

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

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

??? 7?? ??? 2020 (\*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??????  
2006/112/?? – ????? 44 – ?????????????? ?????????? (??) 282/2011 – ????? 11, ?????????? 1  
– ?????? ?????????? – ?????? ?????????????? – ?????? ??? ??? “?????? ??????????????” –  
????????????? ??? – ?????????? ?????????? ?????? ?????? ?????? ?????????? ?? ?????? ?????????? ?? ??????  
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???? ?????? C?547/18,

? ? ?????????? ?????? ?????????????? ?????????? ?????? 267 ????, ???  
?????? ?? Wojewódzki S?d Administracyjny we Wroc?awiu (?????????? ??????????? ??  
?????????? ?? ???????, ???????) ?? ?????? ??? 6?? ?????? 2018, ? ?????? ???????  
?? ?????????? ??? 23 ?????? 2018, ??? ?????? ??? ???

**Dong Yang Electronics sp. z o.o.**

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**Dyrektor Izby Administracji Skarbowej we Wroc?awiu,**

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

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

? ? ??????????: J. Kokott

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

? ? ?????? ?? ? ? ?????? ?????????? ?? ? ?????? ??' ?????????? ?????????? ?? ? ?  
5?? ?????????? 2019,

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

– ? Dong Yang Electronics sp. z o.o., ?????????????? ??? ??? M. Goj ??? T. Dziadura  
????? ??? ??? I. Rymanowska ??? D. Pokrop, doradcy podatkowi,

– ? Dyrektor Izby Administracji Skarbowej we Wroc?awiu, ?????????????? ??? ??? M.  
Kowalewska ??? J. Grzebyk ??? ??? B. Ko?odziej ??? T. Wojciechowski,

– ? ??????? ???????, ?????????? ??? B. Majczyna ??? ??? A.  
Kramarczyk?Sza?adzi?ska,

– ? ?????????? ??? ??????? ???????, ?????????? ??? F. Shibli ??? D.  
Thorneloe ??? ??? J. Kraehling, ?????????? ??? R. Hill, barrister,

- ? ?????????? ???????, ?????????????? ??? ??? M. Siekierzy? ska ??? N. Gossement,  
???? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??????????  
??? 14?? ??????? 2019,

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

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1 ? ?????? ?????????????? ?????? ??? ?????? ??? ?????? 44 ??? ??????  
2006/112/?? ??? ??????????, ??? 28?? ??????? 2006, ?????? ?? ?? ?????? ?????? ???  
????????????? ??? (?? 2006, L 347, ?. 1), ??? ?????????????? ?? ??? ?????? 2008/8/??  
??? ??????????, ??? 12?? ?????????? 2008 (?? 2008, L 44, ?. 11) (?? ????: ??????  
2006/112), ??? ??? ????? 11, ?????????? 1, ??? ?????????? ?????? (??) 282/2011  
??? ??????????, ??? 15?? ?????? 2011, ??? ?? ?????? ?????? ?????????? ??? ??????  
2006/112 (?? 2011, L 77, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? Dong Yang  
Electronics sp. z o.o. (???: Dong Yang) ??? ??? Dyrektor Izby Administracji Skarbowej we  
Wroc?awiu (????????? ??? ?????????? ?????? ??? ?????? ??????, ??????) ?? ??????????  
????????? ??? ?????????? ?? ??? ?????? ?????????? ?????? ?????? ??? ?????????????? ???  
????????????? ??? (???).

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

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

3 ? ?????? ?????? ?????????? ?????????? ?????? ??? ?????????? ?????? ??? ??? ??????  
????? ???, ??????, ??? ??? ?????????? ??? ??????, ???????, ? ?????? ?????????? ??  
????????? ??? ?????? ?? ??? ?????? 2011/265/?? ??? ??????????, ??? 16?? ??????????  
2010 (?? 2011, L 127, ?. 1), ????????, ??? ?????? ?????? ??? ?????? ??? ??????????  
??A??2, ??? ??? ????? «????? ??????????», ?? ????:

«PL: ?? ?????? ??? ?????????????? ??????????, ?????? ?????????? ??? ??  
?????????????. ?????? ?????? ?????? ?? ?????????? ??? ?? ?????????? ?????? ???  
????????????? ??? ?? ?? ?????? ?????????? ? ?????????? ??????, ??????  
????????????? ??? ?????? ??? ?????? ?????? (?? ?????? ?????? ??? ?? ?? ??  
????????? ? ?????????? ?????? ??????).»

