

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

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

??? 20?? ?????????? 2019 (*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??? ??????
77/388/?? – ??? 13, A, ?????????? 1, ??????? ?? – ?????????? – ??????? ?????????? ??
?????? ?????????????????? ??? ?????????? ?????? ?????? – ?????????? ?????????? ??
??? ??? ??? ??? ?? ???»

???? ?????? C?400/18,

? ? ?????????? ?????? ?????????????? ?????????? ?????? ??? ?????? 267 ????, ???
?????? ?? Hof van Cassatie (?????? ?????????? ??????????, ??????) ?? ??????? ??? 19??
????????? 2018, ? ????? ?????? ??? ?????????? ??? 18 ?????? 2018, ??? ??????? ???
?????

Infohos

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Belgische Staat,

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

????????? ??? ??? A. Arabadjiev, ?????? ???????, P. G. Xuereb (?????????), T. von
Danwitz, C. Vajda ??? A. Kumin, ???????,

?????? ??????????: G. Pitruzzella

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

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

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

– ? Infohos, ?????????????? ??? ??? F. Soetaert, advocaat,

– ? ??????? ????????, ?????????????? ??? ??? J.-C. Halleux ??? P. Cottin ??? ???
??? ??? C. Pochet,

– ? ?????????? ????????, ?????????????? ??? ??? L. Inez Fernandes ??? R. Campos
Laires ??? ??? ??? P. Barros da Costa ??? M. J. Marques,

– ? ?????????? ????????, ?????????????? ??? ?? L. Lozano Palacios ??? ??? W. Roels,

???? ?????? ??? ?????? ?????????? ??? ??????? ??? ?????????? ??? ?????? ???
??? 11?? ?????? 2019,

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

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1 ? ?????? ?????????????? ?????????? ?????? ??? ???????? ??? ?????? 13, ?, ???????????
1, ??????? ???, ??? ????? ??????? 77/388/??? ??? ???????????, ??? 17?? ????? 1977, ???
????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ????? ?????? ??????
????????? – ????? ?????? ????? ?????????????? ?????: ?????????? ?????????? ?????? (??
???. ???, 09/001, ?. 49, ??? ?: ??? ?????).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ??? Infohos ??? ???
Belgische Staat (????????? ???????) ??????? ?? ?????????? ????? ?????????? ???
????????????? ??? (??) ??? ?? ??? 2002 ??? 2004.

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

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

3 ? ??? ?????? ?????? ?????????? ??? ???????????????, ??? 1?? ?????????? 2007, ??? ???
?????? 2006/112/?? ??? ???????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ???
?????? ??? ????? ?????????????? ??? (?? 2006, L 347, ?. 1). ??????, ?????????????? ???
?????? ??? ?????????? ?????????????? ??? ?????????? ??? ?????? ?????, ? ?????? ???
????????? ?? ?????????? ??? ????? ??????.

4 ? ?????? ??? ? ?????????? ?????????????? ?????? ??? ????? ?????? ?????? ?? ????:

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

[...]

??? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????????? ???????
??? ?????? ?????? ?? ??? ???? ?????? ???».

5 ?? ?????? 2 ??? ?????? ?????? ?????????? ?? ???????:

«????? ??? ?????????????? ????:

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

[...]».

6 ?? ?????? 13 ??? ?????? ??????, ?? ????? «????????? ??? ?????????? ??? ??????»?????
?? ????:

«?. ?? ?????? ?????? ?????? ?????????????? ?????? ?????? ?????????? ???

1. ?? ??? ?????????? ?????? ?????????? ???????????, ?? ?????? ??? ???????????????, ??? ??
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???????????????,
????????? ??? ?????????? ??? ???????:

[...]

??) ??? ??????? ??????????, ?? ?????? ?????????????????? ??? ?????????????? ???????
?????????, ??? ?????? ?????????????? ?????????????? ??? ?????? ???? ??? ?????? ?? ??????
???? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??????
???? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??????, ??' ????
?? ??????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ?? ??? ?????? ??? ?????? ??? ?????? ?????????????? ???????, ??? ??? ??? ??? ?? ?
????????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????

[...]».

