

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

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

??? 1?? ?????????? 2022 (*)

«????????????? ?????????? – ????? ?????????????? ????? (???) – ??? ?????? 77/388/??? –
????? 4, ?????????? 4, ??????? ?????? – ?????????? ??? ????? – ?????????? ??? ?????
????? ?? ??????? ?? ??? ????? ?????????? ??? ????? ?????????? ?? ?????? ?????? ???
????????? ?????? ??? ?????? ?????? ??????, ?????????? ??? ?????? ???
????????????? ?????? ??? ?????? ?????? ?????? (“????? ???”) – ?????? ??????????
?? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? –
????? ??? “????? ?????? ??? ?????????????? ??????” – ?????????? ??? ??????????
????????? ?? ??????? ??? ?????????? ??? ?????????? ??? ??????, ?????????? ??? ??????????
????????? – ??? ?????????? – ?????????? ??? ?????????? ??? ?????????? ???
????? ?????????? – ??????????»

????? ?????? C141/20,

? ? ?????????? ?????? ?????????????? ?????????? ?????? ??? ?????? 267 ????, ???
?????? ?? Bundesfinanzhof (????????????? ?????????? ??????????, ??????????) ?? ??????
?? 11?? ?????????? 2019, ? ?????? ??????? ??? ?????????? ??? 23 ?????? 2020, ???
?????? ??? ???

Finanzamt Kiel

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Norddeutsche Gesellschaft für Diakonie mbH,

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

????????? ??? ??? A. Arabadjiev, ?????? ???????, P. G. Xuereb (?????????), T. von
Danwitz, A. Kumin ??? I. Ziemele, ???????,

????? ??????????: L. Medina

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

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

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

– ? Norddeutsche Gesellschaft für Diakonie mbH, ?????????????? ??? ??? B. Richter,
Rechtsanwalt,

– ? ?????????? ???????, ?????????????? ??? ??? J. Möller ??? ??? ??? S. Eisenberg
??? S. Heimerl,

– ? ??????? ????????, ?????????????? ??? ?? G. Palmieri, ?????????????? ??? ?? P. Gentili, avvocato dello Stato.

— ?????????????? ??????????, ?????????????????? ??? ?? A. Armenia ??? ??? R. Pethke,

???? ??????? ?? ?????? ??????????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? 13?? ??????? 2022,

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

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1 ? ?????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? 4, ?????????? 1
??? 4, ?????? ??? ?? ?????? 21, ?????????? 1, ??????? ??, ??? ?????????? 3, ??? ??????
?????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????? ???
????????? ??? ?????? ??????, ??? ??????? ?? ??? ?????? ?????? ?????? - ???
?????? ??? ????? ?????????? ????: ?????????? ?????????? ??? (?? ????. ??? 09/001, ?. 49),
???? ?????????? ?? ??? ?????? 2000/65/?? ??? ??????????, ??? 17?? ??????
2000 (?? 2000, L 269, ?. 44) (?? ????: ??? ?????).

2 ? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? Finanzamt Kiel
(?????????? ??? Kiel, ???????) (??? ????: ?????????? ???) ??? ??? Norddeutsche
Gesellschaft für Diakonie mbH (??? ????: NGD mbH), ??????? ?? ?? ??????? ??? ??????
????? ??? ?????? ?????????????? ??? (???) ??? ?? ?????????? ??? 2005.

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

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

3 ??? 1?? ?????????? 2007 ? ???? ?????? ???????????? ??? ?????????????? ??? ??
?????? 2006/12/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ???
?????? ??? ????? ?????????????? ??? (?? 2006, L 347, ?. 1). ??????, ?????????????? ??? ??
?????? ??? ?????????? ?????????? ??? ?????????? ??? ??????? ??????, ? ??????? ???
?????????? ?? ??????? ??? ??? ??????.

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

«1. ?????????? ?? “?????????? ???? ????” ?????????????? ?????, ??? ?????? ???????????
???? ?? ?????????????? ????, ??? ??? ??? ?????????????? ?????????????????? ??? ??????????????
???? ?????????? 2, ??????????? ??? ?????????????? ?????? ??? ?????????????? ???
????????????????? ????.

[...]

4. ? ?????????????????? ??? ?????????????? 1 ????"????? ?????? ??????????" ?????????? ???
??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????????? ?? ???
????????? ??? ?? ??????? ?????????? ? ?? ?????????????? ??? ?????? ?????? ?????? ??? ??????????
????????? ??????????, ??? ?????? ??? ?????? ?????? ?????????? ??? ??????, ??? ??? ?????? ???
?????????.

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

[...]»

5 ?? ????? 21 ??? ????? ???????, ??? ??????????????? ?? ?? ????? ??? 28?, ????? ??
????? «????????? ??? ????? ?????? ??? ??????» ??? ?????? ?? ???:

«1. ??? ?????????? ????????, ? [???] ??????????:

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

[...]

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

[...]»

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

6 ?? ????? 2 ??? Umsatzsteuergesetz (????? ??? ????? ?????? ???????), ??? ??
????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? (??? ???:
UStG), ??? ?? ??????:

«(1) ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ?
????????????? ??????????????. ? ?????????? ?????????????? ?? ?????? ??? ?????????? ?
????????????? ?????????????? ??? ??????????????. ?? ?????????? ? ??????????????
????????????? ?????????? ?????????? ?????? ?????????????? ??? ?????? ?????????? ??????, ???
??? ?? ?????????? ? ?????? ?????????? ?????? ???, ??? ?????????? ?????? ??????,
????? ??? ?? ??? ????? ?????????????? ?????? ?????? ??? ?????? ???.

(2) ? ?????????? ? ?????????????? ?????????????? ??? ?????????? ??? ?????? ??????????:

[...]

2. ??? ?? ?????? ?????????? ?????????? ??? ?????????? ?????? ?????????? ??? ??
?????? ??? ?????? ???????????, ??? ??????????????, ?????????? ??? ?????????? ???
????? ?????????? ??? ?????? ?????????? ?????? (????? ?????????? ??????). ? ??????
????????? ??? ?????? ?????????? ?????? ?? ?????? ?? ??? ?????? ?????? ?????? ???
????????????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ?????? ??? ?????????? ???
????? ?????? ??? ?????? ?? ?????????????? ?? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

[...]»

7 ??? ?? ????? 13bis, ?????????? 1, ??? ?????? ??????:

«????????? ??? ????? ?????:

1. ??? ?????????????? ??? ?????? 1, ?????????? 1, ?????? 1, ??? ??? ?????? 14c,
????????? 1, ? ??????????????

[...]».

