

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

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

??? 30?? ??????????? 2021 (\*)

«????????????? ?????????? – ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) –  
?????? 2006/112/?? – ?????? 392 – ?????????? ?????????????? ??? ?? ?????????????? ??????? –  
????? ?????????? – ?????????? ?????????? ??? ?????????? ??? ?????????????? ?? ??????  
????????????? ?? ?????? ?? ?????????? ??? – ?????????? ??? ?????? ?????? ?????? ??? ??????  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? – ?????????? ?????????? ??? ??? – ??????  
??? “????????? ??? ??????????”»

???? ??????? C2299/20,

??. ?????????? ?????? ?????????????? ?????????? ??? ?????? 267 ????, ???  
?????? ?? Conseil d'État (????????? ??? ???????????, ??????) ?? ??????? ??? 25??  
???????? 2020, ? ?????? ??????? ??? ?????????? ??? 6 ??????? 2020, ??? ??????? ???  
?????

**Icade Promotion SAS, ????** Icade Promotion Logement SAS,

????

**Ministère de l'Action et des Comptes publics,**

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

????????? ??? ??? J.-C. Bonichot, ?????? ???????, R. Silva de Lapuerta (??????????),  
????????? ??? ???????????, L. Bay Larsen, C. Toader ??? M. Safjan, ????????,

????????? ??????????: ?. ??????

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

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

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

– ? Icade Promotion SAS, ??? Icade Promotion Logement SAS, ?????????????? ??? ??  
P. Tournès ??? ??? A. Abadie, avocats,

– ? ?????? ????????, ?????????????? ??? ??? E. de Moustier ??? ??? É. Toutain,

– ? ?????? ????????, ?????????????? ??? ??? F. Dintilhac ??? ??? A. Armenia,

???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ??????????  
??? 20?? ??? 2021,

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

???????

1 ? ??????? ?????????????? ?????????? ?????? ??? ??????? ?? ?????? 392 ??? ???????  
2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ??????? ??????  
????????????? ??? (?? 2006, L 347, ?. 1, ??? ????: ?????? ???).

2 ? ??????? ??? ?????????? ??? ??????? ??????? ??????? ??????? ??? Icade Promotion  
SAS, ??? Icade Promotion Logement SAS, ??? ??? ministère de l'Action et des Comptes  
publics (????????? ?????? ?????? ??? ?????????? ?????????????, ??????) (??? ???:  
????????? ???) ??????? ?? ??? ?????? ??? ?????? ????? ?? ?????????? ???  
????????????? ??? ?? ??? ?????? ??? ?????????????? ????? (??) ? ?????? ???  
????????? ?????? ??? ?????????? ??? ??????? ?? ??? 2007 ??? 2008.

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

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

? ??????? ???

3 ?? ?????? 2, ?????????? 1, ??????? ?, ??? ??????? ??? ??????? ?? ???:

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

?) ?? ?????????? ?????? ??? ?????????????? ?? ?????????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????????? ???».

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

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

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

5 ?? ?????? 12 ??? ?? ??? ?????? ??????? ?? ????:

«1. ?? ?????? ??? ?????? ?? ?????? ?????????? ?? ?????? ??? ?????? ?????????? ???  
????????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???  
????? 9, ?????????? 1, ??????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ???  
????????? ????:

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

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

2. ??? ??? ?????? ??? ?????? 1, ??????? ?), ?? “?????” ?????? ??? ?????? ???,  
??? ?????? ???, ??? ???.

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

“????????????? ?? ??? ???????”.

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

3. ??? ??? ?????? ??? ?????????? 1, ?????????? ?), ?? “?????? ??? ?????? ??????????”  
?????? ? ?????? ? ?????????? ? ?????????????? ???, ??? ?????????????? ??? ?? ??? ??? .»

6 ??? ?? ??? 73 ??? ????? ??????:

«??? ??? ?????????? ??? ?????? ??? ?????? ??????????, ?????? ?????? ??? ?????????? ???  
????? 74 ??? 77, ? ??? ?????? ??? ?????? ?????????????? ?????????? ?????????? ???  
?????????, ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ??? ?????? ?????? ? ??????????????  
? ?????? ??? ?????????? ??? ??? ??????????, ??? ?????? ? ?????? ??????,  
????????????? ??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? .»

