

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

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

??? 17?? ?????????? 2022 (\*)

«????????????? ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) – ??????  
2006/112/?? – ????? 26, ??????????? 1, ?????????? ?? – ????? ?????????? ?????? ??????????  
– ????? ?????????? ?????? ?????????? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????????? –  
????????? ?????????? ?? ?????? ?????? ?????????? ?? ?????? ?????? ?????? – ?????????? – ???  
?? ?????????? ??????????»

???? ??????? C?607/20,

? ? ?????????? ?????? ?????????????? ?????????? ?????? 267 ????, ???  
?????? ?? First-tier Tribunal (Tax Chamber) [?????????? ?????????? ?????????? ??????????  
(?????????? ?????), ??????? ??????] ?? ?????? ??? 11?? ?????????? 2020, ? ???  
????????? ??? ?????????? ??? 17 ?????????? 2020, ??? ?????? ??? ???

**GE Aircraft Engine Services Ltd**

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**the Commissioners for His Majesty's Revenue and Customs,**

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

????????? ??? ??? A. Arabdjev, ??????? ???????, L. Bay Larsen, ?????????? ???  
??????????, ??????? ??????? ??????? ??? ?????? ???????, P. G. Xuereb (?????????),  
A. Kumin ??? I. Ziemele, ????????,

?????? ??????????: T. ?apeta

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

?????? ??? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??? ?????????? ???  
24?? ??????? 2021,

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

– ? GE Aircraft Engine Services Ltd, ?????????????? ??? ??? L. Allen, barrister, ??? ??? W.  
Shah, solicitor,

– ? ?????????? ???????, ?????????????? ??? ??? J. Jokubauskait?, ??? ??? ??? ???  
X. Lewis ??? V. Uher,

???? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??????????  
?? 27?? ??????? 2022,

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

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1 ? ??????? ?????????????? ?????????? ?????? ??? ???????? ??? ?????? 26, ?????????? 1, ??????? ??, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ???? ?????? ?????? ?????? ?????? (?? 2006, L 347, ?. 1, ??? ?: ?????? ??????).

2 ? ??????? ??? ?????????? ??? ??????? ?????????? ??????? ??? GE Aircraft Engine Services Ltd (???: GEAES) ??? ??? Commissioners for His Majesty's Revenue and Customs (?????????? ?? ??????????? ???, ??????? ???????) (???: ?: ??????????? ???: ???????????), ?? ?????????? ?????????? ?????? ?????????? ?????? ??? ??? ??????? ?????? ?????????? 2013 ??? ?????????? 2017 ??? ?? ?????????? ?????? ?????? ?????????? ?????? (???) ?????? ??? ??? ?????? ??? ?????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? GEAES ?????? ?????????? ???, ??? ?????? ?????????? ?????? ??? ??? ?????? ?????? ?????????? ?????? ??????????.

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

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

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

3 ?? ??? ?????? ??? (??) 2020/135, ??? 30?? ?????????? 2020, ??????? ?? ?? ?????? ??? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? (?? 2020, L 29, ?. 1, ??? ?: ?????? ??????????), ?? ?????????? ??? ?????????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

4 ?? ?????? 86 ??? ?????????? ???????????, ?? ?????? ?????????? «????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? 2 ??? 3 ?? ????:

«2. ?? ?????????? ??? ?????????? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????.

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

5 ??? ?? ??? 126 ??? ?????????? ??????????, ?????????? ?????? ??? ?????????? ??? ?????? ??? ? 31? ?????????? 2020.

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

6 ?? ?????? 26, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ?? ???:

«????????????? ?? ?????? ?????? ?????? ?? ?????? ??? ?????? ?????? ?? ?????? ?????? ??????.

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

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

## ?? ?????? ??? ?????? ??????????

7 ?? ?????????? ??? ?????? 26 ??? ?????? ??? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ???  
??? ?????????? ?????????? ?? ?? ?????? 3 ??? Value Added (Supply of Services) Order 1992  
[????????? ??? 1992 ??? ????? ?????????????? ??? (?????? ??????????)], ?? ????  
????? ?? ???:

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

## ? ?????? ??? ?????? ??? ?? ?????????????? ??? ??????????

8 ? GEAES, ?????? ?????????? ?????? ?????? ?????? ?????? ?????? General Electric  
(??? ????: ?????? GE), ?????? ??? ?????????? ??? ??? ?????? ?????? ?????? ??? ???  
??? ?????????? ?????????? ??????????.