8 ?? ??? 73 ??? Abgabenordnung (?????????? ?????????????? ??????, ??? ????: AO), ??
???? ??? ?????? ??? ?????? ?????????????? ?????????????? ??? ?????? ??? ?????? ???,
????? ?? ???:

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

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

9 ? NGD mbH ??? ?????? ?????????? ?????? ?????????????? ?????? ?????????? ?????????? ??
????????????? ?????? ??? 29? ?????????? 2005, ??? ?????? ?? ??????, ??? ? A,
????????? ?????? ??? C e.V., ?????????????? ??????, ?????????? ??????????????
????? ?????????? 51 % ??? 49 %. ?? 2005, ? E., ?????????? ?????????? ??? ??????
????, ??? ?????? ?????? ??? A ??? ?????????? ?????? ??? C e.V.

10 ??? ?? ?????? 7, ?????????? 2, ??? ?????????? ??? NGD mbH, ?? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????:

«? ?????? ?????????? ?????????? ??? ?? ??? ?????? ??? ?????????? ?????? ?????? ??? A ??? ??
????????? ?????? ??? C e.V. ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ??????
??? ??? ?????????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??
????????? ?????? ????. ?? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????.

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

11 ??? ?? ?????? ?????????? ??? ?????????????? ??? 1? ?????????? 2005,
????????? ? ?????????? ??? ?????????? ??? NGD mbH ??? ?? ?????? 7, ??????????
2, ?????? ????, ??? ?????? ??? ?????? ?? ???:

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

12 ??????, ?????? ?? ?? ??????????? ?? ?????? ?? ?????? ???????????, ? ?? ???
?????????? ?????? ?? ?????? ??????????? ?????? ??? ?? ?????? ?????????? ??? 9??
????????? 2010, ??? ?? ??????????? ?? ??????????????? ??????????? ?? ??? ??
????????????????? ??? ?? ?????? ??????????? ?? ?????? ?????????? ????????.

13 ??? ?? ?????? ?? ??????????? ?? ??????????? ??, ??? ?? ?????????? ???????????
????????? ??? NGD mbH, ? ?????????? ?????? ???, ??? ?? ?????? ??? ??????
????????? ???, ? ?? ??? ?????? ??? ?? ??????????? ?? ?????????????? ??? ??????
??? ?????????? ??? A. ???????, ??? ??????? ?? ?????????? ??? ?? ??? ??????
????????? «????? ?????????? ???», ??? ?? ?????? ??? ?????? 2, ?????????? 2,
????? 2, ??? UStG, ?? ??? ?? ??? ?? ?????? ??? ?????????? ??? ?????????? ?????? ???
????????? ??? ?????????? ??? ?? ?????? 4, ?????????? 4, ?????? ???, ??? ??
??????.

14 ?? ?????????? ?? ?????????? ??, ?????????? ??, ?????????????? ?????? ?? ??????????
?? ?????? 7 ?? ?????????? ?? NGD mbH, ??? ?? ??? ?? ?????? ??? ?? ??? ??
????????? ???, ? A ??? ?????? ?????????? ??? ?????????? ??? ??, ?? ??
??????, ??? ?? ?? ?? ?????? ?? ?????????? ?????????? ??? ?? ???????, ??? ?? ?? ??
?????? ??? A ?????? ?????????? ?????????? ?? ?????? 51 % ?? ??? ?? ????????
????????? ??? ??????? ???, ??? ?????? ???????, ? ?????? ??????? ??? ?? ??????
????????? ??? ??????? ???, ??? ?????? ??????? ???? ?????? ?? ?????? ??? ? ??????
????????? ??? ?? ??? ?????? ??????? ??? ?????? A ?????? ?? ?????????? ???
????????? ??? NGD mbH ?? «?????????» ??? ?? ?????? ??? ?????? 2, ??????????
1, ??? UStG.

15 ?? ?????? ?? 30?? ??? 2014, ? ?????????? ?? ?????????? ?? ?? ??? ??
????????? ???.

16 ? NGD mbH ?????? ?????????? ?????? ??? ?????????? ?????, ? ??
????????? ?? ?????? ??? ?????????? ??? 3?? ?????????? 2017, ??? ??
????? ? NGD mbH ?????? ??????.

17 ?? Schleswig?Holsteinisches Finanzgericht (????????? ?????????? ??
????? ??? Schleswig?Holstein, ??????) ?????? ?? ?? ??? ?????????? ?? ?????? ???
6?? ?????????? 2018 ??? ?????? ??? ? ?????????? ??? ?????????????? ?? ??????????
??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? NGD mbH ?? ??? ??
???? ?????????? ??? ?? ??? ?????? ???, ? ?????? ?????? ??? ?? ?????????? ???
????????? ?????? ???.

18 ?? ?? ?????? ?????????? ?????? ?????? ??, ?? ?????????? ??, ?? ??????????
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??
?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (?? ???:
????? ???) (????? ??? 16?? ?????? 2015, Larentia + Minerva ??? Marenave Schiffahrt,
C?108/14 ??? C?109/14, EU:C:2015:496, ?????? 44 ??? 45), ??? ???, ?? ?? ??????, ?
????????? ??? ?? ?????????? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
?? ?? ?????? ?????? ??? ?? ?????????? ??, ?? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???

19 ? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ?????? ?????? ???
Bundesfinanzhof (????????????? ??? ?????????? ?????? ??????, ??????), ??????????????
????????? ??? ?????? 2, ?????????? 2, ?????? 2, ?????? ??????, ??? UStG, ?????? NGD
mbH ??? ??? ??????????? ??? ?????????? ?????? A ??? ?????????????? ??????.

20 ?? ?????? ?????????? ?????????????? ?????????? ???, ?? ? ?????? ??? ?????? ??????
????????? ??? ?????? ??? ???? ?????? ??? ?????????? ?????? ??????, ? ?????? ?????????? ??
????? ??????, ?????????? ??? ???? ?????? ??? ?????? ??? ?????????? ?????? ??? ??????
????????? ?????? ??? ???? ?????? ?????????? ?????? ?????? ?? ?????? ?????? ??? ??????
????????? ?????? ??? ???? ?????? ?????????? ?????? ?????? ?? ?????? ?????? ??? ??????
????????? ?????? 16? ?????? 2015, Larentia + Minerva ??? Marenave Schiffahrt (C?108/14
?? C?109/14, EU:C:2015:496), ?????? ?? ???? ?????? ??? Bundesfinanzhof
(????????????? ?????????? ??????????), ??????????, ?????? ??? ?????? 2, ??????????
2, ?????? 2, ?????? ??????, ??? UStG, ?? ?????? ???? ?????? ??? ?????? ?????? ???
?????????, ? ?????? ?????????? ?????? ?? «????????? ?? ???? ?????? ?????? ??????».

