

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

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

??? 10?? ?????????? 2022 (\*)

«????????????? ?????????? – ?????????? ??? ?????????? ?????????? – ????? ?????? ??????  
????? ?????????? ?????? (???) – ?????? 2006/112/?? – ????? 179 ??? 183 – ??????????  
????????? ??? ??? – ?????? – ?????????? ? ?????????? ??? ?????????? ?????????? ??? –  
????????? ?????????? ?????????? – ??? ??? ?????????? ?????????? – ?????? ???  
????????? ??? ??? ?????????????????»

???? ?????? C487/20,

? ? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???  
?????? ?? Curtea de Apel Alba Iulia (??????? ????, ???????, ???????), ?? ??????? ??? 22??  
?????????? 2020, ? ???? ?????? ??? ?????????? ??? 2 ?????????? 2020, ??? ??????  
??? ????

**Philips Or??tie SRL**

????

**Direc?ia General? de Administrare a Marilor Contribuabili,**

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

????????? ??? ??? J. Passer, ?????? ??? ?????? ???????, ?????????????? ??? ??????  
?????????, F. Biltgen (?????????) ??? N. Wahl, ????????,

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

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

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

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

– ? Philips Or??tie SRL, ?????????????? ??? ??? M. Boian ??? D.?D. Dasc?lu ????? ???  
??? ??? E. C. Antonescu, avoca?i,

– ? ?????????? ????????, ?????????????? ??? ??? E. Gane ??? L.?E. Ba?agoi,

– ? ?????????? ????????, ?????????????? ??? ??? A. Armenia ??? J. Jokubauskait?,

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

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

??????

1 ? ?????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? 179, ????  
??????, ??? ?? ?????? 183, ????? ??????, ??? ?????? 2006/112/? ??? ???????????, ???  
28?? ?????????? 2006, ??????? ?? ?? ????? ?????? ?????? ?????? ?????????????? ??? (?? 2006, L  
347, ?. 1, ??? ????: ?????? ????), ?????? ??? ??? ?????? ??? ???????????, ???  
????????????????? ??? ??? ?????????? ??????????????.

2 ? ?????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? Philips Or?tie SRL  
??? Direc?ia General? de Administrare a Marilor Contribuabili (??????? ?????????? ??? ??  
????????? ?????????????? ?????? ???????????, ???????) ??????? ?? ??? ????? ??????  
?????? ?? ?????????? ??? ?????? ??? ?????? ?????????????? ??? (??).

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

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

3      ?? ?????? 179 ??? ??????? ???? ??? ?????? ?? ????:

«?? ??????? ??????????? ?? ???? ??????????? ?? ???? ?? ???? ?? ???? ???????, ?? ???? ?? ???? ???????  
????? ?? ???? ?? ???? ?? ???? ??????? ?? ???? ?? ???? ??????? ?? ???? ???????, ?? ???? ??????? ?? ???? ?? ????,  
?? ???? ?? ???? ?? ???? ??????? ?? ???? ?? ???? ???????, ?? ???? ?? ???? ?? ???? ?? ???? 178, ?? ???? ??????? ?? ???? ???????,  
?? ???? ?? ???? ??????? ?? ???? ?? ???? ???????.

??????????, ?? ?????? ????. ???????? ?? ?????????????? ?? ?????????????? ?? ?????? ?? ?????????? ?? ?????? ?? ???????  
????????????? ?? ?????????? ?? ???????, ?? ?????? ?? ?????? ?? ?????? ?? 12, ?? ?????? ??  
????????? ?? ??????? ?? ???? ?? ???? ?? ?????? ?? ???? ?? ??????????..»

4      ?? ?????? 183 ??? ?? ??? ??????? ??????? ?? ????:

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

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

5      ?? ?????? 252 ??? ?? ????? ??????? ?????????? ?? ????;

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

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

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

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

6 ???? ?? ?????? 157, ?????????? 2, ??????? b bis, ??? Legea nr. 207/2015 privind Codul de procedur? fiscal? (????? 207/2015 ??? ?????? ?????????? ??????????), ??? 20?? ??????? 2015 (*Monitorul Oficial al României*, ????? I, ????. 547 ??? 23?? ??????? 2015) (???)