7 ?? ????? 135 ??? ?????? ??? ??? ?? ????:

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

[...]

) ??? ?????????? ??? ?????? ? ?????????? ?????? ??? ??? ?????????? ?? ??? ?????? ??????,  
????? ??? ???? ?????????? ??? ?????? 12, ?????????? 1, ?????????? ?),

?) ??? ?????????? ?? ?????????????? ??????, ?????? ??? ?????? ??? ?????????? ??? ??????????  
??? ?????? 12, ?????????? 1, ?????????? ?),

[...]».

8 ?? ????? 137, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ?? ????:

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

[...]

) ??? ?????????? ??? ?????? ? ?????????? ?????? ??? ??? ?????????? ?? ??? ?????? ??????,  
????? ??? ???? 12, ?????????? 1, ?????????? ?),

?) ??? ?????????? ?? ?????????????? ??????, ?????? ??? ?????? ??? ?????? ?????? ???  
????????? ??? ?????? 12, ?????????? 1, ?????????? ?),

[...]».

9 ?? ?????? 1 ??? ?????????? «?????????» ?????? XIII ??? ?? ??? ?????? ??????  
????????? «?????????» ??? ?????? ??? ?? ?????? ?????????? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? 392, ?? ?????? ?????? ?? ????:

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

???? ????? ?????????? ?????????? ??? ?????, ??? ?????? ?????? ??? ?????? ?????? ? ?????? ???????  
?????? ??? ?????? ??????? ??? ??? ?????? ??????»

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

10 ? ?????????????? ?????????? (??) 282/2011 ??? ??????????, ??? 15?? ?????? 2011,  
??? ?? ?????? ?????? ?????????? ??? ?????? 2006/112 (?? 2011, L 77, ?. 1), ???  
????????????? ?? ??? ?????????? ?????? (??) 1042/2013 ??? ??????????, ??? 7??  
????????? 2013 (?? 2013, L 284, ?. 1) (?? ????: ?????????? ?????????? 282/2011),  
?????? ??? ????? 13? ?? ???:

«??? ??? ??????? ??? ?????? [??], ?? “?????” ????????:

[...]

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

[...]».

11 ?? ????? 31? ??? ?????????? ?????????? 282/2011 ?????? ?? ????:

«1. ?? ?????????? ??? ?????? ?????????? ??? ???????, ??? ?????????? ??? ???? 47 ???  
?????? [??], ?????????????? ??? ?????? ??????? ??? ?????????? ??? ?????? ?????? ???  
?????? ?? ?? ?? ??? ?????? ??????. ?? ?????????? ?????????? ??? ?????? ?????? ??????  
?????? ?? ?? ?????? ??? ?????????? ??????????????:

) ??? ?????????? ??? ??????? ??? ?????? ?? ?????? ?????????? ?????????? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ??????????

) ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????????? ?? ?????? ?  
????? ?????? ??? ?? ??? ??????.

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

[...]

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

[...]».

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

12 ?? ????? 257 ??? code général des impôts (?????? ?????? ??????????????), ??? ?????  
????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??  
?????:

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

[...]

6° ??? ??? ?????????? ??? ??????? 7:

a) ?? ??????? ?? ?????? ??????? ??????? [...] ??? ??? ?????? ?? ???????????? ???????  
?? ?????????? ??? ??? ??? ????? ??????????? ?? ?????????? ??? ?????????? ???????

[...].

7° ?? ??????? ??? ?????????? ??? ??????????? ? ??? ??????? ??????? ???????.

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

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

a) ?? ??????? [...] ?????? ??? ?????????? [...]?

?? ?????? ?????????? ??? ?????? ??????? ?????????, ?????? ?????, ?? ?????????? ??? ??  
?????, ?????? ?????????? ??? ?? ?????? ?????????????? ?????????????? ?????, ? ??????  
[...] ?????? ??? ?????? ?????? ?????? ?????????? ?????????????? ?????????? ??? ??????  
????????? ??? ??? ?????????? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????????? ??????????????.

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

[...]

b) ?? ??????? ??? [...]».