21 ??? ???????, ?? ?????? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ???
Bundesfinanzhof (????????????? ?????????? ??????????) ?????????? ???, ??? ?? ??????
??????, ? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ???, ? ?????? ?????? ??
????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ??????????????
????????? ??? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????????? ??????????
?????????, ? ?????????? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????? ??? ??????
??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ??????.

22 ???? , ?? ?????? ?????????? ?????????? ???, ?? ?????? ??? ?????????? ???
?????? ?? ?????????? ??? ?????? ??? ?????? 2, ?????????? 2, ?????? 2, ?????? ???????, ???
UStG, ?????? ?? ?????? ???, ??? ?? ?????? ???, ?? ?????????? ???, ?? ?????????? ???
????????????? ?????????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? ?????????? . ??????????, ?? ?????? ??? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????????? ?? ??? ?????? ??? ?????? ??????.

23 ???????, ?? ?????? ?????????? ?????????? ?? ?????? ?? ???? ?? ?????? ???
????? ??? ?????? ?????? ??? ?????? ?????? ??? ?? ?????? 4, ?????????? 4, ??? ?? ??????,
??? ?????? ??????, ??? ?????? ?????????? ??? ?? ?????????? ?????? ?????????? ???, ??????
????, ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ??????
????.

24 ???????, ??? ?? ?????????? ??? ?????????? ?????? ?????????? ???, ??? ?????? ???
????????? ???, ? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?? ??? ??
????????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?? ?????? ??? ?????? ???
[????????? ??? 22? ??? 2008, Ampliscientifica ??? Amplifin, C?162/07, EU:C:2008:301,
????? 20, ??? ??? 17? ?????????? 2014, Skandia America (USA), filial Sverige, C?7/13,
EU:C:2014:2225, ?????? 29, 35 ??? 37 ?????? ??? ??????] ???, ?? ?? ??????, ?
????????? ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ???, ??? ?????? ??? ?????? ???
4, ?????????? 4, ?????? ???, ??? ?????? ??????, ?? ?????? ??????, ?? ?????? ??? ?????? ???
??? ?????? ???, ?????????????????? ??? ?????? ?????? ??? ?????? ???, ?? ?????? ???
????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???.

25 ?? ?????????? ??? ?? ?????????? ?????????? ??? ?? ?????? 4, ?????????? 4, ??? ???
?????? ?????? ?????? ?????????? ??? ?????????? ??? ?????????????? ?? ?????? ?????????????? ???
????? ??? ?? ?????? ??? ?????? ??????????, ??? ?????? ?????? ?????, ??? ?? ?????????? ???
????????? ???, ??????? ??? ?????? ??? ?????????? ?? ??? ?????? ?????? ??? ?????????? ???
????? ??? ?????? ?????? ?? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ???
?? ?????? ??? ??????. ??????, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? 16?? ????
2015, Larentia + Minerva ??? Marenave Schiffahrt (C?108/14 ??? C?109/14, EU:C:2015:496),
????????? ??? ?? ?????? 4, ?????????? 4, ??? ?????? ?????? ??? ?????? ?????? ???????????, ??
????? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??
????????? ??? ?????? ??? ?????? 21, ?????????? 1, ?????????? ?, ??? ?????? ????.

26 ?? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ??????????
??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??????,
????????? ?? ?????????? ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ??????????
??? ?????????? ??? ??????, ??? ?????? ??? ?????? 2, ?????????? 2, ?????? 2, ?????? ???????,
??? UStG. ??????????, ?????????? ?? ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????
?????, ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ????
??, ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

27 ??? ?????? ???, ?? ?????? ?????????? ?????????? ???, ?????? ?? ???
????????? ??? ??????, ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ???
????? ?? ??????, ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??
????????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?????????? ??
????????? ???, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?????, ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
??? ?????? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?? ???.

28 ?? ?????? ?????????? ?????????? ??? ?????? ?? ?? ?????????? ?????? ??? ??????
????????? ??? (Organschaft) ?? ?????? ?????????? ?? ?????? ??? ??????????
????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? 4, ?????????? 1, ??? ???
????? ??? ?? ?????? 4, ?????????? 4, ?????? ???, ????. ?? ?????????? ??????????
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???, ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???.

29 ??????, ?? ?????? ?????????? ???, ???' ??????, ??? ?? ?????? ?? ??????????
?? ?????????? ?? ?????? ?? ?????????? ??? ?????? ?????????? ?? ?????????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ??? ?? ?????????? ???, ??? ? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ??? ??????
?????, ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???.

30 ??????????, ?????????? ???, ?????? ???, ?????? ?? ?? ?????????? ??? ??????
??????, ?? ?????????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??????, ?????? ???
?? ?????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ?????? ??? ?????? ???, ?????? ?? ?????? ??? ?? ?? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ???, ??? ?? ?????? ??? ?????? ??? ?? ?????? 4, ?????????? 1, ??? ???
??????. ?? ?? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??
????????? ?????????? ??? ?????? ??? ?????? ???, ?? ?? ??????, ? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

31 ??????????, ?? ?????? ?????????? ??????? ??? ?????????? ?? ?? ?? ?? ?? ??
????? ??? ?????? ?????? ?????????? ??? ??????? ?? ?????????? ?????????????? ??????
?????????? ??? ?????? ?????? ?????? ?? ?????????? ??? ?? ?????????? ?????? ?????? ??? ??????
????? ??? ?????? ???, ?? ?? ??????, ??? ?????? ??????????, ??? ??? ?????? ?????? ??? ??????
4, ?????????? 1, ??? ?????? ??????.

32 ??????, ?? ?????? ?????????? ?????????? ??? ?? ?????????? ?????????????? ?
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ?????????? ?????? ?
????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????? ?????????? ???
????? ?????????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????????? ?????? ?????? ??????
??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????????? ?????? ?????????? ???
????????? ?? ?????????? ??? ?????????? ?????? ?????? ?????????? ?????? ?????????? ??? ?????????? ???
????? 4, ?????????? 4, ?????? ??????, ??? ?????? ??????, ??? ?? ?????? ??? ?????? ??? ?????????? ???
????? ?????????? ? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ???.

33 ?? ??? ???? ?? ?????????? ??? ??????, ??????, ?????? ?? ?????? ?????? ??? ??
????????? A ??? ??????? ?????? 67/228/??? ?? ??????????, ??? 11?? ??????? 1967,
????? ?????????? ??? ?????????? ??? ?????? ???, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? – ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ??????
????????????? ??? (?? ????. ???.. 09/001, ?. 5), ?????????? ?????????? ??
?????????????, ??? ??? ?????? ??? ?????? ??? ??????, ??? ?????????? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?? ?? ??? ?????? ?????? ???
????????? ?? ?????????? ??? ?????? ???.