? ?????? 2006/112

4 ??? ????? V ??? ?????? 2006/112, ? ?????? ?????????? «????? ??? ?????????? ???  
?????», ?? ??????? 3, ?? ??? «????? ?????? ??????», ?????????? ?? ??? 44  
??? ?????? ???, ?? ??? ?????? ??? ???:

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

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

? ??????????? ?????????? 282/2011

5 ?? ?????? 11 ??? ?????????????? ?????????? 282/2011 ?????????? ?? ????:

«1. ??? ??? ?????????? ??? ?????? 44 ??? ?????? 2006/112/??, ?? “?????? ??????????????”  
????????? ??? ??????????????, ?????? ??? ?????? ??? ?????????? ?????????????????? ???  
????????? ??? ?????? 10 ??? ?????????? ??????????, ? ?????? ?????????????? ??? ??????  
????? ?????????????? ??? ?????????? ?????????? ?? ?????????? ??? ?????????? ??? ??????  
????????? ?? ?????????? ??? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ???  
????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ???.

[...]

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

6 ?? ?????? 22 ??? ?????????? ?????? ?????? ?? ???????:

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

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

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????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 44 ??? ?????? 2006/112/??  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????.

2. ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????.

**?? ?????? ??????**

7 ?? ?????? 28b, ?????????? 1 ??? 3, ??? ustanawia o podatku od towarów i usług (?????  
????? ??? ???? ???? ?????? ??? ??????????), ??? 11? ?????? 2004 (Dz. U. ??? 2011, ???, 177,  
??? 1054), ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ?????? ???,  
????? ??? ??????:

«1. O ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ??????????????, ??? ??? ?????????? ??? ?????????? 2 ??? 4 ??? ??? ?????? 28e, 28f,  
????????? 1 ??? 1a, 28g, ?????????? 1, 28i, 28j, ?????????? 1 ??? 2, ??? 28n.

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

3. ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ???? ???? ?  
????????? ??? ??? ?????? ??? ?????????? 2, ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ? ??? ?????? ?????? ??? ?????? ???.

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

8 ? Dong Yang, ??????? ??? ??????? ???????, ?????? ??? 27 ??????? 2010 ?? ???  
LG Display Co. Ltd. (????? ????) (??? ????: LG ??????), ??????? ??? ?????????? ???????  
?? ??? ??? ??? (????? ????), ??????? ??? ??? ?????? ?????????? ??????????????  
????????? ?????????? ?????????? (printed circuit boards, ??? ????: PCB) ??? ?????? ???  
????????? ?????????? ??? LG ??????.

9 ?? ??????? ??? ?????? ??? ?????????? ??? ??? ?????????? ??? PCB ?????????????? ???  
??? ??????? ?????????? ??? Dong Yang ??? ??????? ??? LG ??????, ??? LG Display  
Polska sp. z o.o. (??? ????: LG ??????), ??????? ??? ?????????? ???????.

10 ? Dong Yang ?????????? ??? PCB ??? LG ?????? ?????, ?????? ?????????? ?? ???  
LG ??????, ?????????????? ??? PCB ??? ??? ??? ?????? ?????? ?????? ?????? ??????????  
TFT LCD. ?? ?????? ????, ??? ?????? ??? LG ??????, ?????????????? ?? ??? ?????? ???,  
?? LG Display Germany GmbH.

11 ? LG ??????? ??? ?????? ??? ??? ?????? ??????. ? ??????? ??? ? LG ??????  
????? ?????????? ??? ?????? ???.

12 ? Dong Yang ?????????? ??? LG ?????? ??? ??? ?????????? ?????????????? PCB  
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ?? ??? ??? ?????????? ??????.

13 ? LG ?????? ?????????? ??? Dong Yang ??? ??? ?????? ?????? ?????????? ???  
????????? ??? ??? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ??????????  
??? ?????? ???.

14 ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ? Dong Yang ???  
????????? ??? ?????????? ?????????????? PCB ??? ??? ???????, ??? ??? ??? ??? ? LG  
????????? ?????????? ??? ?????? ?????????? ??? LG ??????. ??? ??? ??? ??????, ??? 28  
????????? 2017, ?? ??? ??? ?????????? ?????? ??? Dong Yang ?? ?????????? ?? ???  
?? ??? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ??? 2012 ??????????  
?????????????.