13 ??? ?? ??? 268 ??? ?????? ?????? ???????????, ??? ?????? ??? ?? ??? ?????? ???  
?????????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ????:

«????? ??? ?????? ??? ??????? ??? ?????? ?????????? ?? ?????? 6 ??? ?????? 257, ? ????  
????????? ??? ?????? ?????????????? ?????? ?????????? ??? ?????????? ??? ??????:

a) ??????, ??? ?????????? ?????? ?????????? ??? ?? ?????????????? ??? ?????????????? ?? ???  
? ??? ?????????? ?????? ??? ?????? ?????? ?????????? ?? ?????????????? ??? ???  
????????????? ??????

b) ???????, [...]

- [...] ??? ?????? ??? ?????????? ? ???????????, ?? ?????????????? ??????, ??? ???  
????????? ??? ??????

[...]».

14 ?? ????? 231, ?????????? 1, ??? ?????????? 2 ??? ?????? ?????? ???????????,  
????? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ?????????? ??? ?????? ???  
????? ??? ????:

«?? ?????? ??? ?????????? ??? [????? 6] ??? ?????? 257 ??? ?????? ?????? ??????????  
??? ?????? ?? ?????????? ??? ??? ??? ??? ?????? ?????????????? ? ??? ?????? ???  
????????? ??? ?????? [...]».

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

15 ? Icade Promotion, ? ?????? ?????? ?????????????? ?????????? ?????????? ??????????, ???????  
????????? ???????? ??? ?? ?????? ?? ?????? ?? (????????? ? ?????????? ?????? ?????????????? ????). ???????, ??? ?????????? ??? ??? ??? ??? ?????? ??????.

16 ???????, ? Icade Promotion, ????? ?????????? ??? ?????????????????? ?????????? ??  
????????? ??? ?????????? ?????????? ?????????????? ?????????? ??? ?????????????? ?? ??????????  
????, ??? ?????? ?? ?????? ??????, ?? ?????? ?????? ???, ?????????? ??????, ?????????? ??????,  
????????? ??????, ?????????? ? ???????????????, ?????? ?? ?? ??? ?????? ?????? ???  
????????????? ??? ?? ?? ??? ?????? ?? ?????? ??????, ?? ?????? ??? ?????? ???????????, ??  
????? ?? ?????? ?????? ?????? ??? ?????? ??????.

17 ??????????, ? lcade Promotion ??????? ??? ?????????????? ?????, ?? ??????  
????????????????? ??? ?? ??????? ?????????? ??? ??? 1? ?????????? 2007 ??? ?? 31  
????????? 2008, ??? ??????? ??? ??? ??? ??? ?????????? ??????? ?????? ??? ?????  
??? ?????? 257, ?????? 6, ??? ??? ?????? 268 ??? ?????? ?????? ?????????? (?? ?????:  
????????? ??????????? ??? ??? ?????????? ?????).

18 ??? ???????, ? Icade Promotion ?????? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?? ??? ?????? ??????, ? ?????? ?????? ??? ??  
???? ?? 2 826 814 ??? ?? ?? ??? 2007 ??? ?? ??? 2 369 881 ??? ?? ?? ?? ??  
2008. ? ?????? ??? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?? ??????  
???? ?? ??? ??? ?????? ?????? ??? ?? ?????? 257, ?????? 7, ??? ?????? ??????  
?????????, ??? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??  
?????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ??? ?? ??? ??????????  
???? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
257, ?????? 6, ?? ?????? ?? ?? ??? 268 ??? ?????? ??????, ?????? ??? ?????? ??  
????????? ???.

19 ??????? ??? ?????????? ??? ?????????? ??? ??? ?? ?????????? ???, ? Icade Promotion  
?????? ??????? ??? ??? ?????????? ??? ????? ??????? ??? tribunal administratif de Montreuil  
(?????????? ?????????? Montreuil, ??????), ?? ????? ??????? ??? ??????? ??  
?????? ?? ??????? ??? 27?? ??????? 2012.

20 ? Icade Promotion ??????? ?????? ??? ?? ?????????? ?????? ??????? ??? cour  
administrative d'appel de Versailles (?????????? ?????? ??????????, ??????), ?? ?????  
????????? ??? ????? ?? ?????? ??? 18?? ?????? 2014, ??? ?????????? ??? ?? ???  
????????????? ????????

