

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

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

??? 25?? ?????????? 2021 (*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??????
2006/112/?? – ????? 2, ?????????? 1, ?????????? ?? – ????? 9, ?????????? 1 – ????? 13,
????????? 1 – ????? 14, ?????????? 1 ??? ?????????? 2, ?????????? ?? – ?????? ???
“????????? ?????” – ?? ??? ????? ?????????? ??? ?????????? ?????????? ?? ?????
????????? – ????? ? ?????? ?????????? ??? ?????? ?? ?????????? ??? – ?????? ???
“?????????” – ?????? ??? “????????? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ???” –
????????? – ?????????? ?????????? ?????? ??? ?????????????? ?????????????? ? ??????
?? ?????? ?????? ?????»

???? ?????? C?604/19,

?? ?????????? ?????? ?????????????? ?????????? ?????? 267 ????, ???
?????? ?? Wojewódzki S?d Administracyjny we Wroc?awiu (?????????? ???????????
????????? Wroc?aw, ???????) ?? ??????? ??? 19?? ??????? 2019, ? ??? ?????? ??????? ???
????????? ??? 9 ??????? 2019, ??? ?????? ??? ???

Gmina Wroc?aw

????

Dyrektor Krajowej informacji Skarbowej,

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

????????? ??? ??? J.-C. Bonichot, ?????? ???????, L. Bay Larsen, C. Toader, M. Safjan
?? N. Jääskinen (?????????), ????????,

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

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

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

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

- o Gmina Wroc?aw, ?????????????? ??? ??? E. Mroczko ??? ??? T. Straszkiewicz,
radcowie prawni,
- ? ??????? ????????, ??????????? ??? ??? B. Majczyna,
- ? ??????? ????????, ??????????? ??? ??? J. Jokubauskait? ??? M. Siekierzy?ska,
???? ?????? ?? ?????? ?????????? ??? ??????? ??? ??????? ??? ??? ?? ??????????
?? 3?? ?????????? 2020,

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

???????

1 ? ?????? ?????????????? ?????????? ?????? ??? ???????? ??? ?????? 2, ?????????? 1,
????????? ?, ??? ?????? 9, ?????????? 1, ??? ?????? 13, ?????????? 1, ??? ??? ?
????? 14, ?????????? 1 ??? ?????????? 2, ?????????? ?, ??? ?????? 2006/112/? ?
?????????, ??? 28? ?????????? 2006, ?????? ?? ? ?????? ?????? ?????? ?????? ??????????????
????? (?? 2006, L 347, ?. 1, ??? ????: ?????? ????).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
Gmina Wroclaw (????? Wroclaw, ??????) ??? ??? Dyrektor Krajowej Informacji Skarbowej
(????????? ??? ?????? ?????? ?????????? ?????????? ??????????, ??????) (??? ???:
????????? ???), ? ?????? ??? ? ?????????? ?????????? ??? ?????????? ??? ?????????????? ???
????????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? (??) ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ??????
?????????.

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

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

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

4 ?? ??? 9, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ?? ????:

«?????? ? ? “????????? ????” ?????????? ????, ??? ?????? ?????????? ??? ????
????????? ???, ?????????? ?????????? ????, ?????????? ???, ??? ?????? ?????????? ????
??? ?? ?????????? ??? ?????????? ???, ??? ?????????? ???.

? “????????? ??? ?????????? ????” ?????????? ??? ?????????????? ??? ??????????, ???
????????? ? ??? ?????????? ????, ?????????????? ???, ?????????????? ??? ???? ???? ??????????????
?????????, ??? ?????????? ?????????????? ??? ?????? ??? ???? ?????????????? ??? ??????????
?????????????. ?? ?????????? ?????????????? ??? ??????, ????, ? ??????????????
????????? ? ??? ??????, ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ???.

5 ?? ??? 13, ?????????? 1, ??? ?????? ??? ?????? ?? ????:

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

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

[...]»

6 ?? ?????? 14 ??? ??????? ???:

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

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

?) ? ????????????, ?? ????????? ????????????, ??? ?????????? ??????, ?????? ???????
??? ??????? ?????? ?? ?? ?????? ??? ? ?? ??????? ??????,

[...]».

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

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

7 ?? ???? 232, ?????????? 1, ??? Ustawa z dnia 23 kwietnia 1964 r. – Kodeks cywilny
(????? ??? 23?? ????????? 1964 ??? ?????? ??????) (Dz. U. ??? 1964, ????. 16, ??? 93),
????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ?????????????? ??? ?????????? ??? ??????
????? (??? ????: ??????? ???????), ?????????? ?? ???:

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

8 ?? ?????? 233 ??? ??????? ??????? ?????????? ?? ????:

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

9 ?? ?????? 234 ??? ???? ?????? ?????????? ?? ????:

«?? ?????????? ??? ?????????????? ??? ?????????? ?????????? ?????????????? mutatis mutandis
??? ??? ?????????? ?????????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????, ??
????????? ?????????? ?????????????? ? ?? ?????? ?????????? ?????????? ?????????? ???????????????.»

10 ?? ?????? 236, ??????????? 1, ??? ?? ??? ????? ?????? ?????????? ?? ????:

«? ?????????? ?????????? ?? ?????? ?? ???????, ?? ?????????? ??????? ?????????????????? ?
?? ?????? ?????????? ?? ?????? ?????????????? ?????????? ?? ?????????? ?? ?????????? 99 ????.
?? ?????????? ?? ??????????, ?? ? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????????? ??
????????? ?? ?????????? ?? ?????? ?? ?????????? 99 ????, ?? ?????????? ?? ?????? ?? ?????? ??
????? ??????????, ?? ?????? ?? ?????? ?? ?????? ?????????? ?????????????? 40 ????.»