15 ??? ?????? ???, ? ?????????? ??? ?????????? ?????? ??? ?????? ??? ??????????  
??, ?? ??? ?????????? ??? ?????? ??? ?????? ???, ? LG ?????? ?????????? ??? LG  
????????? ?? ??? ?????? ???.

16 ?????????? ?? ??? ? Dong Yang ??? ?????? ?? ?????????? ??? ??? ?????? ??? LG  
????? ??? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
?? ?? ??? 22 ?? ?????????? ?????? 282/2011, ??? ??? ???? ? ??????????  
????????? ??? ?????????? ??? ?????? ??? ??? ?????? ?????? ??? ?????? ???

?????????? ??? ???????? ??? ?????????? ????? ??? ????? ???? ?????????????????? LG ???????.

17 ? Dong Yang ?????? ?????? ??? Wojewódzki S?d Administracyjny we Wroc?awiu  
(????????????? ?????????????? ??? ?????????????? ??? ??????????, ???????) ?????????? ??????????  
??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??  
???? ??? ? ??????? ??? ?????????? ??? ?????? 44 ??? ?????? 2006/112 ?????? ??? ???  
????? 11, ?????????? 1, ??? ??? ????? 21 ??? 22 ??? ?????????? ?????????? 282/2011.

18 ?? ?????? ?????????? ?????????? ??? ?????????? ??? 4?? ?????? 1985, Berkholz  
(168/84, EU:C:1985:299), ??? 2?? ??? 1996, Faaborg-Gelting Linien (C?231/94,  
EU:C:1996:184), ??? 17?? ?????? 1997, ARO Lease (C?190/95, EU:C:1997:374), ??? ??? 16??  
????????? 2014, Welmory (C?605/12, EU:C:2014:2298), ??? ?????? ??? ?????? ??? «?????????  
????????????» ??? ?? ????? 44 ??? ?????? ??????. ???????, ?????? ??? ??????????  
????????? ??? ??????? ??????? ??????? ?? ??? ?? ?????????? ?????????? ???????????.  
??????????, ??? ??? ??? ?? ??? LG ?????? ?????????? ?? ?????? ?????? ???????, ??  
????????? ??? ?????????? ??? ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ? ??????? ??? ??? ??? ?????? ?? ?????? ?????? ?????????? ?????????? ?????????????? ???  
??? ?????? ??? ?????????? ??? ???????.

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

20 ??? ???????, ?? ?????? ?????????? ??? ?????????? ??? ???, ???????????, ??? ???  
????????????? ? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??  
????? ?????? ?????? ??? ?????? ?? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????  
????????????? ??? ??? ?????????? ??? ?????? ?????? ??? ??? ?????? ??? ?????? 22 ??? ??????????????  
????????? 282/2011, ?? ?????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ?????? ???  
?????????.

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

22 ??? ??? ??????? ???, ?? Wojewódzki S?d Administracyjny we Wroc?awiu  
(????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????), ?????????? ??? ?????? ??????????  
?? ?????? ?????????? ??? ?? ??????????, ?????????? ?? ?????????? ??? ?????????? ???  
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ?????????? ??? ??????????:

«1) ??? ?????? ?? ?????????? ? ?????? ?????? ?????????? ?????????? ??? ?????? ???????, ??? ??? ??? ??????  
??? ?????? 44 ??? ?????? 2006/112 [...], ??? ??? ?????? 11, ?????????? 1, ???  
????????? ?????? 282/2011 [...], ??? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ???;

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

???? ?????????? ?????? ??? ???? ?????????? ??????????, ?????????? ?? ?????????? ??? ???? ?  
????? ?????? ??? ???? ?????? ?????????? ??? ????;»

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

23 ?? ?? ??? ?????????? ???, ?? ?????? ?????? ?? ?????????? ??? ??????, ?? ??????  
????????? ???, ???' ??????, ?? ?????????????? ??? ?? ?????? 44 ??? ?????? 2006/112,  
????? ??? ?? ??? 11, ?????????? 1, ??? ?? ??? 22, ?????????? 1, ??? ??????????  
????????? 282/2011 ?????? ??? ?????? ??? ? ?????? ?????????? ?????? ?? ?????????? ???  
??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??????  
????? ?????? ??? ?????? ??? ? ?????? ?????? ?????? ??? ? ?????? ?????? ?????? ??? ??  
????? ?????? ??????, ? ??? ? ?????? ?????? ?????????? ???????????, ?????????? ?? ??????????  
??? ?????? ?????? ??????, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??  
??? ?????? ?????? ??????.