????: ??????? ?????????????? ?????????????), ??? ?????????? ?????????????? ?????????????? ??????????????  
?????? «?? ?????????? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ???  
????????????? ?????? ?? ??? ???, ?? ?????? ????? ?????????????? ?????? ??? ?? ??? ????  
210 ??? 211 ? 235».

7 ?? ?????? 233 ??? ?????? ?????????????? ??????????????, ??? ?????? ??? ?????? «?????????  
?? ?????????? ??????», ?????????? ?????? ??? ???:

«[...]

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

a) ??? ??? ?????????? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ???  
????????? ?????????? ???, ??, ???? ??? ?????????? ??? ?????? ?????????? ?????? ???, ?  
????????? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ?????????? ?  
????????? ?????? ?????????, ??????? ?? ?? ?????? 235. ? ?????????? ?????? ??????????  
????????? ? ?????? ?? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ? ???  
????????? ?????? ?????? 45 ?????? ??? ??? ?????????? ??? ?????????? ?????????? ???  
????????? ?????? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??????????

b) ??? ??? ?????????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ???  
????????? ???, ?? ??? ???, ?? ?????? ??? ?????? ?????????? ?????? ??? ?? ???  
210 ??? 211. ? ?????????? ?????? ?????????? ?????????? ? ?????? ??? ?????????? ??????????  
?? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??????????.

(2 ter) ???' ??? ?? ?????? ?????? ?????????? ??? ?????????? ?????? ?????????? ???  
????????? (2 bis), ?? ?????????? ?????? ?? ??? ??? ?????? ?????? ?????? ?????????? ?  
????????? ?????? ??? ?????????? ?????? ?????????? 165, ?????????? 8.

[...]»

8 ?? ?????? 235, ?????????? 1 ??? 5, ??? ?????? ?????????? ?????????? ??? ?? ???:

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

[...]

(5) ???' ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????, ?? ?????????? ?????? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?? ??? 165, ?????????? 8.»

9 ?? ?????? 303 ??? Legea nr. 227/2015 privind Codul fiscal (????? 227/2015 ????  
????????? ??? ??????), ??? 8?? ?????????? 2015 (*Monitorul Oficial al României*, ??? I, ???).

688 ??? 10?? ?????????????? 2015) (??? ????: ?????????????? ???????), ?????? ?? ????:

«(1) ????? ? ?????? ??? ??? ??????? ??? ?????????????????? ?????????????? ??? ???? ????  
 ?????????????? ??? ?????? ???, ??????? ?? ? ???? 316, ? ?????? ?????? ?????? ?????? ???  
 ?? ??????? ??? ?????????????? ????????, ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
 ?????????? ????, ??????? ??? ?????? ??? ?????? ?????? ??????? ????????, ????????,  
 ??????? ???? “?????? ??? ??? ?????”.

(2) ????? ???? ?????????????? ??? ?????????????? ?????? ? ??? ?????????????? ?????? ??? ?????? ???  
 ??? ??????? ??? ?????????????? ??? ?? ??????? ??? ?????????????? ?????? ?????????????? ????????, ??  
 ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???  
 ?????? ????, ?????????????? ??? ?????????????? ?????? ?????????? ??? ?????? ??? ?????? 323.

(3)    ?? ??????????? ?????????? ???? ??? ????? ?????????????? ?????????????? ??? ??????????  
????? ??? ??????, ??? ?????????? ???? ?? ??????? ??? ?????????????? ?????????? ?????????? ??????????, ??  
????????? ??? ?????????? ???? ??? ??????, ?? ?????? ?????????????? ??? ?????? ?????????????? ???  
????? ??? ?????????????? ?????????? ????, ?? ??? ??? ?????? ?????? ? ?????????? ???,  
??? ?? ?????????? ?????????? ???? ?? ?????? ???? ?????? ?????? ?????? ?????? ??????????  
????????? ?? ??????? ?????????? ???? ?????????????? ?????? ??? ?????????? ?????? ?????????? ?????????? ???  
????????????? ??????.

