ?????????? ?????? ?? ?? ??? ?????? ??? ??????
????????? ?? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ?? ??
????????? ?? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????.

15 ?? ?????? ??? 11?? ?????????? 2014, ? Naczelnik drugiego Urz?du Skidowego Warsza-
?r?miec?cie (?????????? ??? ??????? ??????????? ??????? ??????????-r?miec?cie, ???????)
????????? ??? Vega International ??? ?????????? ??? ??? ??? ?????? ??? ??? ??????
?? ?? ?????? 2012, ????? 106 031,44 ?????????? ??? (PLN) (????????? 24 735,82 ???). ?
????????? ??? ?????????????? ??? ??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ??????
?? ?????? ??? 28?? ?????????? 2014.

16 ? Vega International ?????? ???????? ??? ?????? ??? ?????? ?????????? ?????????? ???
Wojewódzki S?d Administracyjny w Warszawie (?????????? ?????????? ??? ?????????? ???
?? ????????, ??????). ?? ?????? ??? 26?? ?????? 2015, ?? ?? ??? ?????? ??????????
?????? ??? ? ?????? ??? Vega International ??? ?????? ??? ??? ??????.

17 ?? ????????, ? Vega International ?????? ???????? ??? ?????? ??? ?????? ??????????
?????? ??? Naczelnny S?d Administracyjny (????????? ?????????? ???????????, ???????).
?? ?? ??? ???????????, ??? ??? ?? ?????????? ?????????? ??? ??? ?? ???????????
??????????, ??????? ?? ?????????? ?????????? ??? ?????????? ?????????? ??? ?????? ???
?????? ?? ?????????? ?? ??? ?????? ??? ??? 6?? ?????????? 2003, Auto Lease Holland
(C?185/01, EU:C:2003:73), ??? ??? ?????? ?????????? ??? ?? ?????????? ??? ?????? ???
?????? ?????? ?????? ?????????? ???????, ??? ?????? ?????? ??? ?????????? ??? ?? ??????????
??? ?????? ????. ???????????, ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
?????? ?????????? ? ?????? ??????, ? ?????? leasing ??? ?????? ?? ??????
?????????? ?? ?????? ?? ?? ?????????? ??? ?????? ?????? ??? ?????????? ?? ?? ??????
leasing ??????????, ??? ? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

18 ??? ??? ?????? ????????, ???' ?????????? ??? ?????????? ???, ?? ?????? ?? ??
????? ??? ? Vega International ??? ?????????? «????????? ???», ?? ??????????
????????, ??? ??? ?????? ??? ?????? 7, ?????????? 8, ??? ?????? ???, ??? ??? ??????
? ??? ?????? ?? ???????, ??? ?????? ??? Vega Poland ?????????????? ??????????
????? ??? ???????? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ??????
?? ?? ?????? 43, ?????????? 1, ?????? 38, ??? ?? ??? ?????.

19 ??????????, ?? ?????? ?????????? ??????????? ??? ? ??????? ??? 6?? ??????????
2003, Auto Lease Holland (C?185/01, EU:C:2003:73), ??? ??????? ?????? ??? ??????
2006/112, ??? ?????? ??? ??????? ??? ????? ?????? ?????? ?????? ?????? ??????
77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????? ??????
?????? ?????, ??? ??????? ?? ??? ????? ?????? ?????? ?????? – ??? ?????? ?????? ???
????????????? ?????: ?????????? ?????? ??? (?? ????. ??? 09/001, ?. 49, ??? ????:
???? ??????).

20 ??? ??? ??????? ????, ?? ?????? ?????????? ??? ?????????? ??? ?????? ????
?????????, ??? ?? ?????? ??? ?? ??????????, ??? ??? ?????????? ??? ?????? 135,
????????? 1, ??????? ?, ??? ?????? 2006/112, ? ????? ?????????? ?? ?????? ????
????????? ? ? ?????????? ?????? ?????? ??? ?????? ?????? ?????????? ????
????????? ??? ?????? ??? ?????? ??????, ???????, ?? ?????? ?? ?? ??????
??? ?????????? ? Vega International ??? ??????, ??????? ?? ?? ?????? ??? ??
????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??? ?????? ?????? ??? ??
????????? ??? ??? ?????? ??? ??????, ?????? ?????? ?? ?????????? ?????? ??????
?????????, ?? ?????????? ?????? ?????????? ??? ??? ?????? ??? ?????????? ??? ??????
????????? ?? ??? ?????? ?????????? ?? ??? ?????? ?????????? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??
?????????.

21 ?? ?? ??????, ?? ?????? ?????????? ?????? ???, ?????????? ?? ?????????? ??? ??
????????? ?????????? ??? ?????? ? Vega International, ??? ?????????? ?? ?????????? ??
????? ?? ?????? ??? 135, ?????????? 1, ?????????? ??, ??? ?????? 2006/112.