11 ?? ?????? 238 ??? ???????? ??????? ?????????? ?? ????:

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

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

12 ?? ?????? 12a, ?????????? 1, ??? ustanowiona o gospodarce nieruchomościami (????? ??? ?????????????? ??????) ??? 21?? ?????????? 1997 (Dz. U. ??? 2018, ??? 2204), ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (??? ???: ??? ?????? ?????????? ??? ??????), ?????????? ?? ???:

13 ?? ?????? 27 ??? ?????? ??? ?????????????? ??? ?????????? ?? ????

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

14 ?? ?????? 32. ??????????? 1 ??? 2. ??? ?????? ?????? ?????? ??????????? ?? ???;

«1. ??????? ?? ???? ?????? ??? ?????????? ?????????? ?? ??????? ?? ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? [...]»

2. ??? ?? ?????????? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??, ?? ??????? ??
?????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??, [...].»

15 ?? ?????? 69 ??? ?????? ?????? ??????????? ?? ????:

«?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????????? ?? ??? ?? ?? ??
????? ?? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????»

16 ?? ?????? 71. ??????????? 1. ??? ?????? ?????? ?????? ?????????? ?? ????:

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

17 ????? ?? ?????? 72, ??????????? 1, ??? ?????? ??? ?????????????? ??????????, ?? ???
 ?????????? ?????????????? ?? ??????? ?? ?????? ??? ?????? ?? ??????????, ? ?????? ??????????,
 ???? ?? ?????? 67, ?????????? 1, ??? ?????? ????, ?????? ??? ?????? ??? ??????????. ?? ???
 72, ?????????? 3, ?????? 4, ??? ?????? ???? ?????????????? ???, ??? ?????? ?????????? ??????
 ??? ?????????????? ??? ?????????? ??????, ? ?????????? ??? ?????? ?????? ??????
 ?????????? ?????????? ??? 1 % ??? ?????? ??? ??????????.

? ?????? ????

18 ?? ?????? 5, ?????????? 1, ?????? 1, ??? ustanawia o podatku od towarów i usług (??????
????? ??? ?????? ??? ?????? ??? ??????????), ??? 11?? ?????? 2004 (Dz. U. ??? 2004, ????.
54, ??? 535, ??? ????: ????, ???, ???), ?????????? ?? ???:

19 ?? ?????? 7, ??????????? 1, ??? ?????? ?????? ??? ??????????? ????;

«?? ??????? ?????? ?? ?????? 5, ??????????? 1, ?????? 1, ?????? ? ??????????? ???.
?????? ?? ??????? ?????? ??????? ??????? ?? ?????, ??????????????????:

1) ??? ??????????????, ?? ??????? ??????????????, ??? ?????????? ??????, ???' ???????
??? ??????? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? ?? ??????? ??????

[...]

6) ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? »

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

«??? 1? ??????????? 2019, ? ?????????? ??? ?????????????? ?????????? ?????????????? ??
????????? ?????????? ??? ??? ?????????? ??????»

21 ?? ?????? 4, ??????????? 1, ?????? 3, ??? ?????? ?????? ?????? ?????? ?????? ??????; ?? ??????:

«? ?????? ??? ?????????? ?? ?????????? (?? ?????: ?????????), ? ?????? ?????????? [...] ??? ???
????????? ?????????? ??? ?????????? ?????? (???????, ???????? ??? ?????????? ??????????),
?? ?????????? ? ?? ?????????????? ?????????? –????? ?? ?????????? ?????????? ?? ??????????
????????? ?????????????? – ???????? ?? ??? ??? ?? ?????? ??? ?????????? ??? ?????????? ???
?????????????»

22 ? ??????????? 2, ?????? 1, ??? ?????? ?????? ?????????????? ??? ?? ???? ???? ????
????????????? ??? ?????? ?????? 1 ??? ?????? ?????? ?????????? ?? ?????????? ???? ??????????????
?? ????????, ??? ?????? ?????????? ??? ??? ?????????? ??? ?????? ?????? ??? ??? ??????????
??? ??????????. ??? ??? ?????? 4 ??? ?????? ??????, ? ?????????? ?????????? ??
????????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? ??????????, ?????? ???
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???.

23 ?? ?????? 5, ??????????? 1, ??? ?????? ?????? ?????????????? ?????????????? ?? ?????;

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

24 ?? ?????? 6, ??????????? 1, ??? ?????? ??? ?????????????? ?????????? ??? ? ??? ?????? ??????
?????? ?? ?????????????? ?? ?????????? ??? ?????????????? ??? ?????????? ? ??????
????????????? ??? ?????? 4 ??? ?????? ??????. ? ?????????? ?????????? ??? ?????????? ??? ?????????? ??????
?? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ? ?????? ?????????? ??
????? ??? ??? ?????????? ??? ?????? ??????????.

25 ?? ?????? 7 ??? ?????? ??? ??????????? ??????????? ?? ????:

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

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

[...]

6. ?? ?????? ??????????? ??? 20????, ? ??? ?????? ?????? ??? ?? ?????????? ????:
?????????.

7. ? ?????? ??? ????????, ??? ??? ?????? ??? ????????, ?? ?????????? ??? ???????,
????????? ??? ?????? ??? ?????? ????????, ?? ?????????? ??? ????????, ?? ?????????? ??? ???????,
?? ??????? ??? ?????? ??? ?????? ????????, ?? ?????????? ??? ????????, ?? ?????????? ??? ???????,
????????? ??? ?????? ??? ?????? ????????, ?? ?????????? ??? ????????, ?? ?????????? ??? ???????,
????????? ??? ?????? ?????????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????,
????????? ??? ?????? ?????????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????,
????? ??? [20????]».