9 ? ?????? GE ?????? ?? ?????? ??? ?????????? ?? ??? ?????? «Above & Beyond»  
(????? ??? ???, ?????? ??? ??????), ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
???? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

10 ?????? ??? ?????????? ?????????? ??? ?????????? ???' ?????? ??? ?????? ? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? (??? ????:  
????? ?????? ?????? ?????? ???), ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

11 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? (??? ????: ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ???), ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ???.

12 ??? ???? ?????? ?????? ?????????? ??? ?????? ? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? General Electric ??????  
????????? ??? ??????. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????? GE, ?????? ?????????????? ??? ?????????? ?????????? ??? ?????????, ??? ?????? GE  
HQ, ? ?????? ?? ?????????? ?? ???? ?????? ??? ?????? ?????????? ?????????? ??? ?????? GE,  
?????? ?????? ??? GEAES.

13     ? ??????????? ???? ??????? ?????? ?????????? ??? ?? ???? ?????? ??? GEAES ??? ??????????  
?????? ?????? ??? ?????? GE, ??????? ?? ??? ????? ?????????? ??? ?????????? ??????????????  
????????? ????? ?????????????? ??? ??????? ??? ?????????? «Above & Beyond»  
?????????. ??????????????, ? ?? ??? ????? ?????? ?????? ??? ? GEAES, ????? ?? ? ? ?????? ???  
?? ?????? GE, ?????? ?? ??????? ??? ????? ?????? ??? ??? ?????? ??? ?? ? ?????.  
?????????.

14 ? GEAES ??? ?? ?????? ?????????? ??? GE ?????????? ??????? ??  
????????? ??????????, ??? First-tier Tribunal (Tax Chamber) [?????????????  
????????? ?????? (????????? ???), ?????? ??????], ??? ?? ?????? ??????  
?????? ??, ??? ? ?????? ??? ?????? ???? ???? ???? ? GEAES ?????? ?? ? ??????  
?????? ??, ??? ???? ?????? ??? ??, ??? ?????? ?????.

15    ?? ??????? ??????????? ??????????? ??? ? ??????? ?? ?????? ?????? ?????  
????????????? ?? ??????? ?? ??????, ??? ??????? ??? ??????????? ??? ??????????? ??  
????????????? ?? ?????? 10 ??? ??????? ???????, ????? ?????????? ?? ??????????  
?????. ????????, ?? ??????? ??????? ?? ????? ?? ?????? ?? ?????? ?? ? ? ?????? ?? GEAES  
????? ??????? ?????? ?????? ?????????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?  
????? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ??????, ??? ? ? ??????  
??? ?????? 26, ?????????? 1, ??????? ??, ??? ?????? ??? ??, ??? ?? ?????? ?? ? ? ? ? ? ? ? ? ? ? ? ? ?

16 ????????, ?? ?????? ?????????????? ?????????????? ???, ??? ???? GEAES, ? ?????? ???  
????????? ?????????? ?????????? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? «Above &  
Beyond» ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? 26, ?????????? 1,  
????????? ??, ?? ?????? ???, ?????? ?? ???? ?????? ?????????? ??? ?????? ?? ???  
????????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
????? ??? ?????? ?????????? ??? ?????? ??????????. ??????????, ?????? ?? ?????? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ?????? ?????????? ?????????, ??????, ??? ??? ?????? ??? ?? ?????? ??????????  
?? ??? ?????? ?????????? ??? ?????? ???, ??????.

17     ????????? ??????? ?? ????, ???? ??? GEAES, ??????? ???? ?? ?????????? ??  
????????? ?? ???? ???????, ?????? ????, ???? ??? ?????????? ?? 16?? ?????????? 1997,  
Fillibeck (C?258/95, EU:C:1997:491), ?????? ??? 11?? ?????????? 2008, Danfoss ???  
AstraZeneca (C?371/07, EU:C:2008:711).

18 ??????????, ??? ???? ?????????? ????, ?????? ?? ??????? ?????????? ???????  
????????? ?????? ?????? ????? ?????????? ??? ?????? ?????? ?????? ?????? ???  
????????? ?????????????? ??? GEAES, ?????? ?? ?????? ?????? ??? ?????????? ??  
????????? ?????? ??? ?????? 26, ?????????? 1, ?????????? ??, ??? ?????? ????.  
?? ?????? ???, ?? ??? ?????? ?????? ?????? ?????????, ? GEAES ???????  
?????? ?????? ??? ?????? ?????? ???????.

19 ?? ?????? ??????????? ?????????????? ??????????? ???, ??????, ??? ???? ?????????? ???.  
????????? ??????????? ?????????? ??? ?? GE HQ, ? GEAES ?????????? ??? ??? ??? ??? ???.  
?????????, ???' ?????????? ??? ?????????? ?????????????? ??? ???????????, ??? ??? ??????????  
???????? ???. ?????????????? ??? ??????????.