21 ?? ??????? ?? 28?? ?????????? 2016, ?? Conseil d'Etat (????????? ?? ????????????,  
??????), ??????? ??????????? ?? ??????? ? Icade Promotion, ??????? ?? ??????? ?? ???????  
?? cour administrative d'appel de Versailles (?????????? ?? ??????? ?? ???????) ??  
?????? ?? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??, ?? ??????? ?? ??????? ??, ?? 19??  
????????? 2017, ??????? ?? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??, ??  
????????? ?? tribunal administratif de Montreuil (?????????? ?? ??????? Montreuil) ??  
27?? ??????? 2012.

22 ??????? ??????, ?lcade Promotion ?????? ?????????? ??????? ??? ??????????  
?????????????

23      ????? ?????????????? ??? ?????????? ??? ????? ?????????? ??? ????? ?????????? ??? ?????

????????? ??? ???? ??? ???? ?????????? ???????, ?????? ??? ?????????? ??? ???? 257,  
?????? 6, ??? ??? ?????? 268 ??? ?????? ?????? ??????????, ? Icade Promotion  
????????????? ??? ? ?????????? ??? ?????? ?????? ??? ?????????? ?????????? ??? ??  
????????? ?????? ???, ??? ??? ??????, ?????????? ??? ?? ?????? 392 ??? ?????? ???.

24    ??????, ?? ??? 392 ??? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ???  
????????? ?????? ??? ?????????? ?? ?????????? ?????? ?????? ?????????? ??? ??  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????, ?????????? ?????? ???  
????????? ?? ?????? ??? ?????? ??? ??????. ??????, ? Icade Promotion ??????????,  
?????????, ??? ?????? ?????? ??? ?????? 392 ??? ?????? ???, ?? ?????? ??????????  
????? ??? «????????? ?????? ??? ???» ??? ??? ?????.

25    ??????, ??? ??? Icade Promotion, ?? ??? 392 ??? ?????? ??? ?????????? ???  
????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ??????????  
?? ?? ?????????? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ??? ?? ?????? ??????????  
????????? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????? ???  
????. ??????, ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????? ?????? ??????, ??? ??? ?????? ???, ?????????? ???.

26    ??? ??? ?????? ??? ?????????? ??? ?????????? ???, ?????????? ?? ?????????? ???  
????????? ???, ?? cour administrative d'appel de Versailles (????????? ????)  
?????????) ?????? ??? ? ?? ?????? «????????? ???» ??? ???? ??????, ??? ???  
????? ?????? ??? ?????? ??? 392 ??? ?????? ???, ?????? ??? ?????? ??? ?????????? ???  
????? ??? ??? ?????? ??? ??? ??? ??????. ??????, ??? ?? ?????????? ???, ? ???,  
?? ?? ??? ?????, ??? ?????????? ??? «??? ?????????? ?? ?????? ??  
????????? ???» ??? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
?????????.

27    ??? ??? ?????? ???, ?? Conseil d'État (????????? ??? ??????????) ?????????? ??  
????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????? ??  
????????? ??????:

«1)    ??? ??? 392 ??? [?????? ???] ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? [??] ?????? ? ??????????  
????? ??? ? ?????? ?? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????; ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?? ?????? ??? ??????  
????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ???,  
????? ??? ??????;

2)    ??? ??? 392 ??? [?????? ???] ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,

-    ??? ??? ???, ?? ?????????? ??? ?????? ??? ?????? ???, ?????? ??????????, ??? ??  
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??,  
????? ??? ?????? ???

-    ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ???, ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ???,

? ?????????????? ??? ???? ?? ? ?????????? ??? ???? ?? ? ?????????? ? ??? ? ??????????????????  
????????? ??? ???? ?????? ??? ???? ?? ? ?????????? ??? ???? ?? ? ?????????? ??? ???? (?????,  
?????? ???? , ?????????? ?????? , ?????? , ?????????? , ?????????? , ??????????????);»

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

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

28    ?? ?? ?????? ?????????????? ???????, ?? ?????? ?????????????? ?????, ???' ??????, ??  
????????????? ?? ?? ?????? 392 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ??????  
????????? ???, ?????????? ??????????.