26 ?? ?????? 12, ?????????? 2, ??? ?????? ??? ??????????? ?????????? ?? ????:

«?? ?????????? ??? ?????? 12a ??? ?????? ??? ??????????? ?????????? ?????????? mutatis
mutandis ??? ??? ??? ?????? ?????????????? ????.»

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

27 ? ?????? Wroc?aw ??? ?????? ?????????? ?????? ?????????????? ?????????? ?????????? ????:
????????? ???, ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????:
????????? ??? ?? ?????? ????.

28 ?????? ??? ?????????? ??? ?????????? ????????, ? ?????????? ?????????? ????:
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ???????, ??????????
????? ?????????? ??? ?????? ?????? ?????? ?????????? ?????? ?????????? ??? ???????, ???
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???????,
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ???????,
??? ?????????? ??? ?????? ?????? ?????? 99 ??? ??? ??????, ?? ?????????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?????? ???, ??? ?????? ??? ?????? ?????? ?????? 40 ????. ? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???' ??? ?? ?????? ???.

29 ??? ? ???? 72, ?????????? 1, ??? ?????? ??? ?????????? ??? ???????, ?? ????:
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????, ? ????:
????????? ???, ??? ?? ?????? 67, ?????????? 1, ??? ?????? ???, ??? ?????? ????:
????????? ????. ?? ?????? 72, ?????????? 3, ?????? 4, ??? ?????? ??? ?????????? ????:
????????? ?????? ???, ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ????:
????????? ???, ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? 1 % ??? ?????? ???
?? ??? ?????? ???.

30 ????? ?? ?????? 5, ??????????? 1, ?????? 1, ??? ?? ?????? 7, ??????????? 1, ?????? 6, ???
????? ????, ? ??????? ??????????? ??? ?????????? ?????? ??????? ??????? ???, ?? ??
??????, ?? ?????? ?????? ?? ?????????? ? ??????????? ?????? ?? ?????????? ?????? ?? ?????????? ????? ??.

31 ?????? ??? ?????? ??? ????????????, ??? 1? ??????????? 2019, ? ?????????? ??? ???
????????????? ??? ?????????????? ?????? ?????? ?????????? ?????????? ?? ?????? ?????????? ???
??? ?????????? ?????.

32 ????? ?? ?????? 7 ??? ?????? ????? ??????????????, ?? ?????????????? ?? ?????? ??????????
?????? ?????????? ?? ?????????????? ?????? ?????????????? ??? ?????? ?????????? ??????
????????????? ? ?????? ??? ?????? ??? ?????? ?????? ??????????. To ?????? ???
????????????? ??? 31 ?????? ??? ?????? ??? 20????, ?????? ?????????? ??? ???
????????? ??? ?????????? ??? ?????????? ??? ??? ?????? ?????? ?????????? ?? ?????
?????????. ?? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ??
????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????. ???????, ?
??? ?????? ???????, ??? ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ?????????? ???
?? ?????? ?????????? ?? ?????????? ?? ?????? ??????????, ?? ?????? ?????? ?????????? ??
?????? ?????? ??? ??? ?????? ??? ?? ?????????? ?? ?????? ?????????? ?? ?????????? ??????.

33 ???????, ?? ??? 6, ?????????? 1, ??? ????? ???? ?????????? ?????????? ??? ? ???
?????? ?? ?????????? ??????? ?? ?????????????? ?? ????? ?? ?????? ?? ?????????? ??
????????? ?? ?? ?????? ?????????? ?? ???????, ??????? ?? ?????? ??????????
????????? ?? ?????? ?? ?????????? ??????. ? ?????????? ?????? ?? ?????????? ??
?? ?????????? ?? ?????????? ?? ??????????, ?? ?????????? ?? ??????, ??? ?? ??? ??
????????? ?? ?????????? ?? ?????? ??????????.

34 ??? 5 ?????????? 2019 ? ?????? Wroclaw ?????? ??? ?? ?????????? ??? ?? ??????
????????? ?????????? ?????? ?????? ?????? ?? ??? ?????? ??? ?? ??? ?? ??? ??
????????? ??? ?? ??? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ??????.

35 ? ??????? ?????? ?????????????? ??? ?? ?????? ??? ?????????????? ?? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???.

36 ??????????, ? ?????????? ??? ??????, ??? ?????????? ??? ??? ??? 15 ??????????
2019 ?????????? ?????????? ???, ??? ?? ??? ??? ?????????? ??? ??? ???
Wrocław ????? ??? ????? ??? ?????????? ?????????? ??? ??? ??? ??? ?????????? ??? ???
??? ?????????? ??? ??? ?????????? ?????????? ??? ??? ??? ?????????? ?????????? ??? ??? ???
???? ???, ??? ?????????? ??? ??????, ? ?? ??? ????? ?????? ??? ?????????? ??? ??????????
???? ??? ??? ??? ??? ?????? ??????????.

37 ? ?????? Wroclaw ?????? ?????????? ??? ???? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ???? Wojewódzki S?d Administracyjny we Wroclawiu (????????? ?????????? ?????????? Wroclaw, ??????).

????????? ??? ?????????? ????????, ?? ? ? ???????, ? ?????????? ??? ??????????
????????? ?? ???? ?????????? ????????, ??????? ?????? ??? ?????? ??? ?????? ??? ?????? 14,
????????? 2. ??????? ??, ?? ?????? ??? ?????? ???.