22 ??? ??? ??????? ????, ?? Naczelnego S?d Administracyjnego (?????? ??????????
?????????) ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ???
????????? ?? ??? ?????????? ??????:

«????????? ??? ??? 135, ?????????? 1, ??????? ??, ??? [?????? 2006/112] ? ??????
????? ?????????? ??? ??????, ????? ?? ?????????? ?????, ? ?????????? ??? ?
????????? ??? ?????? ?????? ?? ?? ?????? ?????? ??? ?????, ? ?????? ?? ??????
????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????;».

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

23 ?? ?? ?????????? ????, ?? ?????? ?????????? ????, ???' ??????, ??
????????? ?? ?? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112 ??? ??
????? ??, ?? ?????? ??? ?????? ??? ?????? ??? ?????, ? ?????? ?? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? 14, ?????? 1, ??? ?? ??? ?????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????.

24 ?????????? ?????? ?????????? ??? ?? ?????????? ??? ?????? 2006/112 ??? ??
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ???' ?????? ?? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???

????????????? ?????????? ??? ??????? 2006/112 (??., ?????? ?????, ??????? ?? 28??
?????? 2016, Astone, C?332/15, EU:C:2016:614, ???? 27).

25 ??????????? ?? ????? ??????? ?? ???? ?????????????? ??????? ?? ??????????
???????????, ?????????????? ??, ??????? ?? ?? ????? 2, ?????????? 1, ??????? ??, ??
?????? 2006/112, ??? ?? ?????????? ?? ?????????? ?????? ??? ??????????????? ??
?????? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ??
?????? ????.

26 ????? ?? ??????? 14, ??????????? 1, ??? ??????? ??????, ?? ??????? ?????? ??????? ?????????? ?
????????? ?? ??????????? ?? ??????? ???????, ?? ??????? ???????, ?? ???????, ??????? ??????.

29 Vega International

30 ????? ??? ?????????? ??????, ?????????????? ?? ?????? ?????????? ??? ?????????? ??? ?????????
???????????, ?????? ?? ?????????? ??, ??? ?????? ??? ?????? ??????, ?? ??????
????????? ?????????? ?????? Vega International ? ??? Vega Poland ?? ??????? ??
????????? ?? ??????? ?? ?????? (????. ?????? ??? 6?? ?????????? 2003, Auto Lease
Holland, C?185/01, EU:C:2003:73, ????? 33).

31 ???????, ?????? ?? ??????????? ???, ??? ?????????? ??? 6?? ??????????? 2003, Auto Lease Holland (C?185/01, EU:C:2003:73), ?? ?????????? ??????? ?? ?????? ??? ??????, ??? ??????? ??????? leasing ??? ??????????? ???, ?????????? ??????? ??????, ?????????? ??????? ???????, ?????????? ???????, ??? ??????? ?????????? ??? ?????? leasing, ??? ? ??????? ?????????? ?? ?????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ?????? ??????? ??? ??????, ?? ???????, ?????? ??? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???.

32 ??? ?????? ?? ???? ??????? ?? ?????????? ?????? ??? ?? ?????????????? ??? ? ??????? ??
????? ?????????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????, ?????? ??????????
????????? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ? ?????????? ?????? ?????????? ???
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?? ??????????????????
?? ?????? ??? (????. ??????? ??? 6?? ?????????? 2003, Auto Lease Holland, C?185/01,
EU:C:2003:73, ???? 34).

33 ????????, ??? ???? ????????, ?? ??? ?????? ????????, ?? ?????????? ?????, ?? ?????????? ???
????????????? ?? ?????? ??? ??????? leasing ??? ??????????. ????????????, ??????
??, ?? ?????? ?????????? ??? ??? ?????????? ?????? ?????????? ?????? ????????????,
????????? ??, ??? ?????????? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ???????, ??? ?????, ?? ?? ?????, ??????? ?? ?????????? ?? ?????? ???
????????? ??? ?????? (?????? ??? 6?? ?????????? 2003, Auto Lease Holland,
C?185/01, EU:C:2003:73, ???? 35).

34 ?????? ??? ???????, ?? ?????????? ?????????? ??? ?????????? ??? ? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????? leasing ??? ??? ?????? ???
????????? ?????????? ???????, ?????????????? ??????, ??? ?????????? ???
????????? ?? ?? ?????????????? ??? ?????? ??? . ???????, ??? ?? ?????????? ?, ??????
leasing ??? ??????? ?? ??????? ??? ?? ??????? ?????????? ??? ?????? ?????? ???
????????? ?? leasing ??????????, ??? ????? ?????????? ?? ???????, ?????????? ???
????????? ??? ?????????? ??? ??? ?????????? ???, ?????? ??? ??? ?????????? ??? ??????. ??
?? ??????, ? ?????? leasing ??? ?????????????? ?????????? ?? ?????? ???
????????? ??? ?????? ??? ?????????? ?? leasing ?????? (?????? ??? 6??
????????? 2003, Auto Lease Holland, C?185/01, EU:C:2003:73, ???? 36).