(4)    ?? ??????????? ???. ???. ??????????? ???. ???. ??????????? ???. ???. ???. ??????????? ???.  
?????????? ???. ??????????? ???. ??????????? ???. ??????????? ???. ???. ???. ???. ??????????? ???. ???. ???.  
?????????? ???. ??????????? ???. ??????????? ???. ???. ???. ???. ??????????? ???. ???. ???. ??????????? ???.  
?????. ???. ??????????? ???. ??????????? ???. ???. ???. ???. ??????????? ???. ???. ???. ??????????? ???.  
?????. ???. ??????????? ???. ??????????? ???. ??????????? ???. ???. ??????????? ???. ???. ???. ??????????? ???.  
323, ???. ???. ???. ???. ???. ??????????? ???. ??????????? ???. ???. ???. ???. ???. ??????????? ???.  
???. ???. ??????????? ???. ??????????? ???. ???. ??????????? ???. ???. ??????????? ???. ???. ??????????? ???.  
???. ??????????? ???. ??????????? ???. ??????????? ???. ???. ??????????? ???. ???. ???. ??????????? ???.  
???. ??????????? ???. ??????????? ???. ??????????? ???. ???. ??????????? ???. ???. ???. ??????????? ???:

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

(5) ????? ?????????????? ??? ??? ??????????? ??? ?????????????? (3) ??? (4), ?? ??????????  
????????? ??? ?? ?????? ??? ????? ?????????? ??? ?? ?????? ?????????????? ??????? ? ?? ??? ??  
????????????? ??????????? ?????????? ??? ??? ??? ?????? ?????????? ??? ?? ?????? ??????????????  
????????? ?? ?????????? ?????????? ??? ??? ?????? ? ?????????? ?????????? ??? ?? ??????????????,  
????????? ?? ??? ???, ?? ?????? ??? ?????? ?????????????? ??? ?????? ?????? ?????? ?????? ???  
????????????? ?????????? ??? ?????????????????? ?????????, ??? ?????????????????, ??? ?????????????,  
??? ?????????? ??? ? ??? ?????????? ??? ?????? ??? ?????????????? ?????, ??? ?????????? ??? ???  
????????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????. ??  
????? ??? ????? ?????????????????? ??? ????? ?????????????? ?????? ??? ?????????????? ?????? ???  
??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????, ?? ?????? ??  
????????????? ?? ?????????? ?????? ??? ?????? ?. ??? ?????? ?????????? ?? ?????? ??????????

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

(6) ??? ?????????????? ?????? ??? ?????? 323, ?? ?????????? ??? ?????? ?????? ??????  
?? ?????????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ?????????? (3) ???  
(4), ?? ?????? ?????????? ?????? ??? ?????? ??? ??????, ??? ??? ?????????? ??? ?????? ??? ??????. ?? ?  
????????? ??? ?????? ?????? ?????? ? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????. ?? ?  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????  
????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ???  
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? ?????? ?????? ??????.

[...]»

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

10 ??? ?????????? ??? 2016 ? ?????? ?????? ??? ?? ?????????? ?????? ??? ?????????? ??????????????  
????? ?????????? ?????? ?????? ?????? ?????? (??? ????: ??? ?????? ?????? ??????) ??  
??? ?????? ?????????? ?? Philips Or??tie ?? ?????????? ??? 31 628 916 ?????????? ???  
(RON) (?????? 6 325 783 ???) ??? ??? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??????.

11 ?????????? ???, ??? ?????? ?? ?????? ??? ?????? ?????? ?????????? ?? ??? ?? ??? ?????? ???  
????????? ???, ? ?????? ??? ?????? ??? ?????? ??????, ? Philips Or??tie ?????????? ???  
????????? ??? 2016 ?? ??? ?? 21 799 334 RON (?????? 4 359  
866 ???), ?? ?????? ?????????? «????????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ???», ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?, ? Philips Or??tie ?????????? ?? ?????? ??? ?????? ??? 12 096 916 RON  
(?????? 2 419 383 ???).