40 ???????, ?? ?????? ??????????? ?????? ?? ??????????????? ?? ?? ??????????? ????
Wrocław ??????? ?? ??????????? ???, ???, ???, ??? ??????????? ???? ??????????? ???, ? ??
????? ? ??????? ??? ?? ??????? ???, ??? ??????? ???? 13, ??????????
1, ????? ??????, ??? ??????? ??? ????? ?????? ????? ?? ?????? ??????. ?? ??????
?????????? ??????? ???, ??? ??? ??????????? ??? ????? ?????? ?????? ???????, ? ?????? ??????
?????????????? ?? ??????? ??????????? ???, ??????? ?? ??? ??????????? ??? ?????? ????
??????????, ?????, ???' ?????, ?????????????? ?????????? ?????????????? ??????. ?? ??????
?????????? ??????????? ???, ??? ??? ??? ?????, ? ?????????? ??? ??????????? ??????????? ??????
?? ????? ??????? ??? ??????????? ?????????????? ?????????????????? ?????????????? ?? ??? ?????, ????
?????????? ?????????????? ??? ??? ?????????????? ??? ??? ?????????????? ??? ?? ??? ???????????, ????
?? ??? ????? ??????? ??? ?????? ???????????, ??? ??? ? ?????? Wrocław ??? ?????? ??
????? ?? ????? ??????? ??? ?????? ??????????? ?? ?????????? ?? ?????????, ?????? ? ?????????? ??????
????????? ??? ????? ??????? ???????????.

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

«1) ??????? ? ?? ??? ????? ?????????? ?????????????? ?????????????? ?????????????? ?? ??????? ?????????? ?????????? ?????????? [...] ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? 14, ?????????? 2, ?????????? ?, ?? ?????????? ?? ?? ?????? 2, ?????????? 1, ?????????? ?? ??? [????????? ??? ?????], ? ?????? ?????????? ??? ?????? ????? ?????????????? ???;

2) ?? ?????????? ?????????? ?????????? ?? ?? ????? ??????: ??????? ? ?? ??? ?????
????????? ?????????? ?????????? ?????????? ?? ??????? ?????????? ?????????? ??????
????? ?? ?????? ?? ?????? 14, ?????????? 1, ?? ?????????? ?? ?? ?????? 2, ?????????? 1,
????????? ??, ?? [????????? ???? ???], ? ?????? ?????????? ???? ??? ?????????????? ????

3. ??????? ?????? ?????? ? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????????? ?????????????? ?????????????? ?????????????? ?????????? [...] ?? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? 9, ?????????? 1, ?? ?????????? ?? ?? ?????? 2, ?????????? 1, ?????????? ??, ??? [????????? ???? ???], ? ?? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? 13 ??? ?????? ???;»

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

42 ?? ??? ?????? ?????????????? ??????????, ?? ?????? ?????????? ?????? ??
?????????? ? ?????? ??? ?????? ?????????? ??? ?????? 105, ?????????? 1, ???
????????? ?????????? ??? ?????? ?????????? . ??? ?????? ??? ?????? ???, ?? ??????
????????? ?????? ??? ?????? ?????????? ??? ? ?????? ?????? ?????? ??? ?????? ??
????????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??
????????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ??
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?? ??????
????????? ?????? ?????? ??????.

43 ??? ?????????? ??? ?? ?????? 105, ?????????? 1, ??? ?????????? ???????????,
?????? ?????????? ??? ?????????? ?????????? ?, ?? ?????????? ???????????,
??????????????, ? ?????? ??? ?????????? ??????, ??? ? ??? ?????? ?????????? ??????
?? ?????????? ?? ?????????? ?? ?????????? ??????, ??? ?????? ??? ?????????? ??????
?? ??? ?????? ??????????, ?? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ??
????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??????.

44 ?? ??????????, ??? 10 ?????????? 2019 ? ?????? ??? ?????????? ??????????, ???
????? ??? ?????? ?????? ??? ?????? ??????????, ?? ?????????? ?? ?????? ???
????????? ?????????? ??? ?????????? ??? ?????? 42 ??? ?????? ??????.

45 ?????? ?? ??? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ??? ???????????, ??
????? ??? ?????? ?? ?????? ?????????? ??? ?????? ?????? ?? ?????????? ??? ???????????,
??? ?????? ??? ??? ?????? ??????????, ?? ?????????? ??? ?????? 105, ?????????? 1, ???
????????? ?????????? (??., ???' ??????, ??? ?????? ??? 16?? ?????? 2020, Addis,
C?517/17, EU:C:2020:579, ??? 42).

46 ???????, ??? ?????? ??????????, ??? ? ?????? ?????? ?????? ?????????? ???????????,
????? ?? ?? ??? ?????? ?????????? ??? ?????? (??????? ??? ?????? ??? ?????????? ??? ??????????? ???
?? ?????????? 2015, Leonmobili ??? Leone, C?353/15, ?? ???????????, EU:C:2015:552,
????? 8), ??? ? ?????? ?????? ?????????? ??? ?????? ? ? ?????????? ?????????? ???????????
??? ?????????? ??? ?????? ?????? (??????? ??? ?????? ??? ?????????? ??? ?????????? ??? 29??
????????? 2014, E., C?436/13, ?? ???????????, EU:C:2014:95, ??? 27) ?????? ?????? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? 105, ?????????? 1, ???
????????? ??????????.

47 ??????, ??? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?
????????? ?? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????
????????? ?????? ??? ?????????? ??? ?????? ??????, ??? ?????? ?????????? ??? ?????? ??? ??????
????????? (???. ???????? ??? ?????? ??? ?????????? ??? ?????? 8?? ?????? 2012, P,
C?6/12, ?? ???????????, EU:C:2012:135, ??? 8, ??? 31?? ?????? 2014, Ind?li? ir
investicij? draudimas ??? Nemani?nas, C?671/13, ?? ???????????, EU:C:2014:225, ??? 10,
??? 28?? ?????? 2017, Di Girolamo, C?472/17, ?? ???????????, EU:C:2017:932,
????? 15).

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

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

48 ?? ?? ?????? ??? ?? ?????? ?????????? ?????????? ??? ??????, ?? ?????? ?????? ?? ??????????
?? ??????, ?? ?????? ?????????? ???, ???' ??????, ?? ?????????? ?? ?? ??? ?????? 14???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??????????
?? ?????????? ??? ?????? ??? ?????? ?????? ?????, ?????? ??? ?????? ?????? ??????.