35 ?????? ?? ?? ?????????? ??? ?????????? ??? ?????? 24 ??? ?????????? ??????????, ??
????????? ??????????, ??? ?????? ?????????? ?? ?????????? ??? ?? ?????? ??? ?????? 5,
????????? 1, ??? ?????? ??????, ?????? ?? ?????????? ??? ?????????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? «????????? ?????» ??? ??
????? 14, ?????????? 1, ??? ?????? 2006/112.

36 ????????, ?????????? ???, ??? ?????????? ???, ??? ?????????? ??????????, ? Vega International ???
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?? ?????? ?????? ??? ?????????? ??? ???.
????????? ?? ?????? ??? ?????????? ??? ?? Vega Poland ?????????? ??? ???
????????? ??? ??? ?? ?????????? ??? ?????? ??? ?? Vega Poland
????????? ??? ?????? ???, ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ??? ???
????? ?? ?????????? ??? ??? ?????? ?????????? ???, ?????? ??? ?????????? ??? ???
??? ?????????? ? Vega International, ?? ?????????? ?? ?????? ??? ?? ??????????
????????? ??? ??? ??????, ??? ??????, ?? ?????? ??? ?? ?????? ??? ?????? ??? ???
????? ??? ??? ??? ?????? ?????????????? ??? (????. ??????? ??? 16?? ?????????? 2015,
Wojskowa Agencja Mieszkaniowa w Warszawie, C?42/14, EU:C:2015:229, ???? 26).

37 ????????, ??? ?????????? ??? ? Vega Poland ?????????? ?? ?? ?????? ??? ??????
?? ? ???? ??????????, ??? ?????? ??? ? Vega International ??? ?????? ?? ??? ??
????????? ???, ? ???? ??????, ? ?????? ?????????? ?????? ??? ?? ?????????? ??
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????????? ?? ?????????? ??? ??
????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?????????? ??
????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??

38 ??? ??? ??????? ???, ??? ?????????? ??? ? ?????? ?????????? ? ?????????? ?????? ??? ? ??????????
?????????, ??? ?????? ?? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ?? ??????

????????????? ??? Vega International ??? ??? ????, ?? ???????, ?????????? ?? ????
????? ??? Vega Poland, ?????????????????? ?? ??? ??? ?????? ???, ??????????
????????? ????. ??????????, ??? ?????????????? ? ?????????, ?? ?????? ?? ??????????
??? ? Vega International ????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???, ?? ?
????? ?????? ???????, ??? ??? ?????? ??? ?????????? ?? ?????????? ?? ???? ?????? ???????,
??? ?? ??? ?????? ??? ?????????????? ?????? ??? ?????????????? ??? ?????????? ??? ???????
????????? ????.

39 ??? ????????, ????????, ?????????? ?????????? ???, ??? ????????, ??? ?????????? ???
???????, ??? Vega International, ? ?????????? ??? ?????? ?? ?????????? ???
????????? ??? ?? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ?? ???? ??
??? ?????????? ?? ?????? ??? ?????? ?????? Vega Poland ??? ??????? ??????????.

40 ?????? ????????, ?????????????? ???, ????????, ?? ???? 24, ?????????? 1, ???
?????? 2006/112, ??? ?????? ?? ?????? ??? ?????????? ??????? ?????? ?? ???????
«????? ??????».

41 ??? ?????????????? ??? ???? ??? ?????????????? ? Vega International ??? ??
????????? ?????????? ???, ? ?????? ?????????? ??? ?????????? ?????? ?????????? ???
?????, ????, ?????????? ?? ?????? ??? ?????????? ??? ?????????? ?? ?????????? ??????????????
? ??????, ??? ?????? «????? ??????» ??? ?????? ??? ?????? 14, ?????????? 1,
??? ?????? 2006/112. ??? ??????, ?????? «????? ??????» ??? ??? ?????? ???
????? 24, ?????????? 1, ??? ?????? ??????.

42 ?? ?? ??????, ??????????? ?? ?????? ?????? ??????? ?????????? ??? ?????? ??????????, ???
?????? ?????????? ?? ?????????? ?? ??? ?????? ?????? ?????????? ?????? ?? ?????????????? ??
????????? ?????????? ??????????, ?????????????? ??? ??? ??? ??? ?????? ??? ?????? ???
135, ?????????? 1, ??????? ??, ??? ?????? 2006/112.