29    ?????????????? ?? ?????????? ??? ?? ?????????? ?????? ??? ?????????? 392 ???  
????????? ??? ?????????? ?????? ?????? ?????????????? ??? ?? ??? ?????? «????????????? ??????????» («droit à  
déduction»), ??? ?? ?????????? ??? ?? ??? ?????? ??? ?????????? ?????? ?????? ?????????? ???  
??? ?????? ??? ?? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?? ???  
????? ??? ?????? ??? ?????????? ?? ?????????? ?????? ?????? ?????? ?????????? . ??????????, ? ?????? ???  
?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? «??? ??? ??? ??????»  
????????????? ??? ? ?????? ?????? «??? ??? ??????» («the VAT on the purchase was not  
deductible»), ?????????? ?? ?????????? ??? ? ?????????? ?????? ?????????? ?????? , ??????????,  
?? ?????????? ?? ???.

30    ???????, ?????????????? ???, ?? ?????????? ?????????? ?????? ??? ??????????  
????????? ?????????? ??? ?????????????? ??? ?????????? ?????? , ? ?????? ??????????  
????? ?? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????????  
????????? ??? ?????? ?????? ?????? [????????? ??? 8?? ?????????? 2020, United Biscuits  
(Pensions Trustees) ??? United Biscuits Pension Investments, C-235/19, EU:C:2020:801, ???  
46 ??? ??? ?????????? ??????].

31    ?????? ?????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ?????????????? ??? ?????????? ?? ??????  
392 ??? ?????? ?? ?????? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ???, ??  
?? ?????? , ?????? ?? ?????????? ?????? . ?????? , ?????? ??? ?????????? ??? ?? ??? ?? ??? ?? ??? ??  
????????????? ??? ?? ??? ?????? ?????? ??? ?? ??? ?????? ?????????? ?????????? ?????? ??  
????????????? ??? ?? ??? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ?? ??? ?????? ??? ?? ???  
???. ???????, ? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???  
????????????? ??? ?? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ??? ?? ??? ?????? ??? ?? ???  
????????????? ?????? (??., ???' ?????? , ?????? ??? 29?? ?????????? 2018,  
Mensing, C-264/17, EU:C:2018:968, ?????? 22 ??? 23 ??? ?????????????? ??????????).

32    ??? ?????? ???, ?????????????? , ??? ?????? ??? ?? ??? ?????????? ??? ?????? ???,  
???, ??? ?? ?????????? ??? ?? ?????? ?????? ?? ?? ?????? ??? ?? ???, ? ?????? ???  
????????? ??? ?????? ?????? ?? ?????? , ??? ?????? ??? ?? ?????? ??? ?? ??? ?? ?????? ?????????? ??  
????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? (?????? ??? 30?? ?????? 2013, X,  
C-651/11, EU:C:2013:346, ????? 45 ??? ????? ?????????? ??????????).

33    ?????????????? ??? ???? ?? ???? ???? ???? ?????? ?? ??? ?????? ?????????? ???, ???,

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

34    ??? ???? ??? ?????????? 3 ??? ?????? 12 ??? ?????? ???, ?? «?????? ??? ??????????»  
???????, ??? ??? ?????? ??? ?????????? 1, ??????? ??, ??? ?????? ???, ??  
????????? ? ?????????????? ??????? ???, ??? ?????????? ??? ?? ?????? ????. ?? ????  
????, ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ?? «?????? ???  
?????????», ??????? ?? ?????????? ??? ?????? ?? ?????? 135, ?????????? 1, ????????  
??, ??? ?????? ???, ? ?????? ??????? ??? ?????? ??? ?????? ??? ?? ?????? ???  
????????? ?? ?????????? ??????? ??? ?????? ?? ?????? ??? ?????????? ??? ?? ??? ??????  
????????? (????. ?????? ??? 17?? ?????????? 2013, Woningstichting Maasdriel, C?543/11,  
EU:C:2013:20, ??? 30 ??? ?????? ?????????? ???????).

35    ????????, ??? ???? ?? ?????? ???, ??? ?? ?????? ??? ?????? 135, ?????????? 1,  
???????, ??, ?? ?????????? ?? ?? ?????? 2, ?????????? 1, ??????? ??, ??? ?????? ???,  
???? ?????? ?????? ??? ?????? ?????????? ??? ?????????????? ?? ?????????? ?????? ???  
????????? ??? ?????? ?? ?????? ?????? ?? ??? ?????? ??? ?????? ???, ????????, ??  
????????? ??? ??, ??? ?????? ?????? ?? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? 73 ???  
???????, ?? ?????? ?????????? ??? ? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??  
????????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???, ???  
????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ??  
????????? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? 392 ??? ??????  
????, ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??  
????? ??? ?? ?????? ?????? ??????.