«????????? ??????», ??? ???? ?????? ??? ??????????? 2, ?????????? ?, ??? ?????? ?????? ?,
???????????, ??? ???? ?????????? 1 ??? ?? ????? ?????.

49 ??????????????? ?????? ??????? ??? ? ??????? ??? ?????????? ?????? ??????? ??? ??
????? ???????????, ????, ?? ?????? ?????? ??? ?????????????? ??????? (?????? ?? 13??
?????? 2018, Gmina Wroclaw, C:665/16, EU:C:2018:431, ????? 30 ??? ???????????????
?????????).

50 ???????????????, ??? ? ???? 2, ?????????? 1, ????????? ??, ??? ????????? ???? ?,
?????????? ????? ?? ???? ?? ?????????? ?????? ??? ?????????????????? ?? ?????????? ??????
??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????
?????.

51 ?? ?????? 14, ??????????? 1, ??? ??????? ????? ??? ?????? ?? «????????? ??????» ??
?????????? ?? ??????????? ?? ??????? ???????, ?? ??????, ??????? ?????.

52 ???????, ??? ????? ???????????, ? ?????? ??? «?????????? ?????» ??? ?????? 14,
?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ??????????? ??? ??????????? ??? ??????????? ???
??? ?????? ??? ??????????? ?? ??????????? ??????? ???????, ??? ??????????????? ??? ??????
?????????????? ??????????? ??????? ??? ??????????? ? ?????? ??????????????? ???
?????????????? ??????? ??? ?? ??????????? ??? ??????? ?? ?? ??? ????? ??????? ?? ?????? (?????? ??
15?? ??? 2019, Vega International Car Transport and Logistic, C?235/18, EU:C:2019:412,
????? 27 ??? ??? ??????????????? ??????????).

53 ???????, ?? ???? 14, ?????????? 2, ??????? ??, ??? ????? ?????? ??????? ???,
????? ??? ?? ?????? ??? ?????????? 1 ??? ?? ??? ??????, ?? «????????? ??????» ??????? ?
??????????, ?? ??????? ???????????, ??? ?????????? ??????, ???' ??????? ???
????????? ?????? ??? ?? ??? ?????? ??? ? ?? ??????? ????.

54 ????????, ??? ?? ???? 14, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??????
??? ?????? ??? «?????????? ??????», ?????? ??? ?????? ??? ?????? ??? ?????? ?????
????????? ??? ?????????? 2 ??? ?????? ??????, ?????? ??? ?? ????? «????? ??? ??? ?????? ???
????????? 1», ??? ? ?????????? 2 ?????? ?????? ??????? ?? ??????, ??????
????????????? ??? «????????? ??????», ?????? ?????????? ?????????????? ???
????????? ??? ?????? 14, ?????????? 1, ??? ?????? ??????. ??????????, ??? ?????? ???
????????? ??? ?????? 14, ?????????? 2, ??????? ??, ??? ?????? ?????? ?????? ?????? ??????
????? ??? «????????? ?? ?????? ??????, ?? ??????, ?????? ??????», ??? ?? ??????
????? ??? ?????? 14, ?????????? 1, ??? ?????? ?????? (???. ?????? ??? 13?
????? 2018, Gmina Wrocław, C?665/16, EU:C:2018:431, ??? 35). ?????????? ?? ?????? 14,
????????? 2, ??????? ??, ??? ?????? ??? ??? ?????????? ?????? ??? ?????????? ???
????????? ??? ?? ??? ?????? (???. ?????? ??? 13? ?????? 2018, Gmina Wrocław,
C?665/16, EU:C:2018:431, ??? 40).

55 ????????, ??? ?? ?????? ??? ?? ?????????? ??? ?? ?????? 14 ??? ?????? ??? ??
????????? ??? ? ?????????? 2 ??? ?????? ?????? ??????, ?? ?????? ?? ??? ?????? ??????
??? ?????????? ??? ?????????? 1 ??????, lex specialis, ??? ?????? ?? ??????????
????????? ??? ?????? ?????? ?????? ?? ?????? ?? ??? ?????????? ?????? ???
????????? 1 (????. ?????? ?? 13?? ?????? 2018, Gmina Wrocław, C?665/16,
EU:C:2018:431, ??? 36).

56 ????????, ??? ?? ?????????????? ??????? ?? «????????????? ??????», ???? ??? ?????
??? ?????? 14, ?????????? 2, ??????? ??, ??? ?????? ????, ?????? ???, ?????? ?? ??????????
?????????? ?????? ???????????????, ??????. ?????? ?? ??????? ??????????? ??? ??????????

? ??????????. ????????, ?? ???? ?????????? ?????? ?? ?????? ???' ??????? ?????????
????? ? ??? ????? ?? ? ???? ?????? ??????. ??????, ?????? ?? ?????????? ??????????
(?????? ?? 13? ?????? 2018, Gmina Wroclaw, C?665/16, EU:C:2018:431, ??? 37).

57 ?? ??????????, ??? ????? ?? ?????? ?????? ?????????????? ?? ?????????????? ???
????????? ?????? ??? ?????? ?????? ??????????, ??? ?? ?????? ??? ?????? ?? ??????
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????? ????????, ? ?????? ??? ?? ?????? ?? ?????? ?????? ??? ?????? ?????? ??????
??? ??? ??? Wroclaw ?????? ?????? ??????????, ?????? ?? ?????????? ??
????????? ?????? ??? ?????? ?? ?????? ?? ?????? 14, ?????????? 2, ?????? ??, ???
????? ??? ?. ??????????, ??? ?????????? ??? ?? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????.