12 ??????, ??? 4 ?????? 2016 ? Philips Or??tie ?????? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? 21 799 334 RON  
(?????? 4 359 866 ???). ??? ?? ?????? ??? ?????? ??? ??????, ? Philips Or??tie ??????  
????????? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
31 577 059 RON (?????? 6 315 412 ???). ? ?????? ??? ?? ??? ?????????? ??????????  
????????? ?? ?????????? ?????? ?????? ??? ?????? ??? 4 ?????? 2020.

13 ?????? ?????? 2016 ??? ?????? 2019, ? Philips Or??tie ?????? ??????????????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? 38, ?? ??????????  
????????? ???, ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ???, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?? ?????? ?????? ??? ?????? 233 ??? ??? ?????? 235, ?????????? 1 ???  
5, ??? ?????? ?????? ?????? ?????? ???, ?? ??? ?????? ?????? ?????? ??? ?????? ???  
?? ?????????? ?? «????????? ?????? ?????? ???» ??? ?? ?????????? ???  
«????????? ??? ??? ?????? ???», ??? ?? ?????? ?????? ??? ?????? 303, ?????????? 4,  
??? ?????????? ????. ? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ? Philips Or??tie.

14 ?? ?????? ??? 5? 2019, ?? Curtea de Apel Bucure?ti (???????)

? ??????????????, ????????) ?????? ??? ???????? ??? ?????? ? Philips Or??tie ??? ??  
?????? ??????? ??? ?????? ??? ??????? ??? ??????? ??? ?????? 21 799 334 RON (?????? 4  
359 866 ???). ??? ??? ?????? ?????????????? ?????????? ?????????? ???, ??? ??? ??? ???  
????????? ???, ? ?????? ??? 5?? ?????? 2019 ??? ??? ?????? ?????????? ??????????.

15 ?? ??? ?????????????? ??? ??????? ??? ??? ?????? ??? ?????? ??? ?????? ??? 2019, ?  
Philips Or??tie, ??? ??? ?????????? ??? ?????? ??? ?????? 38 ??? ?????? ???  
?? ?????????? ?????????? ??? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? ??????  
??? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?? ??? ?????????????? ???  
?????????.

16 ? ?????? ?????????? ??? ?? ?????????? ?????????????? ?????? ?????? ??????????  
????????? ?? Philips Or??tie ???, ??? ??? ?????? ???, ?? ?????? 38 ??? ??????????????  
????????? ??????? ??? ?????? 2019, ?????? ?? ?????????? ??? ?????? 12 096 916 RON  
(?????? 2 419 383 ???), ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???  
????????? ??? ?? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ???, ?? ??? ??????  
????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ???, ?????????????? ???  
????????? ??? ??? ?????????? ??? ?? ?????? 21 799 334 RON (?????? 4 359 866  
????), ?? ??? ?????? ?????????? ??? ??? ?????????? ??? ???.

17 ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
Philips Or??tie ?????? ?????? ??? ?????????? ??? ?????????? ?????????? ?????????? ???  
?? ??? ??????????, ?????????????? ??? ?????? ???, ?????????? ??? ? ??????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????????? ???,  
???? ??? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ??? ??? ?????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 2016 ???  
????? 2019. ? ?? ??? ?????? ?????? ?????? ???, ?????? ?????? ?????? ?????? ??? ??  
????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???, ?????? ?????? ??? ?????? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ???, ?????? ?????? ??? ?????? ?????? ?????? ???  
????? ???, ??? ??? ?????? ??? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ???  
????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???.

18 ? ?????? ?????????? ??? ?? ?????????? ?????????????? ?????? ?????? ??????????  
????????? ??? ? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
????? ?????????? ??? ??? ?? ?????????? ??? ?????? 303, ?????????? 4 ??? 5, ???  
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?? ??? ?????? ??? ?????? 157,  
233 ??? 235 ??? ?????? ?????????? ?????????? ???, ?? ??? ?????? ?????????? ??? ??? ???  
????? ?????? ??? ?????? ?? ?? ??????, ? ?????? ?????? ?????? ?????? ?????? ??? ???  
??? ?? ?????????? ??? ??? ?????? ??? «????????? ??? ?????? ??? ?????? ??? ?????? ???»  
????????? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???.