7 ?? ?????? 13, A, ?????????? 1, ??????? ???, ??? ?????? ?????? ?????????????? ???
????? 131 ??? ??? ?????? 132, ?????????? 1, ??????? ???, ??? ?????? 2006/112.

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

8 ?? ?????? 44, ?????????? 2, ?????? 1 bis, ??? ?????? ???, ??? ?????? ??? ?????? ???
??? ?????????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????????
??? ??? ??? «?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????????? ???
????????? ??? ?????? ?????????????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ?? ??????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ».

9 ?? ?????? 2 ??? koninklijk besluit nr. 43 met betrekking tot de vrijstelling op het stuk van de
belasting over de toegevoegde waarde ten aanzien van de door zelfstandige groeperingen van
personen aan hun leden verleende diensten (????????? ?????????? ??' ????. 43 ???
????????? ??? ??? ?????? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???
?? ?????????? ?????? ?????), ??? 5?? ?????? 1991 (*Belgisch Staatsblad* ??? 6??
????????? 1991, ?, 17215), ??????? ?? ???:

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

1° ?? ?????????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 44 ??? ?????? ? ?????????????? ??? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ».

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

10 ? Infohos ??? ?????? ?????? ?????????????? ??? ?????????????? ??????????????. ???????,
??????, ?????????? ?????????????? ?????????????? ??? ?????????? ??? ?????? ??? ??? ?? ??,
??????, ?????????? ?? ?? ???.

11 ??? 5 ?????????? 2000 ?????? ?? ??? ?????? IHC-Group NV ???????
????????? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? Infohos, ??? ?
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???.

13 ? ??????????? ???, ??????, ???????, ???????, ???????, ??? ??????????? ??? 20 ??????? 2005,
??? ?? ??????? ???, ?????? ??????? ??????? ?????? ??? ? Infohos ??? ? IHC-Group ?????? ??
?????????? ???. ???????, ??? ?? ??????????? ???, ? ??????????? ???????????
?????? ???. ??? ?? ?????? ??? ?? ??????? ??? ?? ??????? ??? ?? ??????????? ??? ??
???? ?? Infohos ?????? ?????? ?? ??????????? ???, ?????????? ??? ? Infohos ???
?????? ???. ??? ?? ?????? ??????????? ??? ?? ??????????? ??? ?? ??????????? ???'
????????? ??? ?????? 44, ?????????? 2, ?????? 1 bis, ??? ?????? ???.

14 ????? 13 ??????????? 2005 ? ??????????? ????? ?????????? ??????? ?? ??? ?????
?????????????? ?? ??????????? ????? ??, ??? ???????, ?????? ?????? ?????????? ??????????
??????, ? ????, ?????? ??????? ???????.

15 ??? 22 ???? 2007, ?? ??????? ??? ?????? ?????? ??? rechtbank van eerste aanleg
Brugge (????????????? ????, ?????), ? Infohos ?????? ??? ?? ?????????? ??? ?? ??? ????
??? ?? ??? ?????? ?????? ??? ?????? ???, ??? ???????, ?? ?????????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ? ?????????? ???, ??
????????? ??? ?? ?????? ???, ???, ???????????, ?? ?????????? ??
????????? ??? ?????????? ??? ?????? ?, ??? ???????, ?? ?? ?????? ???????, ??
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ??????
??????????, ??? ?????? ??? ???????????, ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ???
??????????.

17 ? Infohos ?????? ????. ????. ????. ????. ????????. ????. ??????. ????. hof van beroep te Gent
(???????. ????. ????.).

18 ?? ??????? ?? 21?? ??????????? 2010, ?? ?????????? ??? ?????? ??? ? Infohos ??? ??????? ?? ??????????? ??? ?????????? ??? ??????? ?? ?????? 44, ?????????? 2, ?????? 1 bis, ??? ?????? ???, ????? ?????? ?? ?????????? ? ??????????????. ????????, ?????? ??? ? Infohos, ?? ?????????? ??? ?????? ??? ?????????? ?????????????? ??????? ?????????????????? ??? ?????? ???????????????, ??? ?????? ?????? ??? ?????? 46 ??? ?????? ???, ??????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????.