34 ??? ??? ??????? ????, ?? Bundesfinanzhof (????????????? ?????????? ??????????)
????????? ?? ?????????? ??? ??????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ??
????? ?????????? ??????:

«1) ??? ?? ??? 4, ?????????? 4, ??????? ??????, ?? ?????????? ?? ?? ??? 21,
????????? 1, ??????? ??, ??? ?????????? 3, ??? [????? ??????], ??? ?????? ???
????????? ?? ?????? ??? ?? ?????? ?? ?????????? ??? ?????, ??? ??? ?????? ??? [??
????????? ?????? (“Organkreis”), ??? ?????? ??? ?????? ??? [?? ?????????? ??????
(“Organträger”)];

2) ?? ?????????? ?????????? ?????????? ??? ?????? ??????: ??????, ??????, ?? ???
????????? ??? ?????? 4, ?????????? 4, ??????? ??????, ?? ?????????? ?? ?? ??? 21,
????????? 1, ??????? ??, ??? ?????????? 3, ??? [????? ??????];

3) ?????? ?? ?????????? ??????? ? ??????? ?????????, ??? ?????? ??? ????????????,
????? ?? ??? 46 ??? ??????? ??? 16?? ?????? 2015, Larentia + Minerva ??? Marenave
Schiffahrt (C?108/14 ??? C?109/14, EU:C:2015:496, ?????? 44 ??? 45), ?????????? ???
????? ??? ? ?????????? ??? ?????? 2, ?????????? 2, ?????? 2, ?????? ???????, ???
[UStG] ??????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????, ??
????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???
????? ??? ?????? ???????;

4) ??? ?? ??? 4, ?????????? 1 ??? ?????????? 4, ?????? ??????, ??? [????? ??????]
??? ?????? ??? ?????????? ?? ?????? ?????? ??? ?????, ??? ??? ?????????? ??????
????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? 4, ?????????? 1,

??? [?? ????, ?????? ???????], ?????? ????, ?????? ?????? ??????????????? ??? ??????????????????, ??????????????
??? ??????????? ?????? ????, ?????? ?????????? ????, ?????? ?????????????? [????????????? ??????
("Organträger")] ????, ??????? ?????? ????, ? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????? ??
?????? ?? ?? ?????? ????, ?? ?? ??????, ?? ?? ?????????? ?? ??????????
?????????? ??????;»

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

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

35 ? ?????????? ?????????? ????????????, ??????, ??? ?? ?????, ?? ?????? ??? ??
?????? ?????????? ?????? ?????? ?? ?????? ????????????, ??????? ?? ??????
????????? ??? ?? ?????? ?????? ?? ?????? ?????? ?????, ? ?????? ?????? ?????? ?? ??????
?? ?????? ?????? ??? NGD mbH ??? ??? ?????????? ?????????? ? ?????? ??????????
??? ????????????????, ????, ??? ?? ?????? ??? ?????? 2, ?????????? 2, ?????? 2, ????
??????, ??? UStG, ?????????? ??? ?? ?????? ??? ?????? 4, ?????????? 4, ??????
??????, ??? ?????? ??????.

36 ?????? ?? ?????????? ??????????? ?????????? ??? ??????? ???, ? ?????? ?? ???????,
???' ??????, ??? ?? ??? ?? ??? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? -?????
??? ? ?????????? ?????????? ???????????-, ?? ?????????? ?? ?????????? ?? ??????
?????????? ?? ??? ?? ??????????? ?? ???????.

37 ?????????????? ?????? ???, ??? ?????? ??? ?????????????? ?????? ??? ?????????? ??? ?????? ??? ??????????????
??? ??? ?????? ?????????? ??? ?????? ?????????? ?? ??? 267 ????, ?????????? ?????????????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ?????????? ??? ?? ??????? ?? ?????????, ?????????????? ?????? ??? ?????????? ???
????????????? ??? ??????????, ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???
??? ?? ?????? ?? ??? ?????? ?? ??????? ??? ?????? ??? ??? ??? ?? ?????????? ??? ?????????? ???
??? ?????????? ??? ??????????. ??????, ?????? ?? ?????????? ??????, ??????, ?? ?????????? (??.,
????? ???, ?????? ??? 22?? ?????????? 2016, Microsoft Mobile Sales International ?.., C?110/15, EU:C:2016:717, ??? 18 ??? ??? ?????????????? ??????????).

38 ?? ??????????? ?????? ?? ??????? ?? ?????????? ?? ?????????????? ??? ?????????????? ??????????? ??
????? ??????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ? ?????????? ??????????
??? ??????? ??? ?????? ??????? ?????? ?????? ?? ? ?????????? ? ?? ? ?? ?????????? ??? ????
????????? ??? ?????? ??????, ???? ?? ?????????? ?????? ?????????? ?????? ?????? ?, ????, ??? ??
????????? ??? ?????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? (?)..,
????? ????, ?????? ??? 22? ?????????? 2016, Microsoft Mobile Sales International ?.??.,
C?110/15, EU:C:2016:717, ??? 19 ??? ??? ?????????????? ??????????).

40 ???????????, ??????? ?? ?????? ?? ?????????? ????? ?? ????? 4, ??????????? 4, ???????
??????, ??? ????? ???????, ??????, ?? ?????????????? ??? ????? ? ?????????? ??????????

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

41 ????????, ?? ????, ?? ?????? ??? ?? ?????? ?????? ?????????? ?????????? ??????????.

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

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

42 ?? ?? ??? ?????? ?????????????? ???, ?? ?????? ?????????? ?????????? ???' ??????
?? ?? ??? 4, ?????????? 4, ??????? ??????, ??? ?????? ?????? ??? ?? ?????? ???
????????? ??? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ???
????? ???, ??? ??? ?????? ???, ??? ?? ?????????? ??? ?????? ???.

43 ?????????????? ???, ??? ?????? ?????????? ??? ?????????????? ??? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ???,
????? ??? ?? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ?????????????? ?? ?? ?????? ???
??? ?????? ?????????? ??? [??., ?????? ???, ?????? ??? 24? ?????????? 2022, Airhelp
(????????? ?????????? ?? ??? ??????), C?451/20, EU:C:2022:123, ??? 22 ??? ???
????????????? ??????].