19 ??? ??? ??????? ???, ?? Curtea de Apel Alba Iulia (?????? ????,  
??????) ?????????? ?? ?????????? ?? ?????????? ??? ?? ?????????? ??? ?????????? ??  
????????? ?????????? ???:

«????? ?? ?????????? ??? ?????? 179, [????? ???], ??? ??? ?????? 183, [????? ???],  
?? ?????? [????? ???], ?? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ???, ???  
????????????? ??? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ???  
?????????/????????? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

20 ?? ? ? ?????? ???, ?? ?????? ?????????? ???, ???' ??????, ?? ?????????????? ?? ??  
????? 179, ?????? ??????, ??? ?? ?????? 183, ?????? ??????, ??? ?????? ?????? ??? ?? ???? ??  
?? ???? ???? ?????????? ??????????????, ??? ?????????? ??? ?? ???? ??????????????????  
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??? ???? ??  
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?  
????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ???  
????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?,  
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

21 ??????????????, ?????????????? ??? ?? ?????????? ?????? ?? ?????????? ??? ???? ?????? ???  
????????? ??? ?????????????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????? ?????? ???  
????????????? ??? ?? ?????? ?????? ?????? ??????, ??? ?????? ?????? ??? ?? ?????? ??????????  
?????????, ??? ?? ?????? ?????? ??? ?????? ?????????? ??? ?? ?????? ?????? ?????? ??? ?? ???? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? (????. ?????? ??? 12?? ????  
2011, Enel Maritsa Iztok 3, C?107/10, EU:C:2011:298, ?????? 38).

22 ???????, ?? ??????????, ?????????? ???? ???? ?????????????????? ??? ??????????  
? ?????????? ??????????, ??? ?? ?????? Philips Or?tie ???? ??? ?????? ?????????? ???  
????????? ??? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????? ??? ?? ?????? ??? ??  
????? ?? ?????????? ?????????? ?????????? ?????????? ??? ??????. ??????????, ?? ??????  
????????? ??? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ??  
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??  
????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??  
????? ??? ?????? ??? ?????????? ?????? ?????? ??????.

23 ?????????? ?? ??????? ???, ?????? ??? ?????? 179, ?????? ??????, ??? ??????  
???? ??, ? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????? ?????? ??? ?? ?????? ??????, ??? ??  
????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?? ??????  
??? ?? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?? ??????  
??? ?????? ?????? ?? ?????? 183, ?????? ??????, ??? ?? ??? ?????? ?????? ?????????????? ???, ??  
????????? ??? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ??  
????????, ?????????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ??  
????????? ?????? ?????? ??????.

24 ?? ?????????? ??? ?????? ?????? ?????? ?????????????? ???, ?????????? ???? ?????? ???  
????????? ??? ?????? ?????? ?????? ?????? ?????? ???, ??? ?????? ?????? ??? ?? ??????  
183 ??? ?????? ???, ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ??????  
?????, ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?? ???  
????????????? (????? ??? 12?? ???? 2011, Enel Maritsa Iztok 3, C?107/10,  
EU:C:2011:298, ??? 29 ??? ?????? ?????????? ??????).

25 ????? ?????? ??? ?????????????? ??? ?? ?????? 183 ??? ??????? ??? ?????? ??? ?????????????? ???  
?????? ?????? ?? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ??  
????????? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ???, ?? ?????????? ??? ??  
????????? ???, ??????? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ??  
??? ?????????? ??? ?????? ?????????? ??? ?????????? ?????? ?????????? ???, ?? ?????? ??? ??  
????? ?????? ??? ?? ?????? ??? ?????? ?????? ?????????? ??? ??????, ?????????? ??? ??  
????????? ??? ?? ?????? ??? ?????????? ???, ?? ??? ?? ? ? ?????, ?? ?????? ?????????? ???  
????????? . ?????????? ???, ?? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????????? ??? ??  
?? ?????????? ?? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ?? ?? ??? ?????????? ?????????? ???, ?????? ??? ?????????? ??? ?? ?????????? ??? ??  
????????? ??? ?? ?????? ???, ?? ??? ?????????? ???, ? ?????????? ?????????? ?????????? ??? ??  
????? ?? ?????????? ?????? ?????????? ?????????? ?????????? ??? ?? ??? ?????????? ??? ??  
????? (????? ??? 12?? ????? 2011, Enel Maritsa Iztok 3, C?107/10, EU:C:2011:298, ??? 33  
??? ??? ?????????????? ??????????).