19 ?? ????????, ? ?????????? ??? ?????? ?????? ?????? ??? Hof van Cassatie
(???????, ????????, ????????, ????????, ??????).

20 ?? ??????? ??? 31?? ?????????? 2014, ?? ?????????? ??? ?????? ??? ?????? ???
hof van beroep te Gent (????????? ????) ?? ??? ?????????? ??? ?????? ?????????? ??
??????, ??????, ??? ? Infohos ??? ??????? ?? ?????????? ?? ?????? 44, ?????????? 2,
?????? 1 bis, ??? ?????? ??? ??? ?????, ???????, ?? ?????? ?? ?????? ??????????
???? ??? ?, ???????, ??? ??????? ????? ?? ?????????? ??? ?????? ??????????
?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????????? ?????? ?????????? ???
????????????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ?????????? ???
?????????????.

21 ?? Hof van Cassatie (????????? ?????????? ??????????) ?????????? ??? ??????? ??? hof
van beroep te Antwerpen (????????? ???????, ??????).

22 ?? ??????? ??? 20?? ??????????? 2016, ?? ?????????? ??? ??????????? ?????? ??? ?
Infohos ??? ??????? ?? ?????????? ??? ?????? 44, ?????????? 2, ??????? 1 bis, ???
??????, ??? ?????? ???, ??? ?????? ?????? ??? ?? ???.

23 ? Infohos ?????? ??????? ??? ?????? ??? ??????? ?????? ??? Hof van Cassatie
(????????? ?????????? ??????????) ??? ??? ???, ?????? ???, ??? ? ??????????
????????? ??? ??????? ??? ???, ? ?????? ?????????? ??? ?????? 2, ?????????? 1, ???
????????? ?????????? 43 ??? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????????? ?????????? ??? ???, ??? ?????????? ??? ?????? 13, ?,
????????? 1, ??????? ???, ??? ?????? ?????? ??? ?????????? ?????? ???????, ???
????????? ???.

24 ?? ?????? ?????????? ?????????? ??? ?? hof van beroep te Antwerpen (?????????
????????) ?????? ??? ?? ?????? ?????????? ??? ?????? 13, ?, ?????????? 1, ????????
??, ??? ?????? ???????, ??? ?????????? ??? ??? ?????????? ??? ?????? ??????? ???
????????? ?? ??????? ?? ?????????? ?????? ?????? ?????? ??? ?? ??? ?????? ???
????????? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????????, ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ?? ?? ???
????????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ????. ?? hof van beroep te
Antwerpen (????????? ???????) ?????? ?????? ??? ? Infohos, ?????????? ??? ??????????????
???? ?????? ??????? ??? ???, ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ??
????????, ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ???.

25 ? ???' ??? ?? ??? ?????? ?????? ?????????? ?????????? ??????, ??? ?? ???
??????????, ?? ??????? ??? ?? ??????? ??? ?????? 13, A, ?????????? 1, ??????? ???,
??? ???? ????.

26 ??? ??? ??????? ????, ?? Hof van Cassatie (????????? ?????????? ??????????)
????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??
????????? ?????????? ????:

«???? ?? ??? 13, ?, ?????????? 1, ??????? ???, ??? [????? ??????], ??? ??? 132,
????????? 1, ?????????? ???, ??? [????? 2006/112], ??? ?????? ??? ?????????? ??? ??????
???? ?? ??????? ??? ?????????? ?? ??? ?????? ?????? ??? ?????? ?????????? ??? ?? ???
????????? ?????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ??? ?? ???
????? ??? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ???;»

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

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

13, ?, ??????????? 1, ??????? ???, ??? ????? ??????? ?????? ??? ?????? ??? ???????????????
?????? ???????, ??? ? ??????? ??? ?????? ??? ?????? ??? ?????, ??? ??? ????? ????
????????? ?????????? ??? ?? ??? ?????????? ??? ?????? ?????????? ??? ?? ??????????????
????????? ?????????? ?????????? ?????????? ??? ?????? ???, ?? ?????????? ???????
?????? ?? ?????? ??????? ?????????? ??? ?? ??? ??? ?? ?????????? ?????? ???,
????? ??? ??? ??? ?????????? ??? ??????? ??? ?????? ???.