58 ??? ?????? ?? ?????? ?? ? ?????????? ?? ?????????? ?????????? ?? ?????? ??????????
????? ?? ?????????? ????????????, ??? ?? ?????? ?? ?????? 14, ?????????? 2, ??????
??, ??? ?????? ???, ????????????, ??????, ??? ? ????? «????????? ??????????»,
????????? ??? ?????????? ???, ??????, ?????????? ?????????? ?????????? ??? ??????
????? ??? ?????? ?????, ?? ?????????? ?????? ??? ??????????, ?????? ??????????
????? ??? ? ?????????? ?????? lex specialis, ??? ?????????? ??? ?? ??????
55 ??? ?????????? ??????????. ????????, ?? ?????? ??? ?????????? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?? ?????????? ??? ??? ?????? ??? ?????? ?????? ???
????? ????.

59 ??????, ??? ?? ?????????? ?? ?????????? ?????????? ???, ??? ?? ?????? «?????????
?????????» ??? ?? ?????? ??? ?????? 14, ?????????? 2, ?????? ??, ??? ??????
???? ??, ?????????? ???????, ?????????? ??? ? ?????? ?????? lex specialis, ??
????? ??? ?????? ?? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??????
??? ?????? ??? ?????????? «?? ?????? ??????», ? ?????? ?????????? ??? ??????
2, ?????????? 1, ????????, ??? ?????? ?????? (?????? ?? 13? ?????? 2018, Gmina
Wroclaw, C?665/16, EU:C:2018:431, ??? 44).

60 ??????, ?????? ?? ?????????????? ?? ?????? ?? ?????? ??? ?????? 14, ?????????? 2,
?????? ??, ??? ?????? ??? ?????? ?? ?????????? «?????????» ????????????, ????
????? ?? ?????????? ?????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????????? ????

61 ?????, ??? ?? ?????????? ?? ?????????? ???, ??? ?? ?????? ??
????????? ? ?????????? ??? ?????????? ?????????????, ?????? ?????? ??? ?????? ??
????????? ?? ? ?????? ?????????? ?????? ??? ?? ?????????? ??? ?????????? ???
??, ??? ???????, ?? ? ?????? ??? ??????????, ?????? ?? ?????? ?????????? ???
????? ?????????? ?? ?????????? (???. ?????? ?? 13? ?????? 2018, Gmina Wroclaw,
C?665/16, EU:C:2018:431, ??? 45).

62 ?? ??????????, ??? ?? ?????????? ?? ?????????? ??? ? ?????????? ?????????? ??? ??????
????????? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ? ?????? ?????? ? ??????????
?? ?????????? ?????? ?? ?????? ?????????? ??? ? ?????? ??? ?????? ?????? ?????? ??????
?? ?? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ? ?????? ??? ??????
?????????, ?????????? ?? 20??. ?????? ?? ? ?????? ??? ?????? ??? ? ?????? ?? ??????
?????????, ?? ?????????? ?????? ?????? ?????????? ???????????, ?? ?? ?????? ???, ??
????? ??? ??? ?????? ??? ??????????. ???????, ?? ?????? ??? ?????? ??? ??????
????????? ?????? ??? ?????? ?? ? ?????????? ??? ??????????, ?? ? ?????????? ????
?? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??????????.

63 ?????? ??? ?????? ??????, ??? ?????? ??? ?????? ?????????? ?????????? ????

?????? ?? ?????? ? ???????? ??? ????? 14, ?????????? 2, ???????? ??, ??? ?????? ???
??? ??? ?? ?????? ??? ? ?????????? ??? ?????? ?????????? ?????????? ??? ??????????
????????? ?? ?????? ????????, ?????? ??? ?????????? ??????, ?????? «????????? ???»,
???? ??? ?????? ??? ?????????? ?????.

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

64 ?? ?? ?????? ?????????? ????, ?? ?????? ?????????? ????, ???' ??????, ??
????????????? ?? ? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ??????????????
??? ?????? ?????????? ?????????? ?????????? ?? ?????? ?????????? ????, ??????
????????? ????, ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ????
??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ?????? ?? ?????? ?????????? ??????
???? ??? ?????? ??? ?????? 13, ?????????? 1, ??? ?????? ??????.

65 ?????????? ?? ?????? ?????????? ??? ?????? ??????, ??????, ??????, ?? ??????????
?? ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ??????
????? «????????? ??????????» ??? ?????? ?????? ??? ?????? 9, ?????????? 1, ???
????? ????.

66 ??????????, ? ?????? ??? ?????? 13, ?????????? 1, ??? ?????? ????,
????????????? ?? ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ???????????????.
??? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ???
????? 9, ?????????? 1, ?????? ????, ??? ?????? ????, ??? ?????? ???, ??? ?????? ?? ??????????
???? ?????? ??? ?????? ?????? ??? ?????? ?????? ?? ?????? ?????????? ?????? ??????
????? ?????????? ??? ?????? 13, ?????????? 1, ??? ?????? ????, ??? ?????? ??? (????.,
????' ??????????, ?????????? ??? 29?? ?????????? 2015, Gmina Wroclaw, C?276/14,
EU:C:2015:635, ??? 30, ??? 29?? ?????????? 2015, Saudaçor, C?174/14, EU:C:2015:733,
????? 31, ??? ??? 13?? ?????? 2018, Gmina Wroclaw, C?665/16, EU:C:2018:431, ??? 47).

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

67 ? ?????? ??? ?????????? ?????????????? ?????????? ??? ?????? 9, ?????????? 1,
?????? ??????, ??? ?????? ??? ?? ?????????? ??? ?????? ?????????????? ???
?????????, ??? ?????? ??? ?????? ?????? ?????? ??????, ??? ?????? ??? ?????? ??? ??????
«????????????? ?????????? ? ?????? ??????, ?? ?????? ?????? ??? ?????? ?????? ?????? ??????
?????????».