24 ?? ?????? 44 ??? ?????? 2006/112 ??????, ??? ?????? ?????? ??????, ??? ? ?????? ??????  
????????? ?? ?????????? ??? ???, ? ?????? ?????? ??? ??? ?????????? ???, ?????? ?  
????? ??? ?? ?? ??? ?????? ?????? ??? ??? ?????????? ??? ?????? ???????????????.  
??????, ? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???, ??? ?? ??????  
????????? ?? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?? ???  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ???, ??  
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ???.

25 ?? ?????????? ??? ?????? ?????????? ??? ??? ?????????? ??? ?????? ?????? ??????  
????????? ?? ?????????? ???, ??????, ?????????? ?????????? ??? ?????? ??  
????????? ?? ?????? ?????????? ???, ???????, ? ?? ?????????? ?????? (????????? ??? 16??  
????????? 2014, Welmory, C?605/12, EU:C:2014:2298, ?????? 42).

26 ?? ?????????? ??? ?????? ?????????? ???, ?????? ?? ?????????? ?????? ?????? ??????  
?? ?????????? ??? ?????? ?????? ?????????, ??? ?????????? ?????? ???, ??????, ???  
????????????, ??? ? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????? ??? ?????????? ?????????? ???, ? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? ?????? (????????? ??? 16?? ?????????? 2014, Welmory,  
C?605/12, EU:C:2014:2298, ?????? 53 ??? 56).

27 ??????, ?????????? ?? ?????????? ? ?????? ?????? ?????????? ?????? ??  
????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ???, ? ?????????? ???  
????? ??????????, ??? ?????? 44 ??? ?????? 2006/112, ???, ??? ? ?????? ?????? ???  
????????? ?? ?????????? ? ?????? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ???  
????????? ??? ?????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????.

28 ??? ?????? ?? ?????? ?? ?????? «????? ??????????» ??? ???? ?????? ??? ??  
????? ?????? 44, ?????? ??????, ?????????? ??? ?? ?????? ?????? ??? ?????? ???  
????????? ?? ?????????? ?? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??????????  
(????????? ??? 16?? ?????????? 2014, Welmory, C?605/12, EU:C:2014:2298, ?????? 57). ??????,  
????? ?? ?????? 11 ??? ?????????? ??? ?????? 282/2011, ?? «????? ??????????» ??????  
????? ??????????, ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ???  
????? 10 ??? ?????????? ???, ? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

29    ??????? ??????????????, ???????, ??? ? ??????? ?????????? ?????????? ???  
????????????? ??? ?????? 3 ??? ?????? ?????? ?????????? ??????????, ??? ?????? ???  
????? ??? ?????? ?????????? ??? 7?A?2, ??? ??? ????? «????? ??????????», ??? ??????  
????? ??? ?????? ?? ?????????? ??? ???????, ??? ??? ?????? ?? ?????????? ??????????  
?? ?????????? ??? ?? ?????????? ?????????? ?????????? ?????? ?????? ??? ?? ???  
????????? ??? ?????????? ??????????, ?????????? ?????????? ?????? ?????? ??? ?? ???  
?????????. ? ??????? ??? ?????? ?????????? ??? ?????????? ?????? ?????????? ?????? ???  
????? ?????? ?????? ?????????? ?????????? ??? ??????.

30    ????????, ??? ?????? ?? ?????????? ?? ?????????? ? ?????????? ?????? ???  
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????????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??  
????? ?????? ??? ??????, ??? ??? ?????? ??? ?????? 44 ??? ?????? 2006/112,  
????????? ??? ?? ?????? ??? ?????? 11, ?????????? 1, ??? ?????????? ?????? ?????? ???  
282/2011. ????. ???????, ? ?????????? ??? ??? ?????? ?????? ?????? ??? ?????????? ???  
??? ??????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? «?????  
?????????» ??? ?? ?????? 44 ??? ?????? 2006/112.

31    ?????????????? ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????????? ???  
?????? ?????????? ??? ??????? ??? ??? ?????? ??? ?????? ?????????? ??? (????).  
?????? ??? 2?? ????? 2019, Budimex, C?224/18, EU:C:2019:347, ????? 27 ??? ???  
????????? ??? ?????????? ??????). ???????, ? ?????????? ??? ?????? ?????? ??? ?????? ???  
??? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???.