28 ??????????? ?? ??? ?????? ??????? ??? ?????? ???, ?????????????? ???, ??????? ???
?????? 13, ?, ?????????? 1, ??????? ???, ??? ?????? ???????, ?? ?????? ??? ???????????,
??? ??? ??????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??????????
??????????, ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?? ??????
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ???, ?????? ?? ?? ??? ?????? ??????? ???
?? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

29 ???????, ??? ??? ?????? ??? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??????
????????? ??? ? ?????? ??? ?????? ??? ?? ?????????? ?? ??? ?????? ?????????? ??? ??? ???
?? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????, ??
??????, ??? ??? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????? ?????????? ??? ?????? ??????
????? ?????????? ??? ??? ?? ?????? ?????? ??? ?? ??? ?????? (?????? ?? 11??
????????? 2008, Stichting Centraal Begeleidingsorgaan voor de Intercollegiale Toetsing,
C?407/07, EU:C:2008:713, ??? 29 ??? ?????? ?????????? ??????????).

30 ???????, ??? ?????? ???????, ?? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ??????
?? ?????????? ??? ?????? 13 ??? ?????? ?????? ??? ?? ?????????? ???, ???????, ??????????
?? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????, ? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
???? ?????????? ??? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??????
????????? ??? .. ?????? , ?? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 13 ?????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? . ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? (?????? ?? 11?? ?????????? 2008, Stichting Centraal
Begeleidingsorgaan voor de Intercollegiale Toetsing, C?407/07, EU:C:2008:713, ??? 30 ???
???? ?????????? ?????? ??????????).

31 ??? ?????? ?? ?????? ??? ?????? 13, A, ?????????? 1, ??????? ???, ??? ??????
??????, ??? ?????? ?????????? ??? ?????? 28 ??? ?????? ???????, ? ??????????
????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?? ??????????
?????? ?????? ??? ?????? ??? ?????? ????. ???????, ??? ?? ?????? ??? ?????? ??? ??????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?? ???.

32 ???????, ???????, ??? ?? ?????? ???, ? ?? ??? ?????? ?????? ??? ?????? ?? ??????

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

33 ??? ???? ???? ??????????, ?????????????? ?? ?????????? ??????? ??? ??????? ??? ???? ????
?????? ?? ?????????? ??? ?? ?????? ?? ?????? ???, ??? ?? ?????? ?? ?????????? ??? ???? ????
????????? ??? ?? ?????? ??? ?????????????? ?? ?? ?????? ??? ?????? ??? ?????? ?????????? ???
(?????? ?? 3?? ?????????? 2019, Wasserleitungsverband Nördliches Burgenland ?.??.,
C?197/18, EU:C:2019:824, ??? 48).

34 ??? ???? ?? ?????? ??? ?????? ?????????? ?? ?????? 13, ?, ?????????? 1, ??????????
???, ??? ???? ??????, ?????????????? ?? ?????? 13, A, ??? ?????? ???
????????? «????????? ?????????? ?????????? ?????????? ?????? ?????? ??????» ???
????????? ??? ?? ?????? X ??? ?? ?????? ???????, ? ?????? ?????? ??? ?????????? . ?
????? ??? ?? ?????? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????? 13, ?,
????????? 1, ?????????? ???, ??? ?? ?????? ??????? ?????? ??? ?????? ??? ?????????? ??????
????????? ??? ?????? ?? ?????? ?????? ?????????????? ?????? ?????? ?????? (????. ??????
?? 21?? ?????????? 2017, ?????????? ??? ??????????, C?616/15, EU:C:2017:721, ??? 44).

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

36 ??? ???? ?? ?????? 13, ?, ?????????? 1, ?????????? ???, ??? ????
??????, ?????????????? ???, ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? , ?
????????? ??? ?????????? ??? ?????????? ?????? ??? ?? ?????????? ??? ?????? ?????????? ?? ??????????
?? ?????????? ? ?????? ?????????? ?????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????? ???
????????? ?? ?????? ?????????????? ?? ??? ?? ?????? ?????????? ? ?????? ??? ?????? ??????????
????????? ?????????????? ??? ?? ?????? ??? ?? ?????? ?????????? (?????? ?? 11??
????????? 2008, Stichting Centraal Begeleidingsorgaan voor de Intercollegiale Toetsing,
C?407/07, EU:C:2008:713, ??? 37).