20 ????????, ?? ?????? ??????????? ?????????????? ???, ??? ???? ?????? ???????????, ???  
??? ?????? ? ?????????? ??? ?????? ??? ?????????? «Above & Beyond» ???????  
????????????? ?? ?????????? ?????????? ??? ??? ?? ?????????? ?????? ? ?????????? ??? ??? ??  
??? ?????????????? ?????????????? ?????????? ???????, ? ?????? ?????????? ??????? ???  
???? ?????? ??? ??? ?????? ??? ?? ????? ?????????? ???????.

22     ???, ???, ???, ????????, ????, ?? First-tier Tribunal (Tax Chamber) [?????????????  
????????????? ?????? (????????????? ????)] ?????????? ?? ?????????? ??? ?????????? ??  
????????????? ?? ???? ?????????? ??? ?????????????? ?? ?????????? ?????????????? ??????????:

«1) ?????????? ? ?????? ??????????? ?????????? ?? ?????? ?? ?????????????? ??????? ??  
????????????? ?? ???????, ??? ?????????????? ?? ?????????????? ?????????? ???????, ??? ??  
????? ??????????? ??? ??????? ?????????? ?????? ??? ?????? ??? ?????? ??????????????  
????????????? ??????????? ???????, ??? ???????, ?????? “??? ?????? ??????? ?????? ? ???  
????????? ??? ?, ??????????, ??? ?????? ?????? ??? ?????? ??? ?????????? ???” ??? ??  
????? ??? ?????? 26, ?????????? 1, ??????? ?, ??? ?????? ??? [??];

3) ?????? ??????? ?? ???? ?????????? ?? ???? ?????? ?????????????? ?????? ?? ?????? ?? ?????? ?? ???? ??  
????????? ?? ??????? ?? ???? ?????????? ?? ???? ?????? ?? ?????? ?????????????? ?????? ?? ?????? ?? ???? ??  
????? ?? ?????? ?? ???? ??????? ?? ???? ?????????????? ?? ???? ?????? ?????????? ?????? ?? ??????;»

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

23 ????????????????, ?????????????? ??? ??? ?? ???? 86, ?????????? 2, ??? ??????????  
???????????, ? ????? ?????? ?? ??? ???? 1? ?????????? 2020, ?????????? ??? ??  
????????? ?????????? ?? ??? ???? ?????????? ?? ?????? ?????????? ?????????? ??????????  
????????? ?????????? ??? ??? ????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ??  
??? 31 ?????????? 2020, ?????????? ??? ?????????? ??????????, ??? ??????????  
??? ?????????? ??? ??? ????? ?????????? ?????????????? ??????????.

24     ?? ?? ????? ?????????? ???, ?? ?????? ??????? ?? ??????????? ?? ???????, ?? ??????  
?????????? ???, ??' ?????? ?? ??????????????? ?? ?? ?? ????? 26, ?????????? 1, ???????  
??, ?? ?????? ???, ?? ?? ?? ?? ?? ?????? ?? ?? ??????? ?? ??????? ?? ?????? ?????????? ?? ?? ??????  
????????? ? ?? ?????? ??????????? ???, ?? ?????? ?????????????? ?????????? ?????? ???????????  
???, ?? ?????????? ?? ??????? ??, ?? ?????? ?????????? ?? ??????? ?? ?????? ??, ?? ?????? ??,  
????????? ??, ?? ?? ??????? ?? ??????? ?? ?????? ?????????? ?? ?????? ?? ??????? ??.

25 ??????????????? ?? ?????????? ??? ?? ?????? 26, ??????????? 1, ??? ?????? ????