44 ???????, ??? ?? ?????? ??? ?????? 4, ?????????? 4, ??????? ??????, ??? ???
????????? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????? ?????? ?????? ?? ??????????
????????? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???, ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ???, ?????????? ?????? ??? ??????????????,,
????????? ??? ?????? ??? ?????? ?????? ???, ?????? ??? ?????? ?? ?? ?????? ???, ???
????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????????? ?? ??????????
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????? ??? ?????? ??? ?????? ?????? ??? (???. ?????? ??? 25? ?????? 2013,
????????? ??? ?????? C?480/10, EU:C:2013:263, ??? 35 ??? ??? ??????????????
?????????).

45 ? ?????? ??? ?????????? ??? ?????????? ??? ?????? 4, ?????????? 4, ??????? ??????, ??? ???
????????? ?????????? ??? ? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ??????
????????? ??? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ???, ??? ??? ?????????? ??? ?????? ??????
????? ???, ??? ?? ??? ?????? ??? ?????????? ???, ??? ??? ?????? ??? ?????? ?????? ???
????????? ???, ??/?? ??????/?? ??? ?????? ??? ?????? ??? ?? ?????? ?????????? ??? ?????? ???
?????????/????? ?? ??????????/?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 4, ??????????
1, ??? ?????? ?????? (???. ?????? ??? 22? ?????? 2008, Ampliscientifica ??? Amplifin,
C?162/07, EU:C:2008:301, ??? 19 ??? ??? ?????????????? ??????????).

46 ???????, ? ?????????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?????? ?????? ??? ???
?? ?????????????? ???, ??? ?? ??? ?????? ??? ?????? ???, ?? ?????????? ???, ??? ???,
????????? ???? ?? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????????????? ?? ??????????
?? ?? ??? ?????? ???, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ?????? ???, ???
?? ?????????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

?????????? ????? ??? ?????????? ??????????? ?????, ?????? ??? ?????? ??? ?????????? ??????
??? ??? ??????? ??? ????? (????????? ??? 22?? ??? 2008, Ampliscientifica ??? Amplifin,
C?162/07, EU:C:2008:301, ??????? 19 ??? 20).

47 ????????, ?? ?????? ??????????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???, ??? ?????? ???
????? ?????? ?? ?????? ??? ?????? (????. ?????? ??? 18?? ?????????? 2020, Kaplan
International colleges UK, C?77/19, EU:C:2020:934, ??? 46 ??? ??? ??????????????
?????????).

48 ????? ???? ?? ??????? ??? ?????? ??????????? ?? ??? 4, ??????????? 4, ???????
??????, ??? ????? ???????, ??? ?? ?????? ?????? ??? ?? ??????? ??? ?? ??????? ??? ?? ??????? ?
?? ??? ?????? ??????? ??? ?? ??????? ??? ?? ??????? ??? ?? ??????? ??? ?? ??????? ?
?????? ??????? ??? ??????? ?? ??????? ??? ??????? ??????????? ??????????????. ??? ??????? ??? ??
????????? ??? ??????????, ? ?????????? ??? ??????? ?????? ?????? ??????? ???
????????????? ??? ??????? ??? ??????? ?? ??????? ??? ?????????? ?????????????? (?? .??' ????????,
???? ????? ?? ??? 11 ??? ??????? ???, ?????????? ??? 25?? ??????? 2013, ???????
???? ???????, C?480/10, EU:C:2013:263, ??? 36, ??? ??? 15?? ??????? 2021, Finanzamt
für Körperschaften Berlin, C?868/19, ?? ???????????, EU:C:2021:285, ??? 45).

49 ????? ?????? ????? ??????? ?????? ?????? ?????????? ?????????? ?? ?????? 4, ?????????? 4, ???????
???????, ??? ?????? ???????, ??????????????? ?? ?????????? ???, ??? ?????????? ??? ???
????????????? ??????? ??? ?????????? ??? ?????????? [COM(73) 950 ??????] ??????? ???
?????? ??????? ? ?????? 77/388, ?????????? ?? ??????? ??? ? ?????????? ??? ???????
?????? ?? ??????? ??? ?????? ??? ?? ?????????? ?? ?? ?????????? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?? ??????? ??? «?????? ?????? ?????????? ??????????»,
???? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ??? ?? ??????????
????????? ?????????? ???, ??? ?. ? ?????????? ??? ?????????? ??? ?? ??????????
????????? ??? ?????? ??? ?? ?????? ??? ?????? (????. ???????? ??? 25?
?????? 2013, ??????? ??? ???????, C?480/10, EU:C:2013:263, ??? 37 ??? ???
????????????? ???????, ??? ??? 15?? ??????? 2021, Finanzamt für Körperschaften Berlin,
C?868/19, ?? ???????????, EU:C:2021:285, ??? 35 ??? ??? ?????????? ???????).

50 ???????, ??????? ?? ????? ?? ????? ?? ????? ?????? ?????? ??? ?????? 4, ???????????
4, ?? ????? ??????????? ?? ??? ?????? 2006/69/?? ?? ???????????, ??? 24?? ?????? 2006,
??? ??????????? ?? ?????? 77/388/?? ?? ????? ?????? ?????? ??? ??????????? ??
?????????????? ?? ??????????? ??????? ?? ?????? ?????? ??????????????? ?? ?? ??
?????????? ?? ?????? ?????? ??????????????? ?? ???????????, ??? ?? ?? ?? ??????????
?????????? ?????????? ?????????? ?????????? (?? 2006, L 221, ? 9), ? ????? ?????? ??
?????????? ?? ?????? ?????????? ?? ?? ??????? ?? ?????? ??? ?? ??????????? ??
?????????? ?? ?????? ?????????? ?? ?? ?????? ?????? ??? ?????? ??? ?????????????? ?
??????????, ?? ??????? ?? ?? ?????? ?????? ??? ?????? ??? ?? ?????? ??? ?? ??????????? ??
?????????? ?????? ?????? ?????? ?? ?? ?????? ??? ?? ?????? ?????? ??????, ??????? ? ?? ??????
?? ?????? ?????? ?????????????? ?? ?? ?????????????? ?? ?? ?????????????? ??????? ??????
?? ?????? ?????????? ?? ?? ?????????? ?? ?? ???????, ??? ?? ?? ?? ?? ?????? ???
????????????? ?? ?? ?????? ?????? (????. ??????? ?? ?? 16?? ?????? 2015,
Larentia + Minerva ??? Marenave Schiffahrt, C?108/14 ??? C?109/14, EU:C:2015:496, ??? 42
?? ????? ?????????????? ??????????).