37 ???????, ??? ???? ?? ?????? ?????? ??? ?? ?????????? ??? ?????? 13, ?, ?????????? 1,
??? ?????? ?????? ???, ??? ?????? ???, ?? ?????? ?? ?????????? ??? ?? ??? ???? ???? ??????
????????????? ?????? ?????????? ???, ?????????? ?? ?????????? ??? ?????? ?????? ??????????
????????? ?????? ??? ?? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ?????? ??? ?? ?????? ??? ?? ?????? ??? (????. ?????????? ??? 5??
????????? 2016, TMD, C?412/15, EU:C:2016:738, ??? 30, ??? ?? 21?? ?????????? 2017,
Aviva, C?605/15, EU:C:2017:718, ??? 28).

38 ??? ???? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ? ???' ??? 13, ?, ?????????? 1, ?????????? ???, ??? ?????? ?????? ?????? ??????
??? ??? ??? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????????? ?????? ??????
????????? ??? ?? ?????????? ?????? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ???
????????? ?????? ??? ?? ?????? ???.

39 ??????, ??? ???? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? Infohos, ??????
????????? ??? ?? ???, ?????? ?????? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ???? ????
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ???, ???, ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? 13, A, ?????????? 1,
????????? ???, ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????
????????? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? 13, ?, ?????????? 1, ??? ???

???????.

40 ??? ???. ??????????? ??????, ??????????????? ?? ? ?????? ?????????? ?? ??????????
????? ????????, ? ?????? ?????? ?? ?????? ?? ?????????????? ?? ?????? 13, ?, ??????????
1, ??????? ???, ??? ?????? ???????, ??? ?????????????? ?? ?????? ?????? ??? ?????????? ??
??? ???? ??? ?????? ?? ? ?? ??? ?????? ?????????? ?????????? ?? ? ?? ??? ?????? ??
?????????? ?? ?????????? ?? ?????? ?????????? ?? ? ?? ??? ?????? ????????, ??????? ??
????????????? ?? ??? ??? ??????? ?? ??? ??? ?????? ?????????? ?? ? ?? ??? ?????? ????????,
?????? ?? ?????????? ?? ??? ??? ?????? ?????????? ?? ? ?? ??? ?????? ?????????? ?? ? ??,
????? ??????? ?? ??? ??? ?????? ?????????? ?? ? ?? ??? ?????? ?????????? ?? ? ?? ??? ??
????? ??????? ?? ??? ??? ?????? ?????????? ?? ? ?? ??? 36 ??? ??????? ?????????? (??., ???'
???????, ??????? ?? 11?? ?????????? 2008, Stichting Centraal Begeleidingsorgaan voor de
Intercollegiale Toetsing, C?407/07, EU:C:2008:713, ??????? 36 ??? 37).

42 ???????, ???????????????, ??????? ?? ?? ?????? 13, ?, ??????????? 1, ?????????? ???, ???
????? ???????, ????? ?? ?????????? ??? ??????????? ??? ?????? ??? ??????????? ??????
?????????, ??????? ?? ?????????? ????? ?????????????? ?? ??????????? ?????? ??? ??????
??? ?????? ??? ??? ?????? ?????? ?????? ?? ??? ?????? ???, ???????, ???????????
?????? ?? ?? ??????????? ??? ?????? ?????? (????. ??????? ?? 11?? ?????????? 2008,
Stichting Centraal Begeleidingsorgaan voor de Intercollegiale Toetsing, C?407/07,
EU:C:2008:713, ??? 39). ???????, ??????????? ??? ?????? ??????????? ?? ??????????? ??
?? ??????? ?? ?? ?????? ? Infohos ??????? ?? ?????? ??? ??????????? ?? ?????? 13, A,
?????????? 1, ??????? ???, ??? ?????? ???????.