36    ??? ?????? ??? ?????? ??? ?????????? ? ?????? ???, ?????????????? ??? ? ?????? ???  
????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??????????????, ?  
????? ??? ??????????, ??????, ?? ?????????? ???, ??? ?????? ???, ?????????? ???  
????????? ?????? ??? ?????? ?? ?????? ?????????? ?? ?????????? ?????? ??? ??,  
?????????, ?? ??????????, ??? ?????? ??? ?????? ???, ??? ?????? ???, ?????????? ???  
????????????? ??? ?????????? ??? ?????? ?????? (????? ??? 17?? ?????????? 2013,  
Woningstichting Maasdriel, C?543/11, EU:C:2013:20, ??? 31).

37    ?? ?????????? ?????????? ??? ??? ?????????? ?????? ?????????? ??? ?????????? ???  
??? ?????? ???, ?????? ??? ?? ??? ?????? ?????? ??? ???? ? ?????????? ???  
????????? ??? ?? ??? ??????.

38    ???????, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?? ???  
????? ??? ?????? ??? - ??? ?????? ??? ?????? ??? ?????? ?????????? ????: ??????????  
????????? ??? [COM(73) 950 ?????] ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???, ?? ?????? ??? ???  
????????? ??? ?????? ??? (????????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ???  
«?????????» ??? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ?????????? ??? ?????? ??? ??  
«?????????» ???, ?? ??? ?????? ?????? ??? ?????? ??? ?????? ???.. ?? ??? ?????? ?????? ???  
????? ??? ?????? ???, ??? ?????? ???, «[?]????? ??? ?? ?????? ??? ?????? ??? ? ??? ???  
????? ??? ?????? ???, ??? ?????? ???, ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ???, ??? ?????? [...] ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??? ?????? ??? [??] ??? ?????? «??? ?????? ??? ???».

39    ???????, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ??????  
?????? ?????????? ?? ?????????? ???, ??? ??? ?????? ?????????? ??? ?????? ???

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

40    ????????, ?? ??? ???????? ??? ?? ??? ?????????? ?????? ?????????? ??? ??? ??? ??????? ???  
????????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????????????? ??? ? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??????????  
????????????? ??? ??? ??? ?????? ?????? ?? ?????? ??? ?????????? ??? ?????? ?????? ??????????  
????????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ???,  
????????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ?????????? ???  
????????????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ???.

41    ?????????????? ??? ?? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??  
?? ?????? ??? ?????? ??? ?????? ??? ?????, ??? ??? ??? ?????????? ??? ?????? ??? ??????????  
????????? ??? ?????? ??? ?????????????? ????. ?? ?????????? ?????? ??? ? ??????????,  
??? ??? ?????????? ??? ?????, ??? ?????????? ?????????? ?????? ??? ?????? ??? ??????????  
???? ??? ??????????, ??? ?????? ??? ?????? ???, ??? ??? ?????????? ????, ??? ?? ???  
????? ?????????? ?? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ??? ??? ?????????? ??? ?????? 314, ??????? ?? ??? ??, ??? ?????? ???, ?? ???  
????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ??????????  
??????, ?????????? ?????? ?????? ?????? ?????? (??????? ??? 3?? ?????? 2011, Auto  
Nikolovi, C-203/10, EU:C:2011:118, ??? 48).

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

43    ???, ???, ?? ??? 392 ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ???  
??? ?? ?????? ?????? ?????????? ??? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ???? ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
????, ??? ??? ??? ??????, ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ??? ??? ???,  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ???, ??? ??? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ???, ??? ??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.



48      ????? ??????, ??????, ?? ?????? ??? ? ?????????????? ??? ?????? ??? ?????? ??? ??????,  
????????????? ???, ??? ?????????? ??? ???? 31 ??? ?????? ??????, ??????????, ??????????  
??? ?????????? ??? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
?????? ?????????? ?? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ?????????? ??? ????  
????????????? ???, ?? ?????? 392 ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???,  
????? ??? ? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???.

49      ????????, ?????????????? ???, ??? ???? 12, ?????????? 3, ??? ?????? ???, ??  
«????? ??? ??????» ??????? ? ???? ?????? ? ?????????? ?????????? ???, ???,  
????????? ??? ???? ???.

