

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

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

??? 11?? ??? 2023 (*)

«????????????? ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) – ??????
2006/112/?? – ????? 132, ?????????? 1, ?????????? ?? – ?????????? ??? ?????????? ?? ??????
????????????? ?????? ?? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??
????????????? ?????? ?????? ?? ?????????????? ?????????? ?????? ?????????? ?? ?????????? ??
????????????? – ?????????? ??? ?????????? ?? ?? ?????????? ?????? ??? ?????? ?? ?????? ??
????????????? ??? ?????? ??? ?????? ?????? ?????????????? ?? ?????????? ??? ?????????? –
????????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????????? ??? ?????????????? ??
????????????? ?? ?????????? ?????????? – ?????????? ??? ?????????? ?????????? ?????? ?????? –
????? ??? “????????????? ?????? ??????”»

???? ??????? C?620/21,

?? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ??
?????? ?? Varhoven administrativen sad (?????? ?????????? ??????????, ??????????) ??
?????? ?? 27?? ?????????? 2021, ? ????? ?????? ??? ?????????? ??? ?????????? ??? 6 ??????????
2021, ??? ?????? ??? ???

MOMTRADE RUSE OOD

????

**Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» Varna pri Tsentralno
upravlenie na Natsionalnata agentsia za prihodite,**

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

????????? ??? ??? M. L. Arastey Sahún (?????????), ?????? ???????, F. Biltgen ??? J.
Passer, ???????,

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

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

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

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

– ? Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» Varna pri Tsentralno
upravlenie na Natsionalnata agentsia za prihodite, ?????????????? ??? ??? S. Petkov,

– ? ?????????? ???????, ?????????????? ??? ??? D. Drambozova ??? J. Jokubauskait?,

???? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??? ?? ??????????
??? 1?? ?????????? 2022,

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

????????

1 ? ??????? ?????????????? ?????????? ?????? ??? ?????????? ??? ?????? 132, ??????????
1, ??????? ??, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006,
?????? ?? ?? ????? ?????? ?????? ?????? ?????????????? ?????? (?? 2006, L 347, ?. 1), ???
????????????? ?? ??? ?????? 2008/8/?? ??? ??????????, ??? 12?? ?????????? 2008 (??
2008, L 44, ?. 11) (??? ????: ?????? ????.).

2 ? ?????? ??? ???????????? ??? ?????? ???????? ???????? ?????? ??? MOMTRADE RUSE OOD (??? ????: Momtrade) ??? ??? Direktor na Direktsia «Obzhalvane i danachno-osiguritelna praktika» Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite (????????????? ??? ?????????? «????????? ??? ?????????? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??????» ??? ?????? ??????, ?????????? ?????????? ??? ?????? ?????? ?????????? ?????? ??????, ?????????? (??? ????: Direktor), ??????? ?? ?????? ?????????? ??? ?????????? ?????? ?????? (???).

?? ?????? ???

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

? ?????? ????

3 ?? ?????? 45 ??? ??????? ?? ??? ?? ?????? ?? ????:

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

4 ? ??????? IX ??? ??????? ?????? ?????? ??? ???????????? ??? ??? ???.

5 ?? ??????? 1 ?? ???? IX, ?? ?????? ?????????? «?????? ??????»,
?????????? ?? ???? 131 ?? ???? ??????, ??? ? ????;

«?? ?????????? ?? ??????????? ?? ?????????? 2 ?? 9 ?????????????? ?? ?? ???????????
????? ?????????? ?? ?????????? ?? ?? ?? ??????????? ?? ?????????? ?? ?? ?????? ??
?? ?????????? ?? ?? ?? ?? ?? ?? ?????????? ?? ?? ?? ?????????? ?? ?? ?? ???????????
????? ?????????? ?? ??????????, ?? ?????????? ? ?? ??????????»

6 ?? ??????? 2 ??? ????? IX, ?? ????? ?????????? «????????? ??????????
????????????? ?????? ??????????», ?????????? ?? ???? 132 ??? 134 ??? ??????
???? ???.

7 ?? ?????? 132, ?????????? 1, ??????? ??, ??? ?????? ?????? ?????? ?? ??????:
«?? ?????? ??? ?????????? ??? ?????? ?????? ??????:

[...]

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

8 ?? ?????? 133 ??? ?? ??? ?????? ?????????? ?? ????;

«?? ?????? ????, ????????, ?? ????????, ????????, ??? ????? ???????????, ??? ? ?????????? ??
???????????, ????? ?? ??????????? ????????, ????????, ????????, ??? ????? ?? ??????????? ??
???????????, ??? ????? 132, ??????????? 1, ??????? ?,), ?,), ?, ?,), ??) ??? ?,),
?????????? ??? ??? ??????? ??? ? ??????????????? ??? ??? ??? ??????????? ??? ??????????????:

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

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

[...]»