51 ???????, ??? ?? ??????? ???? ?????? 4, ?????????? 4, ??????? ??????, ??? ???.
??????, ?? ????? ???, ??? ?? ?????? ?? ?????????? ???, ??????? ?? ??????????
????????? ?????????? ???, ?????????? ???, ?????????? ???, ?????????? ???, ?????????? ???

?????? ???, ?????? ?? ??????????? ?????? ??????????? ??? ??????? ??? ?????? ???
?????? ??? ??????????? ??? ?????? ?????? ??????????? ??? ??????? ? ??????????? ???
???? ??????? ??? ??????????? ??? ?????? ?????? ?????? (???. ?????? ??? 16?? ??????
2015, Larentia + Minerva ??? Marenave Schiffahrt, C?108/14 ??? C?109/14, EU:C:2015:496,
????? 41 ??? ??? ??????????? ??? ???????).

52 ?? ????????, ??? ??? ??????????? ??? ??????? ?? ?????? ??????????? ???
????????? ????????, ????????, ??? ???????, ??? ? ??????? ?????????? ??? ?????? ???
????????? ??? ??? ??????? ?? ????? 4, ?????????? 4, ??????? ??????, ??? ?????? ???????,
???? ??? ?????? 2, ?????????? 2, ?????? 2, ??? UStG, ?? ????? ?????????? ?? ??????????
????????? «?????? ?????????? ??????».

53 ??? ????????, ??? ??? ?????? ????? ?????????????? ?????????? ???, ??? ???
????????? ???????, ???????, ??????? ? ?????????? ?????? ?????? ??? ?????????? ?? ???
????????? ??? ??? ?????? ?????? ?????, ??? ??? ?????? ??? ?????? 4, ?????????? 4,
??????? ??????, ??? ?????? ?????? ?????, ?????????, ?? ????? 73 ??? AO ?????????? ??? ??
??????? ??? ?????????? ??????? ?? ??? ?? ????? ?????????? ?????? ?????, ???????????,
?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??????????
??????? ??? ?????? ?????, ?????????????????? ??? ?????????? ?????? ?????, ??????????
????????? ???, ??? ?????????? ?????, ? ?????? ?????????? ??? ?????? ?????? ?????? ???
????????? ???.

54 ?????, ??? ??? ??????????? ??? ??????? ?? ?????? ?????????? ?????????? ???,
????? ??? ?????????? ???????, ??? ??????? ?? ?????? ?????? ??? ?????? ??? ?????? ??
????????? ??? ??? ?????????? ??? ?????? ?????? ??? ?????????? ?????? ??? ??????? ???
????????????? ???, ??? ??? ?????? ??? ?????? 2, ?????????? 2, ?????? 2, ???
??????, ??? UStG, ?????????? ??? ?? ?????? ??? ?????? 4, ?????????? 4, ???????
??????, ??? ?????? ?????, ??? ??? ?? ??? ????? ?????????? ?????? ?????? ?? ??? ??
????????? ?? ?????? ???, ??? ?????????? ?? ?????? ?????? ??? ?????????? ?????? ???
??? ?????????? ??? ?????? ?????? ???.

55 ??? ?????, ???????, ?? ?????? ?? ?? ?????? 4, ?????????? 4, ??????? ??????, ???
????? ?????? ?????????? ??? ??????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
?????? ???????, ??? ??? ?????????? ?????? ???, ?????? ?? ??? ?????? ???
????? ?????, ??? ??? ?????????? ?????? ???, ?????? ?? ?????????? ???, ?????? ??
??? ?????????? ??? 22?? ??? 2008, Ampliscientifica ??? Amplifin (C?162/07, EU:C:2008:301,
?????? 19 ?? 20), ??? ??? 17?? ?????????? 2014, Skandia America (USA), filial Sverige
(C?7/13, EU:C:2014:2225, ?????? 34, 35 ?? 37), ?? ?????????? ?????????? ???' ??????
??? ? ?????? ??? ?????? ??? ?? ?????????? ???, ?????????, ??? ?????????? ???
?????? ?????????? ??? ?????? 79 ??? ??????? ???, ??? ?????????? ???, ??? ?????????? ???
??, ?? ?????? ?????? ?????????? ???, ?????? ??? ?????? ???????, ?????????? ???
????????? ???, ?????? ?? ?????? ??? ?????? ?????? ?????????? ???, ?????? ?????????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?? ?????? 4, ?????????? 4, ??????? ??????, ??? ?????? ?????? ??? ?????? ???
?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???
????? ?? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????? ?? ?????? ??? ?????? ???.

56 ??????, ??? ?????????? ??? ?????????? ?? ?????????? ? ?????????? ??? ??????
?? ??? ?? ??? ???, ?? ?????????? ??? ?? ?????? 49 ?????? ?????? ?? ?????????? ???
??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ??? ? ?? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ???

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

57 ?????? ??????????, ?????? ?????????? ?? ?? ?????????????? ?????? ?????????????? ??????
?? ?????? ??? ?????????? ?????????????? ???, ??? ?????? ??? ?????? ??? ?????? 4,
????????? 4, ?????? ????, ??? ?????? ??????, ??? ?????? ? ?????? ? ?????? ? ?????? ???, ??? ?
????????? ?????? ????.

58 ??? ??? ?????????????? ?????? ??? ?????? ?? ?????? ??????????, ??? ??
????????????? ??? ?????? 27 ??? ?????? ??????, ??? ??? ? ?????????? ?????????? ?? ???
????? ?????? ?????????? ??? ?????????? ???, ??? ?????? ??? ? ?????????? ?????????? ??????
??? ?????? ?????? ? ?????????? ?????? ?????????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ? ?????????? ?????? ???
????????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??????, ?? ?????????? ?????? ???
????? ??? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???.

59 ??? ??? ?? ??? ?????????????? ?????? ???, ??? ?????? ??? ??, ??? ????
????????? ????, ?? ?????? ??? ?????????? ??? ?????? ?? ??? ??? ??? ?????? ??
????????? ????, ?? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ???
????????? ????, ?? ?????????? ??? ?????? ?????? ?????? ?? ?????? ??? ?????????? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? 73 ??? ??.

60 ?????????????? ?????? ??? ?????? ??????????, ?????? ?? ?????? ?????? ??? ?? ??? 4,
????????? 4, ?????? ????, ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ??????????
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???
????? ??????, ?????????? ??? ?????? ??? ?????? ??????????????, ?????????? ???
????????? ????, ??? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????????? ?? ??????????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????? ?? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????????????? ??? ?????? ???
????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
?????.