50      ??????, ??? ?????????? ??? ???? ?????????? ??? ?????????? ??? ???? 34 ???  
????????? ???, ? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ???? ???,  
????? ??? ? ???? ?????? ??? ???? «????? ??? ??????????». ??? ?????? ???,  
?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? 135, ?????????? 1, ??????  
??, ??? ??????, ? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ??? ?????? ??? ?????????? ??  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ???? ?????????? ???.

51      ??????, ? ?????? ??? ?????? ??? «????? ??? ??????????» ?????????????? ???  
?? ? ?????????? ??? ???? «?????», ??? ?????? ? ?????????? ??? ?????? ???  
????? ?????? ???, ?? ???? 12, ?????????? 2, ?????? ???, ??? ?????? ???, ?  
????? ?????? «????? ?????? ??? ???? ?????? ??? ????».

52      ??? ? ?????? ??? ?????????? ??? ?????? ?????????? ???, ?????????? ??? ???? ???  
«????? ??? ??????» ?????????? ??? ???? ??? ?????????? ??? ???? ??? ????  
????????????? ???, ?? ?????? ??? ?????????? ??? ???? ??? ?????????? ??? ???? ???  
????? ?????? ??? ???? ??? ?????????? ??? ???? ??? ???? ??? ????  
????????? ???, ?? ?????? ??? ?????? ??? ???? ??? ?????????? ??? ???? ??? ???? ???.

53      ??? ???? 392 ??? ?????? ??? ??????????, ???, ??? ???? ?????????? ???  
?? ?????????? ??? ???? ?????????? ??? ???? ?????????? ??? ???? ??? ???? ???  
????????? ???, ??? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ????  
????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ????  
????????? ???, ? ?????????? ?? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ????  
????? ??? ???? ??? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????????? ???,  
??? ??? ???, ?????? ??? ?????? ??? ???? ??? ?????? ??? ???? ??? ???? ???.

54      ?????? ??? ???? ?????????? ???, ?????????? ??? ???? ?????????? ??? ???? ???  
????? ??? ?????????? ??? ???? ?????????? ??? ???? ?????? ??? ???? ???? ???? ???? ????  
??? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ???? ????  
????????? ???, ?? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? «????? ??? ????  
?????????» (????. ?????? ??? 17? ?????? 2013, Woningstichting Maasdriel, C-543/11,  
EU:C:2013:20, ??? 31).

55      ?? ??????????, ?????????? ??? ???? ?????? ?????????? ?? ??????, ?????????? ???  
????? ?????? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ????  
????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ????  
????? ? Icade Promotion ?????? ??? ???? «????? ??? ??????????» ? ??,  
????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ???? ????  
????????? ??? ???? ???, ??? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ???? ????  
????????? ??? ???? ???, ??? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ???? ???? ????.

57 ??????, ?? ??????? ?? ??????? ?????????? ?????????????? «??????», ??? ????  
????? ??? ?????????????? ?????????????? 282/2011, ??? ?????? ?????????? ??? ??????????????  
????? ???' ?????? ??? ?????? ?????????????????? ?????????? ?? «????????? ??? ??????????????».  
?????????????, ?? ????? 12, ?????????? 3, ??? ??????? ??? ?????????? ?????? ??? ?????? ???  
?? ?????????????? ?????? ?????????? ??? ?????? ??? «????????? ??? ??????????????» ???  
????? ??? ?????????? ?? ?????? ??? ?? ?????? ????. ?? ?????? ?????, ? ?????????????? ???  
??????, ??? ?????? ? ??????? ?????? ?? ?????? ??? ?????? ?????????? ???????, ??????? ???????,  
????? ???., ??? ?????? ?? ?????? ?? ?????? ?????????? ??? ?????? ?????????????? ???  
????????????? ?? «?????», ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ??  
??????, ?????? ????, ??? ??????????.

58 ????????, ????????, ??? ?????? 12, ??????????? 2, ??? ??????? ??? ???? ?????? ????????  
?????? ?? «????? ?????????? ??? ?????????? ?????? ?? ????», ??????? ?????????? ???  
? ??????? ??? ?????????? ??? ?????? 12, ?????????? 1, ??????? ??, ??? ??????, ??  
????? ?????? ??? ?? «????????? ??????? ? ??????? ? ??????? ?????? ??? ?? ???? ???? ????  
?????????? ?? ???». ???????, ??? ??? ?????? ??????? ?? ??????? ??? ??? ??? ?????? ???????  
?? ?? ?????? ??????? ?? ??????????? ??? ?????? «?????????».