????????????? ?????????? ??????? ??? ?? ?????? ? ?????????????? ??? ?? ?????? ??? ?? ??????????  
????? ?????????? ?????? ?????? ?????????????? ??? ?? ?????? ?????????????? ??? ?? ?????? ??? ??  
????? ?????? ?????? ?????????????? ??? ?? ?????? ?????????????? ??? ?? ?????? ??? ?? ??????????  
????? ??? ? ??? ?????? ??? ?????????? ???, ??????, ??? ?? ?????? ?????????? ??????????????  
????? ?????????????? ??? ?? ?????? ?????? ??? ?????? ?????, ?????????? ??? ?? ?????????? ???  
????? ??????, ?? ??? 26, ?????????? 1, ??????? ??, ??? ?????? ??? ?? ?????? ??? ?? ??????????  
????????????? ??? ?? ?????? ?????????????? ??? ?? ?????? ?????????? ??? ?? ??? ?? ??? ?? ?????? ???  
??? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????? ?????? ??? ?? ?????? ?????????? ???  
??? ?? ?????????? ??? ?????????? ??? ?? ??????????????, ?? ??? ?? ?????? ?????, ??????????????  
????????????? ??? ?? ?????? ?????????????? ??? ?? ?????? ?????????? ??? ?? ?????? ??? ?? ??????  
????????????? ????. ??????, ?? ??? 26, ?????????? 1, ??????? ??, ??? ?????? ??? ?? ??????  
????????? ?????????? ??? ?? ?????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ??????????, ???  
????????? ????, ?????? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????? ???  
????? ?? ?????? ?? ?????????? ??? (????. ?????? ??? 20?? ?????????? 2005, Hotel  
Scandic Gåsabäck, C?412/03, EU:C:2005:47, ????? 23 ??? ?? ?????????????? ??????????).

26 ??????????? ?? ?????????? ?? ? ?????? ? ?????, ??? ?? ???????????, ??????????  
???? ??????? ???, ?????????? ??, ?????????? ??, ?????????? ??, ?????????? ??, ?????????? ??,  
???? ???????, ?????? ??, ?????? ??, ?????????? ??, ?????? ??, ?????????? ??, ?????? ??, ?????? ??,  
?????????? ???????, ??????? ??, ?????? ??, ?????????? ??, ?????? ??, ?????????? ??, ?????? ??, ?????? ??,  
?????????? ???????, ??????? ??, ?????? ??, ?????????? ??, ?????? ??, ?????????? ??, ?????? ??, ?????? ??, 26,  
?????????? 1, ??????? ??, ?, ?????? ??, ?????? ??, ?????? ??, ?????????? ??, ?????? ??  
?????????? ??, ??? ??, ?????? ??, ???????????????, ??? ??, ?????? ??, ?????, ? ??? ??, ??? ??, ?????? ??, ??? ??,  
??? ???????????.

27 ?? ???????????, ?? ?? ?????????? ?? ?? ?????? ?? ?? ??????? ?? ?? ???????????  
????????? ??' ?????? ??, ???????, ?? ??????? «Above & Beyond» ???, ??????????, ??  
???????? ?? ?????, ?? ??????? ?? ??????????? ?? ??????????? ?? ??????????? ?? ?????? 10  
?? ??????? ?? ???????, ??????????? ?? ??????????? ?? ?????????? ??????? ??????????? ??  
GEAES ?? ????? ?? ????? ?? ?????????? ?? ??????????????? ?? ??????????? ?? ??, ?? ?? ??????, ??  
???????? ?? ?????? ??????? ?? ??????? ?? ??????????. ???????, ? ??????? ?? ??????????????  
????????????? ?? ?????? ??????? ?? ??????? ?? ?????????? ?? ?????????? ?? ??????????  
????????????? ?? ?????? ??????? ?? ??????? ?? ?????????? ?? ?????????? ???????, ?????????? ??  
????????????? ?? ?????? ??????? ?? ??????? ?? ?????????? ?? ?????????? ?? ?????????? ??, ??  
????? ?? ?? ?????? ??????? ?? ???????????, ?????? ??????????. ??????????????, ??????????????  
???? ??????? ?? ?????? ??????? ?? ???????????, ?? ??????????? ?? ?????????? ?? ?????????????? ??  
????????? ?? ?????? ??????? ?? ???????????.

28 ???????????, ?? ??????? ?????????? ?????????? ??????????????? ?? ?????????? ???  
????????? ??? ?? ?????????? ?? ?????????? ?????? ? ?????????? ??? ?????? ??? ???  
????????????????? ?????????????? ?????????? ??????? (?., ???' ??????????, ???????? ??? 27??  
?????? 1990, Boots Company, C?126/88, EU:C:1990:136, ??? 12). ???????, ??????? ?? ??  
?????? ??? ????? ?? ??????? ? GEAES ??? ?????? «Above & Beyond»,  
????????? ?????? ?????????? ??????? ? ?????????? ??? ????? ?????????? ??? ??????? ??  
????????? ???????, ?? ?? ??? ????? ??, ????? ??????? ?? ?????? ?????????? ???  
????????? ??? ????? ?????????? ?? ?????????????? ?????????????? ?????????? ??????? ??  
????????? ?? ?? ??? ????? ?????????? ??????? ?????????????? ??? ???, ??? ?????? (?., ???'  
?????????, ??????? ??? 24?? ?????????? 1996, Argos Distributors, C?288/94, EU:C:1996:398,  
????? 19 ??? ????? ?????????????? ??????????).