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

61 ?? ?? ?????? ?????????????? ??????, ?? ?????? ?????????? ?????? ???' ?????? ???
????? ?? ?????? ??? ?? ??? 4, ?????????? 4, ?????? ??????, ??? ?????? ??????, ??
????????? ?? ?? ??? 21, ?????????? 1, ?????? ??, ??? ?????? ??????, ?????? ??????
?????????, ?? ?????? ?? ?????? ?? ?????????? ?????? ??? ?? ?????????? ??? ?? ?????? ???
??? ?????? ?????? ???, ?? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???.
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
4, ?????????? 4, ?????? ????, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????? ???, ??? ?? ?????????? ????.

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

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

63 ?? ?? ?????? ?????????????? ??????, ?? ?????? ?????????? ?????? ???' ?????? ???
????????? ??? ?? ??? 4, ?????????? 4, ?????? ????, ??? ?????? ?????? ???.

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

64 ?????????????? ?? ?????????? ??? ?? ?????????? ?? ?????? ?????????? ?? ?????? 4,
????????? 4, ??????? ?? ?????, ??? ?? ?????? ??????, ??? ?????? ?????? ?? ?????? ?? ?????? ???
????????? ? ?????? ?????? ?????? ?????? ?? ?????? ?????????????? ?????????? ???
????????????? , ?????????? ? ?????? ?????????? ?????? ?????? , ?????? ?????????? ???
????????????? ?? ?????? ?????? ???, ?? ?? ?????? , ? ?????? ?????? ??? ?????? ???
????????????? ?????? , ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??
????????????? ?? ?????? ?????????? ??? ?????? ?????? ?????? ?????? (???. ?????? ??? 16??
?????? 2015, Larentia + Minerva ??? Marenave Schiffahrt, C?108/14 ??? C?109/14,
EU:C:2015:496, ??? 50).

65 ????????, ??? ?? ?????????? ?? ?????? ?? ?????? ???????, ?????? ?????????? ?
?????? ?? ?????? ?????? «???. ?????????????? ??????», ??? ?? ?????? 4, ?????????? 4,
?????? ?? ?????? , ??? ?????? ?????? , ?? ?????????? ?????? ?????????? ??? ?????????? . ?
????????? ??? ?????? ?????? , ??? ?? ?????????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?? ?????? ?????? ??? ?? ?????? ???, ?????????? ??? ?????????? ???
????????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ?????? ??? ??
(??., ???' ?????? , ?????? ??? 15?? ?????? 2021, Finanzamt für Körperschaften Berlin,
C?868/19, ?? ?????????? , EU:C:2021:285, ??? 44 ??? ??? ?????????? ??????????).

66 ???????, ?????????????? ???, ?????? , ??? ?????? ?????????????? ??? ?????? ?????? 44 ??? 51
??? ??????? ???????, ?? ?????? 4, ?????????? 4, ??????? ?????? , ??? ?????? ?????? ???
????????? ??? ?? ?????????? ??? ?????? ?????? ?? ?????????? ?????? ?????? ??????????????
????? ?????????????? ??? ?????????? ?? ?????? ??? ?????????? ?????? ???, ?? ?????? ???
??????, ??? ?????? ??? ?????????? ?????????? ??? ?????????? , ?? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? , ??? ??? ??? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???
????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?? ?????????? ?? ?????? ??? ?????? ??? ?? ?????? ?????? ???, ???
????? ??? ?????????????? ??? ??? ?????????? ?????? (??., ???' ?????? ,
????? ??? 15?? ?????? 2021, Finanzamt für Körperschaften Berlin, C?868/19, ??
????????? , EU:C:2021:285, ??? 57 ??? ??? ?????????? ??????????).

67 ?????????????? ???, ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? 48 ???
????????? ???????, ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????????????
?????? ??? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???

68 ?????????? , ?? ?????????? ??? ?????? ?????????? ???, ?????????? ??? ?????? ???
????????? ??? ?????? 4, ?????????? 4, ?????? ?????? , ??? ?????? ?????? , ??? ?
????????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
? ?????? ?????? ?????? ?????? ?????? , ?????? ?????? ?????? ??? ?????? ??? ?
????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??? ?????? ?????? ???
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??? ?????? ?????? ???
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??? ?????? ?????? ???

? ?????????? ????????, ??????, ??????? ???, ????????, ?????????? ?????, ?????????? ?????? ??? ????
????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?
????????????? ??? ??? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ?????????? (?????. ???????
??? 16?? ??????? 2015, Larentia + Minerva ??? Marenave Schiffahrt, C?108/14 ??? C?109/14,
EU:C:2015:496, ??????? 44 ??? 45).

69 ????????, ? ????????, ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???? ,
????????? ??? ?????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???? ,
???? ?????????? ??? ?????????? ??? ?????????? ??? ??????, ??? ?????? ?????? ??? ?????? 2,
????????? 2, ?????? 2, ?????? ???????, ??? UStG, ??? ?????? a priori, ?????? ?? ????
????????? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????????
??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??????????
? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ,
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? 4, ?????????? 4, ???????
??????, ??? ?????? ??????.

70 ??? ??????? ???, ??? ?????????? ?????? ??? ??????? ?? ??????? ??? ? ?????????? ?????????? ,
???? ?????????? ??? ??? ??????? ??? ?????? ?????? ?????????? ??? ?????????? , ??? ?????????? ,
???' ??????, ??? ?????? ??? ??? ?????? ?????????? ??? ?????????? ?????? ?????????? ,
????? ??? ?????????? ?????????? ??? ?????? ?????????? ?????????? , ?????? ? ?????????? ??????????
????? ?? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??????????
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??????
??? ?????? ???.

71 ??????? ??? ??????? ???????, ??? ?????? ?????????? ?????? ?????? ??? ?????? ?? ?????? ?
????????? ??? ?? ?????? 4, ?????????? 4, ??????? ??????, ??? ?????? ?????? ?????? ??? ??
????? ??? ?????????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????????? ??????????????
????????? ?? ?????? ?? ?????? ?????????? ??? ?????? ?????????? ?????????? ?????? ??? ?? ???
????????? ?? ?? ??? ?????????? ?????? ?? ?????????? , ?????????? ??? ?????????? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ?????? , ??? ??? ?????????? ??? ??????????
????? ?? ???.

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

72 ?? ?? ??????? ?????????? ???????, ?? ?????? ?????????? ??????, ???' ??????, ??
????????? ??? ?? ?????? 4, ?????????? 4, ??? ?????? ??????, ?? ?????????? ?? ?? ??? ??
4, ?????????? 1, ??? ?????? , ??? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?? ?????????? ?? ?? ?????????? , ??? ??? ?????? ?????? ?????????? ?????? ??
????????????? ?????????? , ?????????? ?? ?????? ?????? ?????? ?????????? , ???
????????????? , ?????????? ??? ?????????? ?????? , ??? ?????? ?????????? ?????? ?????????? ???
???.