60 ????????????, ?? ???? 392 ??? ?????? ??? ??????????? ??? ??? «????????? ???????  
???? ?????????? ??? ?????????????? ?? ?????? ?? ?????????? ???», ??? ?????? ??? ?????  
????????? ?? ?????????? ??? ?? ?????? ?????? ?????????????? ?? ?????? ?????????? ?? ??????  
????????? ??? ?? ?????????? ??? ?????? ???????????, ?????? ??????? ?? ??????????????  
?? ?????? ??? ?????????? ??? ?? ?????????? ????. ???????, ?????? ?????????? ???  
????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????? ???  
????? ??? ?? ?????????? ??? ?????? ??? ??????????.

61      ????????, ?????? ??? ???????? ?????? ??? ?????????? ?? ?????? ?????? ?????? ???????????  
?????? ?? ??? ????? ?????????? ??? ?????? ??????? ???????, ?? ?????????? ??  
?????? ?? ??? ????? ?? ?????????? ??? ??????? ???????, ?? ?????? ?????????? ??????? ??  
?????????? ?? ???????????, ??? ?????? ??????? ??????? ?????? ?????????????? ?? ?? «?????? ??  
?????????», ??? ?????? ??? ?? ?????????? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??  
«?????».

62 ??????? ?? ???????, ?? ??????? ?????????????? ??????? ?? ?????? ?  
????????? ?? ?? ????? 392 ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ??????? ?  
?? ?????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????????? ?? ??????? ?  
???? ?????????? ?? ?????? ?? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ??  
?????????, ?? ?? ??????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ??  
????????? ?? ??, ?? ?????? ?? ?????? ?? ??????????, ?? ?? ?????? ?? ?????????? ?? ??, ?? ??  
?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????????? ?? ??, ?? ??  
????? ?? ?? ?????? ?? ?? ?????????? ?? ?????? ?? ?????? ?? ?? ?????????? ?? ??, ?? ??  
????????? ?? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?? ?????????? ?? ??, ?? ??  
????????? ?? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?? ?????????? ?? ??, ?? ??  
????????? ?? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?? ?????????? ?? ??, ?? ??  
????????? ?? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?? ?????????? ?? ??, ?? ??

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

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

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

1) ?? ?????? 392 ??? ??????? 2006/112/?? ??? ???????????, ?? 28?? ??????????  
2006, ??????? ?? ?? ????? ??????? ?????? ?????? ??????????????? ?????, ??? ?? ?????  
???? ?????????? ??? ?????????? ??? ?????????? ?????? ?????????????? ??? ?? ??? ??????????  
????????? ?? ??????? ?????????? ?????? ?????? ?????????? ?????? ??? ?????????? ???  
??? ??? ?????? ??? ?????????? ?????? ?????????????? ?????? (??), ????? ?  
?????????? ??? ?????? ??? ? ?????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ???  
????? ????, ??? ??? ??? ????? ?????????? ??? ??? ??? ????? ?????? ??? ?????????? ???  
????? ? ??? ??????, ??? ??? ?????????? ??? ?????? ????? ??????????, ??? ?? ???  
????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??????????  
?????. ??????, ??? ?????? ??? ?????????? ????, ? ?? ??? ?????? ??? ??????????  
?? ?????? ?????????? ??????? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ?????? ???  
??? ?????????? ???, ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????????  
?? ??? ?????? ??????

2) ?? ????? 392 ?? ?????? 2006/112 ??? ?????? ?? ?????????? ??  
????????? ?? ?????????? ?????????????? ?? ??????? ?? ?????????? ?? ?????????? ??  
????????? ?? ?????? ?? ?????????????? ?? ??????? ?? ?????? ?? ?????????????? ??

????? ???? ?????? ????????, ??? ? ???? ?????? ?????? ??? ?????? ??? ???? ????  
????????? ??? ???? ??? ???? ?????????? ??? ???? ?, ?????? ??? ??????????, ????  
??? ?????????? ??? ?????????? ??? ?? ??? ?????????? ?? ?????????? ?????????? ??????  
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\* ?????? ?????????????: ? ???????.