43 ??????????, ?? ?????????? ??? ?????????? ??? ???? ?? ???? ??? ??????? ?? ?????? ???
????????? ?????? ??? ?????????????? ?? ?????????? ??? ???? ???. ????????, ?????????? ???
????????? ?????? ?????????? ??? ?????????? ??? ???? ?????? ?????????? ??? ?????????? ???
????????? ?? ????? 13, ?, ?????????? 1, ???????? ???, ??? ????? ????????, ?? ????? 2,
????????? 1, ??? ?????? ?????? ?????? ?????? ?? ?? ????? ?????? ??????????, ?? ??????
????????????????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ???
???? ?? ?????? ??? ?? ?????? ?????? ??? ?????, ?? ?????????? ??? ????? ??.

44 ???????, ??????????? ?????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? 13, ?,
?????????? 1, ??????? ???, ??? ?????? ???????, ? ?????????????? ??? ?? ??? ?????? ??????
????????? ??? ??? ??? ??? ?????????? ??? ??? ?????????? ?? ??? ?????????? ?? ??? ??????
????????? ?????????????? ??? ??? ?????? ?????? ?????????????? ??? ?????? ??????????.

45 ? ??????? ?????????? ?????????????? ??? ?? ??? ???? 13, ?, ?????????? 1, ??????? ??,
??? ????. ??????? ?????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ???
???????, ??????? ? ?? ??? ????? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ??????? ?? ??? ?????????????? ??? ?????????????? ??? ?????? ??? ?????? ???.

46 ?????????????? ???, ??? ???? ???? 13, ?, ?????????? 1, ?????????? ???, ??? ????
???????, ? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ??? ??? ??? ??? ???
????????? ?????? ?????? ?????????? ??? ??? ??? ??? ??????????.

47 ???????, ?? ?????????? ????? ?????????????? ??? ? ?????????? ??? ??? ??? ??? ?????? ??

???????????? ????? ??????????? ??????? ?????????????? ??? ???????????????, ?????? ?? ?? ???
????? ???? ???? ? ?????????????? ?????? ?????? ???? ???? ??? ?????????? ???? ????
??? ??????? ?????????? ??? ???? ??? ??? ?????? ? ?????????? ?????????????? ?? ????
?????????????. ????????, ?????????? ?? ?? ?????????? ????????, ?????? ??
????????????? ????????, ?????????? ?? ?? ?????????? ???? ?? ??????? ?????? ?? ?? ??????
????????? ??? ??? ????? ?????????????? ??? ???? ??? ?? ??????? ???? ??? ?????? ??? ??????
??? ?????? ?????????? ??? ?????? ?????????? (??????? ??? 20?? ?????????? 2003,
Taksatorringen, C?8/01, EU:C:2003:621, ????? 58).

48 ??????? ???????, ?? ?????????? ?????? ??? ? ?????????? ???? ???? ???? ???? ??????? ??
?????????? ???? ??????? ??????????? ?????????? ???? ???? ? ?????????? ?? ????????????,
????? ? ??? ??????, ?????????? ??? ?????????? (??????? ??? 20?? ?????????? 2003,
Taksatorringen, C?8/01, EU:C:2003:621, ????? 64).

49 ??????????? ?? ?????????????? ?? ? ???????????, ?? ??? ??????? ???????????????, ???
????????? ??? ?????? 13, ?, ?????????? 1, ??????? ???, ??? ?????? ?????? ?????? ???
????????????? ?????????? ??? ???????????, ? ?????? ?????????? ??? ?????? ???
????????? ?? ??????? ?????? ??? ?????? ? ?????????? ??? ? ??????? ?????? ??? ?????? ???
????? ??????? ??? ??? ?????? ?????? (???. ?????? ??? 21?? ?????????? 2017,
???????, C?616/15, EU:C:2017:721, ????? 65).

50 ??????, ? ???? ???? ?? ??? ?????? ?????????? ?? ?????????? ???? ?????????????? ???
????????? ?? ???????????, ???? ?????? ???????, ?? ?????? ?????????? ??? ??????????????
??? ??????? ??? ?????????? (???. ?????? ??? 21?? ?????????? 2017, ??????? ???
???????, C?616/15, EU:C:2017:721, ????? 67).