68 ??? ?????? ??? ?????? ??? «?????????????», ??? ???? 9, ?????????? 1, ??????
??????, ??? ?????? ???, ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ? ??????
???? ??????????, ?????? ?? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????
????????? ???, ?? ??? ??? ?????? ??????, ?????????? ??? ?? ?????? ??? ?????? ???, ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? (????????? ???
6?? ?????????? 2009, SPÖ Landesorganisation Kärnten, C?267/08, EU:C:2009:619, ??? 20
??? ??? ?????????????? ???????, ??? ??? 2?? ?????? 2016, Lajvér, C?263/15,
EU:C:2016:392, ??? 24 ??? ??? ?????????? ??????????).

69 ? ?????? ??? ?????????? ??? ?????? 9, ?????????? 1, ??? ?????? ??? ??????
?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? «????????? ?????????? ?????????? ???
??? ?????????? ?????????? ??? ?????????? ??? ?????? ???, ?????? ? ?????????? ???
????????? ??? ??????, ?????????? ??? ?????? ??? ? ??? ?????????? ??? ??? [????.
?????? ??? 13?? ?????? 2019, IO (??? – ?????????? ?????? ?????? ?????????? ??????????),
C?420/18, EU:C:2019:490, ??? 31 ??? ??? ?????????? ?????? ??????????].

70 ?? ???????????, ?? ?????? ?? ?????? ??????, ?????? ?????, ?? ??????? ??? ? ????
Wroc?aw ?????????? ??? ??? ????? ???????????, ?? ?????????? ??? ?? ?????????? ???
????????? ??? ?????? ?? ????? ?????????, ?????, ?? ????? ?????????????, ???????, ???
20????? ??? ??? ?????? ??? ??????????. ??????, ??? ?????????? ??? ??? ??? ??? ???
????? ??????????? ??? ?? ????? ?????? ??????, ?? ?????? ?????? ?????????????? ??? ???
??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ???
?????????, ?????????????????? ??? ?? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ???
20?????, ?????????????? ??? ?? ?????? ??? ?????? ??? ??????????.

71 ?? ??????? ???, ?? ????? ??????????? ??? ?????? ?????????? ?? ???????????,
????????? ??? ??????????? ??? ? ?????????? ??? ?????????? ?????????? ?? ??? ???
????????? ??? ??? Wroclaw ?? ?????????? ?? ?????????? ??? ?????? ?????????? ???
??, ??? ???????, ? ??? ?????? «????????? ??????????» ??? ?? ??? ???
?? ?????? 9, ?????????? 1, ??? ?????? ???.

72 ??????, ??? ????? ??????? ?? ??????? ??? ? ?????????? ??? ?????? ??? ?? ???????
??? ?????? ??? ?? ??????? ??? ?? ??? ?????? ?????????? ??? ?????????? ??? ?? ??? ???
????, ??????????? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????????????? ??? ?????? 14, ?????????? 2, ?????????? ?, ??? ?????? ??? ??? ???.

73 ??????, ?? ??????? ??? ? ?????? Wroclaw ??? ?????? ?? ?????? ?????????? ??? ??
????????? ??? ?????????? ??????? ?? ?????? ?????????, ?????????? ??? ?????? ?????????? ??
??? ?????, ??? ??????, ??' ?????, ?? ??????? ??? ?????????? ??? ? ?? ??? ?????? ??????????
??? ?????????? ??? ??????? ??? ?????????? ?????????? ?????????? ??? ?????? ?? ??? ??? ???
????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1, ??????? ???,
??? ?????? ??? ??? ???.

74 ??????, ??? ?????? ?? ??????? ??? ? ?????? ?????????? ??? ?????????? ??? ?? ???????
??? ?????? ??? ?? ??????? ??? ?????????? ?????????? ?????????? ?????????? ??? ??????????
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????????? ?????? ?????????? ?????????? ?? ?????? ??? ?????????? ?????????? ??? ??????????
????????? ???, ?? ?? ?????, ?? ?????? ?? ?????????? ?????????? ? ?????????? ?????? ??
«?????????» [????. ?????? ??? 13?? ?????? 2019, IO (?? – ?????????????? ???)
????????? ?????????), C?420/18, EU:C:2019:490, ??? 29 ?? ??? ??????????????
?????????].

75 ??? ?????? ?? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????????? ??? ?? ???
????????????? ?????????????? ??? ?????????? ?????????????????? ??? ?????? 14,
????????? 2, ?????????? ?, ??? ?????? ??? ??, ?? ??????, ?? ??????, ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????????????? ???' ?????? ?????????? ??? ??
??? ?????? ??? ? ?? ??????? ????.
??? ??? ?????????? ??? ?????????????? ??? ?? ?????? ?????? ??? ?????? ?????????? ????

76 ??? ?????? ?? ?????? ??, ?? ?????????? ??? ? ?????? ??? ?????????? ??? ?????? ???, ?
????? Wroclaw ?????? ?? ??????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ???, ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ??? ??? ??,
?? ?????? ??????? ?????? ??? ?????? ??? ?????? ??? ?????? 13, ?????????? 1, ?????? ??????,
??? ?????? ???, ?????????????? ??? ?????? ???, ??? ?????????? ??? ??? ?????? ??? ??????
??? ?????? ??? ??? ?????? ??? ?????? ?????????? ?? ?????? 9, ?????????? 1, ??? ?????? ???
??, ?? ?????? 13, ?????????? 1, ??? ?????? ?????? ??? ?????? ??? ?? ?????? ??? ??
??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ???

?????? ??????????? ?? ?????? ??????? ????????, ????? ? ?? ??????? ????? ?? ??
?? ??????? ?? ?????????? ??????????? ?? ?????????? (?????? ?? 29??
?????????? 2015, Gmina Wroclaw, C2276/14, EU:C:2015:635, ??? 29 ?? ??
?????????? ??????).