26 ???????, ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? 183 ???  
?????? ??? ?? ??? ?????? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????????? ???' ???????  
?? ?????? ?????????? ? ?????? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??????????  
??? ?? ?????????? ??? ?? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??????  
????????? ??? ?? ?? ??? ?????? 183, ??? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ??  
??? ?? ?????????? ??? ?? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ??? ??  
????????? ??? ?? ??? ?????? ?????? ?????????? ?????????? ??? ?? ?????????? ??? ?? ??????????  
????????? ?????? ??? ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? 252,  
????????? 2, ??? ?????? ??? (????. ?????? ??? 12?? ????? 2011, Enel Maritsa Iztok  
3, C?107/10, EU:C:2011:298, ?????? 47 ??? 49).

27 ???????, ?????? ?????????? ??? ?? ?????? ??? ?????? ? ?????????? ??? ?? ?????? ??? ?????? ???  
?????????, ??? ?????????? ?? ?????? ?????????? ?? ?????? ?????? ??? ?????? ??? ??????????  
????????? ??? ?? ?????????????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??  
????????? ?????????? (????. ?????? ??? 18?? ?????????? 2012, Mednis, C?525/11,  
EU:C:2012:652, ?????? 27).

28 ?? ??????????, ??? ?????? ??? ?? ?????? ??? ?????????? ??????????????, ??????????????  
??, ??????? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ?? ?????????? ??????????  
????????? ??? ?? ?????? ?????????? ??? ?????????? ?????????? ??? ?? ?????? ??? ??????????  
????????? ?? ?????? ?????????? ??? ?????????? ?????????? ??? ?? ?????? ??? ?????????? ???  
????????? ?????????? ??? ??????, ?????????? ??? ?????? ?????????? ??? ?? ?????? ??? ?????? ???  
????? ?????? ?? ?????????? ??? ?? ?????????? ?????????? ??? ?? ?????? ??? ?? ??????????  
????? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????????? ??? ?  
????? ?????? ??? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?? ???  
????? ?????? ??? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?? ???  
????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?? ???.

29 ??? ?????? ??? ?????? ??? ?????????????? ??? ?? ?????????????????? ??? ?? ??????  
????? ??? ?? ??? 24 ??? ?????? ?????????? ?????????, ?????????????? ??? ?? ??????????  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ??????????  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?? ??????????  
????????? ??? ?????? ?????????? ?????? (????? ??? ??????????) ??? ?????????? ??? ??  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?? ?????????? ??? ??  
????????? ??? ??? ?????? ??? ?????? ??? ?????? (????? ??? ??????????????) (??., ????,

?????? ?? 30?? ?????? 2016, Câmpean, C?200/14, EU:C:2016:494, ??? 39 ??? ???  
????????????? ?????????).

30 ?? ???????, ??????????? ?? ?????? ??????????????, ?? ?????? ?????? ?? ???? ??? ???  
????? ??? ?????? ?? ??????????? ?????????????? ??? ?????? ??? ?????? ?? ???? ?????? ??????????????  
????? ??? ?????????, ?? ??????????? ??? ?????? ?? ?????????????? ?????????????? ??? ?????? ??  
????????? ??? ?????? ?? ??????????? ??? ?????? ?? ?????????????? ??? ?????? ?? ?????? ??  
????? ??? ?????? ?? ??????????? ??? ?????? ?? ?????????????? ??? ?????? ?? ?????? ??  
?? ??????????? ??? ??? ?? ??????? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??  
????????? ??? ?????????? ?? ??????????. ??? ?????, ?? ?????? ?????????? ?????????? ??  
????????? ??? ?????????? ?? ?????? ?? ?????????? ?????????? ??? ?????? ?? ?????????? ??  
????, ??? ?????? ??? ??? ?????? ?????????? ?????????? ??? (?????? ??? 19?? ?????? 2012,  
Littlewoods Retail ??., C?591/10, EU:C:2012:478, ??? 31 ??? ??? ??????????????).