43 ??????, ?????????? ??? ???? ?????????????? ??? ?????? ?????????? ??? ?????????? ???
?????? ?????????? ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ??
????????? ?? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ?? ??? ?????????? ??? ?????? (???. ??????? ?? 4?? ??? 2006, Abbey National,
C?169/04, EU:C:2006:289, ??? 66, ??? ?? 21?? ??? 2007, Ludwig, C?453/05,
EU:C:2007:369, ??? 25).

44 ??? ?????? ?????????? ?? ?????? «????? ??? ?????????????? ??????????», ???
????????????? ??? ?? ??? ?????? ???, ? ?????? ??? ?????? ?? ?????????? ?????? ???
????????? ?? ?????????? ??? ??? ?????? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????????? ??? ?????????? [???. ?????????? ???
27?? ?????????? 1993, Muys' en De Winter's Bouw- en Aannemingsbedrijf, C?281/91,
EU:C:1993:855, ??? 13, ??? 22?? ??? 2015, Hedqvist, C?264/14, EU:C:2015:718,
??? 37, ??? ?? 18?? ??? 2018, Volkswagen Financial Services (UK), C?153/17,
EU:C:2018:845, ??? 35].

45 ? ?????? ??? ?????????????? ??? ??? ?????? ??? ?????? ?????????? ??? ??????
?????? ? ?????? 2006/112 ??? ?? ?????? ???????, ?????? ???, ??? ?? ??????????
????? ?????????? ??? ?????? ??? ?????????? (??., ?????? ???, ?????? ??? 27??
????????? 1993, Muys' en De Winter's Bouw- en Aannemingsbedrijf, C?281/91, EU:C:1993:855,
????? 14).

46 ?? ?? ??????, ? ??????? ??? ?????? ??? ?????? ? ?????????????? ??? ?????? ??? ??

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

47 ??? ??? ??? ?????? ???????, ??? ?????????????? ??? ?????? 14 ??? ?????? ?????????? ????,
??? ?????????????? ??? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ??????
????????? ??? ?????? ? Vega International ???? ??? ?????? ??? ?????? ???, ????
??? ?????? ? Vega Poland, ?????????????? ?? ??? ?????? ?????? ??? ?? ??? ?????? ??????
????? ??????, ? ?????? ?????? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ????, ????, ? ?????? ?????? ??? ?? ??? ?????? ?????? ?????? ?????? ???, ?
Vega International ?????? ?? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ??????
??? ??? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ?????? 2 %. ????, ???
????????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??
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????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??.

48 ????, ????, ?? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? 2 % ??
Vega Poland, ? Vega International ?????? ?????? ??? ?? ??? ?????? ??? ?????? ???
????????? ?????? ????. ?? ??? ?????? ???, ? Vega International ??????
????????? ?????? ??? Vega Poland ?????? ?????? ??? ?? ??? ?????? ??? ??
????? ??? ?????? ???, ?? ?? ??????, ?????? ?? ??? ?????? ??? ?? ??? ?????? ??? ??
????????? ?????? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? 36..

49 ??? ??? ?????? ????, ?????????????? ??? ? ?????? ??? ? Vega International
????? ?????? ??? Vega Poland ?????? ?????? ?????? ?????????????? ???
????? ? ??? ?????? ?????????? ???, ?????? ?? ??? ?????? ?????? ??? ?? ??? ?????? ???
????? 135, ?????? 1, ?????? ??, ??? ?????? 2006/112 [????. ?????? ??? 18??
????????? 2018, Volkswagen Financial Services (UK), C?153/17, EU:C:2018:845, ??? 36].

50 ??? ??????, ?????????? ??? ?????? ??? ?????? ? Vega International ???? ????
?? Vega Poland ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?? ??? 135,
????????? 1, ?????? ??, ??? ?????? 2006/112.

51 ??? ?????? ??? ?????????? ???, ??? ?????????? ??? ?????? ??? ?????? ?? ??? ?????? ?
??? ?? ??? 135, ?????? 1, ?????? ??, ??? ?????? 2006/112 ??? ?? ??? ?????? ???,
??? ?????? ??? ?????? ??? ?????? ???, ? ?????? ?? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?? ?????? ??? ?????? ?????? ?????? ?? ??? ?????? ??? ?????? ?? ?????? ???
????????? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ??
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52 ??? ?????? ??? ? ?????? ?????? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ???
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ???
????? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

? ? ? ? ? 135, ?????? 1, ?????? ??, ??? ?????? 2006/112/?? ??? ?????? ???,
?? 28?? ?????? 2006, ?????? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
(???), ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?

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

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