73 ????????????, ???????, ???, ?????? ??? ?????? 4, ?????????? 1, ??? ?????? ?????? ,
?? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??
??? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? 2 ??? ?????? ??????.

74 ?? ?????? 4, ?????????? 4, ?????? ??????, ??? ?????? ?????? ?????????? ?????????? ??? ?
?????? «????? ?????? ??????????» ?????????? ??? ?? ?????????? ?????? ?????????? ??? ??????
????????? ??? ?? ?????? ??? ?????????? ?? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? , ??? ?????? ???
????? ?????? ??? ?????? , ?????? ??? ?????? ??? ?????? ??? ??????.

75 ? ?????????? 4, ??????? ??????, ??? ?? ?????? ?????? ?????????? ??? ?? ?????? ???
??????, ?? ??? ??????? ??? ?????????? ??? ?????? ?????? ??? ?????? 29 ??? ??????

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

76 ?????????? ????, ??? ?????????? ? ?????? ??? ?????????? ? ?????? ??? ?????? 3.2., ???????
??????, ??? ?????????? ??? COM/2009/0325 ??????, ??? ?????????? ?????? ???,
?????? ??? ????? 4, ?????????? 4, ????? ?? ?????? ??????, ??? ?????? ??????,
????????? ?????? ?????????? ?????????? ?????? ??? ?????????????? ?? ?????? ??? ?????? ???
????????? ????. ? ?????????? ???????????, ???????, ??? «[? ??????] ??? ?? ?????????? ??
????????? ?? “?????? ??????” ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ? ?????????? ?????????? ?????? ?????? ?????? [? ??????] ???
????????? ?????????? ?????? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
???. ?????????? ?????? ?????????? ?????????? ?????????? ?????? ?????? ??? ?????????? ???
????????? ?????? ??? ?????????? ??? ?????? ?????? [??? ??????] ?????????? ?? ?????? ??? ??????
? ?????????? [??? ??????], ?????????? ??? ?????? ??? ?????? ?????? ??? ???, ??????????
????? ??? ?????? ?????? ??? ?????? ???????????, ??? ?????????? ???, ??? ?? ?????? ??
????????? ??????».

77 ???????, ??? ?????? ?????????? ?????????? ??? ?????? ?????? ?????????? ???
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???
??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? [???.
?????? ??? 17?? ?????????? 2014, Skandia America (USA), filial Sverige, C?7/13,
EU:C:2014:2225, ??? 24 ??? ?????? ?????????? ??????????].

78 ?????????? ?? ?????????? ? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????,
????????????? ??? ?????? ?????? ?????? ?????? ?????? ???, ??? ?? ?????????? ??? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
???, ??? ?????????? ??? ??? ??' ?????? ??? ???, ???, ???, ?? ?????? ? ??? ?????? ??? ?????? ???
?????? ??? ?????????? ??? [??., ??' ?????? ???, ?????? ??? 17?? ??????????
2014, Skandia America (USA), filial Sverige, C?7/13, EU:C:2014:2225, ??? 25, ??? ??? 13??
?????? 2019, IO (?? – ?????????? ??? ?????? ?????? ??????????), C?420/18,
EU:C:2019:490, ??? 39 ??? ?????? ?????????? ??????????].

79 ?? ??????????, ??????? ?? ?????????? ?????????? ??? ?????? ??? ?? ??????????
?? ?????? ???, ??, ?????????? ?????? ??? ?????? ???, ????? ?????????????? ?? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????, ?????????????? ??? NGD mbH, ?????? ?????? ???, ??? ?????? ???
??? ?????? 27 ??? 57 ??? 59 ??? ?????? ???????, ?? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?????????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ??? «?? ??????????
?????????» ??? ??? ?????? ??? ?????? 4, ?????????? 1, ??? ?????????? 4, ?????? ???,
??? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

80 ? ?????????? ??? ??????????, ???????, ?? ?????? ???, ?????? ??? ?? ?????? 4,
????????? 4, ??????? ???, ??? ?????? ?????? ?????? ??? ?? ?????? ???
????????? ?? ?????????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ???
????????????? ???, ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???

? ?????????? ??? ? ??????? ??? ?????? ?????? ?????????????? ??? ??? ?????? ?????????????? ?
????????????? ??? ???? ??? ?????? ??? ?????? ?????????????? ??? ?? ?????????? ???? ?
?????. ????????, ??? ??? ?? ??? ?????? ?????? ??? ?????????? ??? ? ?????????? ??? ???? ??
????? ?????????? ?????? ?????????????? ?????, ??? ??? ?????? ??? ?????? ??? ???? ?? 4,
????????? 4, ??? ?????? ?????, ??? ?????? ?????, ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????? ???.

81 ??????? ??? ??????? ???????, ??? ?????? ?????????????? ??? ?????? ??????? ?? ?????? ?
????????? ??? ?? ??? 4, ?????????? 4, ??????? ??????, ??? ?????? ???????, ?? ??????????
?? ?? ??? 4, ?????????? 1, ??? ?????? ??????, ??? ?????? ?????, ??? ??? ?????? ??? ?? ??
????????? ?? ?????? ?????? ?? ?????????????? ?? ?? ?????????????, ??? ??? ?????? ?????? ??? ??
????????????? ??????????, ?????????? ?? ?????? ?????? ?????? ?????????????? ??? ??
?????????????, ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
???.

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

82 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ?????? ???
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ??? ?????????? ?????????????, ?' ???
????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ??????????????
????? ?????????? ?????????????? ??? ??????????, ??? ??? ??? ?? ??? ???????, ??? ??????????.

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

1) ?? ??? 4, ?????????? 4, ??????? ??????, ??? ?????? ?????? 77/388/?? ??
?????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??
?????, ??? ??????? ?? ??? ?????? ?????? ?????? ?????? - ??? ?????? ?????? ??? ??
????????????? ?????: ?????????? ?????????? ???, ??? ?????????????? ?? ??
????? 2000/65/?? ??? ??????????, ??? 17?? ?????? 2000,

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

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

2) ?? ??? 4, ?????????? 4, ??????? ??????, ??? ?????? ?????? 77/388, ???
????????????? ?? ??? 2000/65,

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

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

3) ?? ?????? 4, ?????????? 4, ??????? ??????, ??? ????? ?????? 77/388, ???
????????????? ?? ??? ?????? 2000/65, ?? ?????????? ?? ?? ?????? 4, ?????????? 1,
????? ??????, ??? ?????? 77/388, ??? ????? ??????????????,

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

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

(?????????)

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