31 ?? ?????, ?????? ??? ??????? ??? ?? ?????? ?? ?????????? ?? ?????? ???????????, ??  
????????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????? ?? ??? ?????? ???  
????????? ??? ???.

32 ?? ??????????, ??? ?????? ?????????????? ?????????? ?? ?????? ??????????  
????????? ??? ?? ?????? ?????????? ??? ?????????????? ?? ?????????? ?? ?????? ?? ???? ??  
????? ??? ??????, ??? ??????????? ??? ?????? 157, 233 ?? 235 ?? ?????? ??????????  
???????????, ??????????? ??? ?????? ??? ?????, ??? ?????????????? ??? ?????? ??????????  
?????, ??? ?????????????? ?????????? ?????????? ?????????? ??? ?? ?????? ??? ??????????  
????????????? ???????????, ?????????????? ?? ?????????????? ??? ?? ?????? ??? ?????? ??? ???  
????? ?????? ?????????? ?? ??? ?????? ?????????? ??? ?????? ??? ?? ?????? ??? ??????  
????????? ??? ??? ??????. ??????????, ?? ?? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????? ??? ???, ?? ?? ??? 303, ?????????? (4) ?? (5), ??? ?????????? ??? ?????? ???  
????????? ?????? ???, ?????? ? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???.

33 ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ???????????, ? ??????????  
????????? ???????????, ????, ?? ?????????? ??? ? Philips Or??tie ?????????? ???  
????????? ??? ??????????? ??? ?????? ?????????? ???, ??? ?? ?????????? ?? ??????  
??? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ?? ?????? 14 ??  
15 ?? Legea contenciosului administrativ nr. 554/2004 (????? 554/2004 ??? ??????????  
?????????) (*Monitorul Oficial al României*, ??? I, ????. 1154 ?? 7?? ?????????? 2004), ???  
????? ??? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ???.  
?????????, ?? ?? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ???,  
?? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ? ?????????? ??? ???  
????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

34 ?? ?????, ??????????? ?? ?????? ?? ?????????? ?? ?????? ??? ??????????? ??? ??????????  
?? ?????? ???, ??????????? ??? ?????? ?????????? ?? ?????????? ??? ??????, ?? ??  
????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ??????????  
?? ?? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? 157, 233 ?? 235 ??  
????? ?????????? ?????????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????????????

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

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

36   ???????, ?????????? ??? ???? ?????????? ?? ?????? ?? ???? ??????????  
???????, ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???, ???  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
?????????, ?????? ??? ?????? 303, ?????????? (4) ??? (5), ??? ?????????? ????.  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ?????????? ??? ?????? ?????? ?????????? ?????? ?????? ???, ?? ??????????  
?? ?????????? ??? ?????? ?????? ?????? ???, ??? ?????? ???, ?????? ?????? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ??? ?????? ???  
????? ??????.

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

38   ????? ??? ?????? ??????, ?????? ?? ?????? ? ?????? ??? ???? 179, ???  
?????, ??? ?? ?????? 183, ?????? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ???? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??????????,  
????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ?????? ?????????? ???  
????????? ??? ?????? ?????? ???, ?????????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???.

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

39   ????????? ??? ???? ?????? ?????????? ??? ???? ???? ?????? ?????? ??? ?????? ???  
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???, ?' ???  
????????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ???, ?? ?????? ??? ?????? ??????????  
????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ??????.

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

? ???? 179, ????, ????, ??? ???? 183, ????, ????, ??? ????  
2006/112/? ???? ?????????? , ??? 28? ?????? 2006, ?????? ?? ???? ?????? ???  
????? ?????????? ???, ??? ???? ???? ???? ?????? ?????? ??? ???? ????  
??? ?????????? ?? ?????? ?????? ?????? ???? ?????? ?????? , ?????? ?? ???  
????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? (??) ??  
????? ?????? ???, ??? ?????? ?????? ??? ?????? ?????? ???, ??? ??????.

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

(?????????)

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