29 ?????, ? GEAES, ?? ????????, ??? ?????????? ??? ???? ?? ?????? ??? ????????

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

30 ????????, ????????????, ??, ?? ?????? ?? ?????? ?????? ?????? ???? ??  
?????? ?? ??????? ?? ?????? ?????? ?????????? ?????????? ?????????? ?? ???? ??  
?? ???????.

31 ???????, ??????????? ?? ? ?????? ?? ?????????? ?????????? ?? ?????? ?? ???????  
?? ??? ????? ??????? ?? ????????, ?? ?????? ?????? ?? ?????????? ?? ??????? ??  
?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ??????. ???????,  
???? ??????? ?? ?? ?????? 9 ??? ?????? ???????, ? ?????????? ?? ?? ?? ???????  
???? ?????? ?? ?????? ?????????? ?? ?????????? ?? ?????????????????? ?? ?????? ??  
????????????? ?????????? ?? ?????? ?? ?? ?????????? ?? ?????????? ?? ?????????? ??  
????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??  
????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??  
?????????.

32 ???????, ??? ?????????????? ??? ? ?? ?????? ??? GEAES ?????? ??? ???????  
????????? ?????????? ?????????????? ?????? ?????? ? ?????????? ?????????? ??  
????? ??? ???????? ??? ? ?????????? ??? ??? ???? ?????? ??? ?????????? ???  
????? ??? GEAES. ? ?? ??? ?????? ?????? ?????????? ?????? ?????????? ??? GEAES  
????????? ?? ?? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????????? ???, ??? ????  
????? ??? ?????? ??? ?????????? ??? ???, ?? ?? ??????, ??? ?????? ???  
????????? ??? (??., ???' ????????, ??????? ??? 27?? ?????? 1990, Boots Company,  
C?126/88, EU:C:1990:136, ??? 13). ?? ?????? ?????? ??? ?????????? ??? ??? ??????  
????? ??? ?????? ?????????? ?? ??? ??? ?????? ??? ?????????? ??? ???????????.

33 ?????????????? ?????? ??? ??????? ?????????? ??? ?? ??? ?????????? ??? ??????????????  
???? ?????? ??????? ?? ?????? ?? ?????? ??????????, ?????????????? ??? ? ?? ?????? ???  
GEAES ?????? ?????????? ?????? ??? ??????? ?????????? ?????????? ?????? ??????????????  
??? ?????? ??? ?????????? «Above & Beyond» ?????????? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ??, ?? ? ? ?????, ??? ?????? ?????????? ??? ??????  
????????????? ??? ?????????? ?, ?? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ? ?? ??? ??????  
????????? ??? ?????????????? ??? ?????? ?????? ?????? ??? ?????????? ???, ?? ??  
?????, ??? ?????? ??? ?????? 26, ?????????? 1, ?????? ??, ??? ?????? ????.

34 ? ??????? ??????? ?????????????? ??????? ??? ?? ??????? ???, ?? ???????  
?????? ?? ?????? ?????????? ???' ?????? ?????????? ?? ??? ?????? ?????? ???, ??  
????????? ?????? ??? ? ?? ??? ?????? ??? ?????????????? ??? ??? ?????? ???  
???????????, ?????????? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????????? ??? ?????  
?????? (????. ??????? ??? 27?? ??????? 1999, Kuwait Petroleum, C?48/97,  
EU:C:1999:203, ??? 19).

35 ??????, ?????????????? ?????? ??? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????? 20 ???  
????????? ????????, ???? ??? ?????? ?? ?????????????????? ?????????????? ?????????? ????????  
????????? ??? ??? ?????? ??? ??? ?????? ??? ?????????? ?????????? ?????????? ?????????? , ?????? ??  
????? ?????? ???, ??? ?????? ??? ? ?????? ?????????? ? ?????? ?????????? ??? ?????? ?? ??????  
??? GEAES ?????????? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ??????  
????????????? ??? ??????????, ?????? ????, ??? ?????????? ??? ??? ?????????? ??? ?????????? ???  
????? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? 26,  
????????? 1, ??????? ??, ??? ?????? ???, ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??????????.

36 ??????? ?? ??????? ????????, ??? ?????????????? ?????????????? ?????????? ???

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

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

?? ?????? 26, ?????????? 1, ???????? ??, ??? ?????? 2006/112/?? ??? ??????????,  
?? 28?? ???????? 2006, ??????? ?? ?? ????? ?????? ?????? ?????? ?????????????? ???,  
????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ?  
????? ?????????? ??? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????????? ???  
????????? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ???? , ?? ??????  
?? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??????????.

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

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