51 ??? ??????, ???, ???? ?? ?????????? ??? ?????????? ???? ?????????? ???? ??????
????? ??????? ???????, ? ???? ?????? ?????? ??? ?????? ?????????? ?? ???? ???? ?????? ??????????
??? ??????????? ??? ???????????, ???? ?????? ???????, ?? ?????? ?????????? ??? ??????????
??? ?????? 13, ?, ?????????? 1, ??????? ???, ??? ?????? ???????, ?????????????? ??? ???
????????? ??? ??? ??? ?????????? ??? ?????? ?? ?????????? ?????? ?????????? ??????????
??? ???? ???? ??? ?? ??? ?????? ?????? ?????????? ??? ?? ?? ???, ???, ???
????????? ??? ?? ??? 43 ??? ??????? ???????, ?? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ???????, ?? ?? ????, ??
????????? ??? ???.

52 ???????, ? ??????? ?????????? ?????????? ???? ? ??????? ???? ?????? ??? ??????
????? ?????? ??????? ??????? ??? ?????? ??? ?????????? ??? ?????????????? ????????????,
????????????? ??? ??????????.

53 ???????, ?????????????? ???, ??????? ??? ?????? ??? ?????? ??? ?????????? ???? ?????? 13,
?, ?????????? 1, ??? ?????? ??????? ?? ???? ??? ?????? ??? ?????????? ???? ??????????? ???
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ???? ??? ?????????? ???
????????? ???????????, ?????????? ??? ?????? ??? ?????????? ???? ?????????? ?? ?????????????? ???
??? ??????? ?? ??????? ??? ?????? ??? ?????????? ??? ?????????? ???? ?????????? ??? ??????????
(??????? ??? 15?? ?????????? 2012, Zimmermann, C?174/11, EU:C:2012:716, ????? 39). ???
??????, ???, ???? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ??? ?????? ?????? ??? ???????, ?? ?????? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
????????? ???????, ?????????? ? ???????????, ?????? ?????? ??? ?????????? ??? ?????????? ???
????????? ???????, ?????????? ? ???????????, ?????? ?????? ??? ?????????? ??? ?????????? ???
????? ???????????, ?????????? ? ???????????, ?????? ?????? ??? ?????????? ??? ?????????? ???
?????????.

54 ??????? ???? ??? ??????? ???????, ??? ?????????? ?????????????? ??????? ??????? ??
????? ? ??????? ??? ?? ?????? 13, ?, ?????????? 1, ??????? ???, ??? ?????? ??????? ???
??? ?????? ??? ?????????? ?? ?????? ???????, ??? ? ?????? ??? ?????? ?????? ?????? ???
?????, ??? ??? ??? ?????? ? ?????? ??????? ??? ??? ??? ?????????? ??? ??? ?????? ???
??? ?? ?????????? ?????? ??????? ??????? ?????????? ?????????? ?????????? ??? ??? ???,
?? ??????? ?????? ??????? ?? ?????? ?????? ??????? ?????????? ??? ?? ??? ??? ?? ?????? ???
????? ??? ??? ???, ??? ??? ??? ??? ??????? ??? ??????? ??? ??? ??? ???.

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55 ??????? ??? ? ??????? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?????? ???
??? ?????????? ?????????????? ??? ?????? ??????? ??? ?????????? ?????????????? ,?' ???
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ??????????
???? ?????????? ?????????????? ??? ?????????? ??? ?????? ??? ??? ?????????? , ??? ??????????.

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

?? ??? 13, ?, ?????????? 1, ??????? ???, ??? ?????? ?????? 77/388/??? ???
??????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????
?????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? - ??? ?????? ?????? ???
????????????? ?????: ?????????? ?????????? ???, ??? ??? ?????? ???
?????????? ?? ?????? ???????, ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
???? ??? ??? ? ?????? ?????? ??? ?????? ??? ??? ?????? ?????? ?????? (???)
????????? ??? ??? ?????????? ??? ?? ?????????? ?????? ?????? ?????? ?????? ???
????????? ?????????? ??? ??? ??? ???, ?? ?????? ?????? ?????? ?????? ??? ??? ???
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(?????????)

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