77 ? ??????? ??, ?? ?????????? ?? ?????? ?????? ?????? ?? ??????? ?? ??????? ??
?????????? ?????? ?????????????? ??, ?????? ?? ?????????? ?????? (?????? ??
20?? ?????? 2014, Gmina Wroclaw, C72/13, ?? ???????????, EU:C:2014:197, ??? 19
?? ?? ????? ?????????? ???????).

78 ??? ?????? ????????, ??? ??? ??????? ?? ?????? ?? ??????? ?? ??????? ??
??, ??? ?? ??? ?????? ??????? ? ??????? ?? ??????? ?? ??????? ??, ?????? ??
????????? ?? ???????????, ??? ?? ??????? ?????????????? ??, ???????, ??
????????? ?? ??????? ??????? ??, ???????, ? ?????????? ??, ??????? ??
?????? ?? ??????? ??????? ??, ???????, ?? ??????? ??????? ??, ??????? ??
? ??????????? ??, ???????, ?? ??????? ??????? ??, ???????, ?? ??????? ??
????? ??????? ??, ???????, ?? ??????? ??????? ??, ???????, ?? ??????? ??
?????????????? ??, ??????????????? ??, ???????, ?? ??????? ??????? ??
????? ??????? ??, ??????????????? ??, ???????, ?? ??????? ??????? ??
20?? ?????? 2014, Gmina Wroclaw, C72/13, ?? ???????????, EU:C:2014:197, ??? 19
?? ?? ????? ?????????? ???????).

79 ??????, ?? ?????????? ?? ?????? ??????????? ??, ?? ?????????? ??, ??
????????? ??????????? ??, ??????, ?? ?????? ??, ?? ?????? ??, ?? ??????? ??
?? ?????????? ??????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ??????? ??
?? ?????????? ?????? (?????? ?? 29??
????????? 2015, Sadaçor, C174/14, EU:C:2015:733, ??? 70 ?? ?? ???????????
?????????).

80 ??? ?????? ?????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????????? ??
????????? 1, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ??
????, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? Wroclaw ??, ??
????????.

81 ??????, ?????? ?? ?????????? ??, ?? ?????? ??, ?? ?????? ??, ??
????? ?? ??????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ??????????? ??
????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??.

82 ?? ??????????, ???, ?? ?????????? ??, ?? ?????? ??, ?? ?????? ??
?????????, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ??, ?? ?????? ??
????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? Wroclaw ??, ??
????????? ??, ?? ?????? ??.

83 ??????, ?????????? ??, ?? ?????? Wroclaw, ?????? ??, ?? ?????? ??
????????? ??, ?? ?????? ???????, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??
????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??.

84 ??????, ?????????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ??
????? ??, ?? ?????? Wroclaw ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??
??????????, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??, ?? ?????? ??.

????????? ?? ???? ????????????, ??? ??? ????? ?????????? ??? ??? ????? ?????? ??? ??? ???????????
????????? ??? ????? ??????????. ??? ?????????? ??? ? ??? ????? ?????????? ??? ?????? 61
??? ?????????? ???, ?? ??? ????? ??? ?????????????? ??? ??? ????? ?????? ?????????? ??????????
????????? ??? ??? ??? ??? Wroclaw, ??? ??? ?? ?????? ??? ????? ?????? ?????????? ??????????
????? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??????????.

85 ???. ?? ?????????????? ?????????? ???, ??? ???. ?????????? ??? ?????????????? ???
?????? ??????? ?? ?????? ?? ?????? ??????????, ?? ?????????????? ??? ?????????? ??? ?????????????? ?
????? Wrocław ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??????????,
????? ??? ?????????????? ????, ??? ?????? ?? ?????????? ??? ?????????? ?? ??????
????????? ??????? ???????.

86 ??????? ?? ???????, ?? ?????????????? ??????? ??????? ?? ?????? ???? ??????? ?? ??????? ?? ??????? ?? ???????
???, ???. ??????? ???. ?????????????? ???. ??????? ?????????? ???. ?????????? ???. ?????????? ???. ?????????? ???.
????????? ???. ?????? ??????????, ???. ?????? ???. ?????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.
??. ?????? ???. ??????????, ???. ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ??.
????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.
????? ???. 9, ?????????? 1, ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.
???. ?????? ???. ?????? 13, ?????????? 1, ???. ??????, ???. ??? ?????? ???. ?????? ???. ?????? ???.
????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.

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

87 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ????? ?????????? ??? ?????? ?????? ?????
??? ?????????? ?????????????? ??? ??????? ?????? ??? ?????????? ??? ?????????? ??????????????, ?' ????
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ????? ??????????????
????? ?????????? ?????????????? ??? ?????????? ?, ??? ??? ?? ??? ??????????, ??? ??????????.

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

1) ?? ?????? 14, ?????????? 2, ??????? ??, ??? ?????? 2006/12/? ??
??????????, ??? 28?? ???????? 2006, ??????? ?? ?? ?????? ??????? ??
????????????? ???, ??? ?? ?????? ?????? ?? ? ?????????????? ?? ?? ?????? ???????
????????? ?? ?? ?????????? ??????? ?? ?????? ??????????, ?????? ?? ?? ???????
?????, ?????? ?????? ??????? ???, ??? ?? ?????? ?? ?? ?????????? ???.

2) ? ?????? 2006/112 ??? ?????? ?????? ?????? ?? ???? ?????? ?? ???? ?????????????? ??
?????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ??????????,
?????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????,
?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????, ?? ?????? ??
?????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
9, ?????????? 1, ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
?? ?????? ?? ?????? 13, ?????????? 1, ??? ??????, ?? ?????? ?? ?????? ??
????????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??.

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

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