32    ???????, ???????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?? ??????? ?? ??????  
????????? ??? ?????????? ??? (????. ??????? ??? 20?? ?????????? 1997, DFDS,  
C?260/95, EU:C:1997:77, ?????? 25 ??? 26), ? ?????????? ??? ?????? ?????????? ??? ??  
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? 282/2011,  
??? ?????????? ?? ?????? 11 ??? ?????????? ??????, ?? ?????? ?????? ?? ?????????? ???  
?? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???.

33    ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??  
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34    ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?? ??????  
??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ???  
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?? ??? ?????? ??? ??????, ?????????????? ??? ?????? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? 22 ??? ?????????? ??? ?????? 282/2011.

35    ???????, ?????????????? ??? ?? ??? ?????? 22 ?????????? ??? ?????? ?????????? ??  
????? ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ???  
????????? ??? ??????. ???????, ???????, ??? ??? ?????? ??? ?????? ??? ?????? ???  
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36    ??????? ??????????????, ??? ?????????? ? ?????????? ?????????? ??? ? ??????????  
?? ??????? ?????????? ?????? ??? ? ?????????? ???????, ??? ??? ?? ?? ??? ?????? 22  
?????? ?????????? ??? ? ??????? ??? ?????????? ?????????? ?????????? ?? ?????????? ???  
????????? ?????? ??? ?????? ??? ?????????? ?? ?????? ?????? ?????????? ??? ???  
????????? ?? ?????? ??? ?????? ?????????? ??? ?????????? ?? ?????????? ??? ? ??????  
????? ?????? ?????? ?????????? ??? ?? ?????? ?????? ?????.. ???????, ???????????, ?  
????????? 1, ??????? ??????, ??? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????????? ???  
????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ??? ??? ?????????? ?????? ??? ?? ?????? ??? ?????? ?????????? ??? ???  
????? ??? ?????????? ??? ?????? ?????????? ?? ?????? ?? ?????? ?????????? ???, ???????????, ??  
????????????? ?? ?????? ?????????? ???.

37    ???????, ??? ?????????? ? ?????? ?????????? ??? ?????? 73 ??? 74 ??? ??????????  
??, ??? ?????? ?? ???????????, ??? ?????????? ???????????, ??????????? ??? ??????  
?????? ?? ?????????? ???, ?????????? ??? ?????? ?? ?????????? ??? ???????????  
?????? ?????? ??? ?????????? ??? ??? ?????????? ???????, ?????????? ? ?????? ??? ???  
????????? ??????? ??? ?????????? ??? (????. ??????? ??? 3?? ?????????? 2019, Altic,  
C?329/18, EU:C:2019:831, ??? 31 ??? ??? ?????????? ???????).

38    ??????? ??? ??????????????, ??? ?????????? ?????????? ??? ?????? ?? ?????? ? ??????????  
?? ? ????? 44 ??? ?????? 2006/112 ??? ?? ?????? 11, ?????????? 1, ??? ?? ?? ?????  
22, ?????????? 1, ??? ?????????? ?????? 282/2011 ??? ?? ?????? ???????, ???????, ??? ?  
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? ?????? ??? ?????? ?????????? ??? ?? ?????? ?????? ?????? ???, ???????, ??? ?  
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39    ?????????? ??? ? ??????? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????? ???  
?? ?????????? ?????????????? ??? ?????? ?????????? ??? ?????????? ???????????, ?' ???  
????????? ?? ?????????? ??? ?????? ?????? ??????. ?? ?????? ??? ?????? ???????????  
????? ?????????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ???????, ??? ???????????.

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

? ? ????? 44 ??? ?????? 2006/112/? ?? ??? ??????????, ??? 28?? ?????????? 2006,  
????????? ?? ?? ?????? ?????? ?????? ?????? ?????????????? ???, ??? ??????????????? ??  
?? ?????? 2008/8/? ?? ??? ??????????, ??? 12?? ?????????? 2008, ??? ?? ?? ??  
????? 11, ?????????? 1, ??? ?? ?????? 22, ?????????? 1, ??? ???????????  
????????? (??) 282/2011 ??? ??????????, ??? 15?? ?????? 2011, ??? ?? ?? ??  
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??????, ??? ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
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\* ?????? ?????????????: ? ???????.