9 ?? ?????? 134 ??? ?????? ???????? ?????????? ?? ????:

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

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

10 ?? ??????????? ??????? 3 ??? 5 ??? ??????? 2008/8/?? ??? ??????????, ??? 12??
?????????? 2008, ??? ??? ??????????? ??? ??????? 2006/112/?? ??? ????? ??? ???
?????? ??????? (?? 2008, L 44, ?. 11), ????? ?? ???:

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

[...]

(5) ??? ?? ?????????? ??????????? ?? ?? ?????????????? ??? ???, ??????? ??????? ??
????? ?? ?????????????? ?? ??? ??? ????? ?????? ??? ?????????? ??? ?????? ?? ?????? ???
????????? ? ??? ??? ??? ?????????????? ?????????????? ??? ?????????????? ??? ??????????..»

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

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

11 ?? ?????? 26, ?????????? 2, ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????????
????????? ?? ???:

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

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

12 ?? ?????? 122, ?????????? 1, ??? Danachno-osiguritelen protsesualen kodeks (??????
?????????? ??? ?????????????????? ??????????), ??? ?????? ??? ?????? ??? ??????? ???
?? ??????? ??? ?????? ?????? ?????, ??????? ?? ???:

«? ?????????? ??? ?????? ?? ?????????? ?? ?????? ??? ?????, ?? ?????? ???????????
????????? ?? ??? ?????? ???, ??? ??? ????? ?????????? ?????? ??? ?? ??? ??????????????
????????? ?? ??? ?????? 2 ??? ?????? ?????, ??? ??? ?????????? ??????????:

[...]

3. ??? ?????? ?????????????? ??? ?????????? ?????? ?????? ? ??????? ???????????

4. ?? ?????????? ?? ?????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??
??? [Zakon za schetovodstvoto (????? ??? ??????????)] ? ?????? ??? ?????? ?????????? ?
??????????????, ??? ??? ?????????????? ?????????? ???????, ??? ??? ?????? ?????????? ?????,
????? ??? ??? ?? ?????? ??? ????? ?????????? ??? ??? ?????????? ??? ?? ??? ?????????????? ??? ??
????????? ?????? ??? ??? ?????????? ??? ?????????? ?????????????? ?????????? ?????????? ??? ??
????????? ?????? ??? ??? ?????????? ??? ?????????? ?????????????? ?????????? ?????????? ??? ??

[...]».

? ZDDS

13 ?? ?????? 21, ?????????? 1, ??? Zakon za danak varhu dobavenata stoynost (????? ????

????? ?????????????? ??????) (DV ????. 63, ??? 4?? ?????????? 2006), ???? ?????? ???? ???
????? ??? ???? ?? ?????? ??? ?????? ?????? ?????? (??? ????: ZDDS), ?????????? ?? ????:

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

14 ?? ????? 38 ??? ZDDS ?????? ?? ???:

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

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

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

[...]»

15 ?? ????? 40 ??? ZDDS ?????? ?? ???:

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

1. ? ?????? ?????????? ?????????? ?????? ??? ?????? ??? [Zakon za sotsialno
podpomagane (????? ??? ?????????? ???)]?

[...]».

16 ?? ????? 67 ??? ZDDS ?????????? ?? ???:

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

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

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

[...]»

? ZSP

17 ?? ????? 16 ??? Zakon za sotsialno podpomagane (????? ??? ?????????? ???)
(DV ????. 56, ??? 19?? ??? 1998), ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? ?????? (??? ????: ZSP), ?????? ?? ????:

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

1. ??? ?????? ?????? ?????????? ???.

2. ??? ?????????? ??????.

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

[...]»

18 ??? ???? 18 ??? ZSP, ??? ???? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ????
?????:

«(1) ?? ?????????? ?????????? ?????????? ?????????? ???:

1. ?? ???????

2. ??? ??????

3. ?????? ??????? ?????????? ?????????? ??? ?????? ?????????? ?????? ?????? ?????????? ??????
?? ??? [Targovski zakon (????????? ???)] ??? ?????? ????????

4. ?????? ??????? ??? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ??????
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ??????
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? [(?)].

(2) ?? ??????? ??? ?????????? 1, ?????? 3 ??? 4, ?????? ?? ?????? ?????????? ??????????
????????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? [Agentsia za sotsialno
podpomagane (????????? ?????? ?????? ??????)].

(3) ?? ??????? ??? ?????????? 1, ?????? 3 ??? 4, ?????? ?? ?????? ?????????? ??????????
????????? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?????? ??? 18 ??? ??????
????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? 2.

(4) ?? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??? ??????????
????????? ??? ??? ?????? ??? ??????».

19 ? ?????????? 1 ??? ?????????????? ?????????? ??? ZSP, ??? ?????? ??? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ???, ?????????? ?? ????:

«??? ??? ?????? ??? ?????? ??? ??????, ?????? ???:

[...]

6. “????????? ?????????? ??????????”: ?? ?????????????? ??? ?????? ?????? ??? ??????
??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???

7. “????????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????
?????.

[...]»

? ?????????? ?????? ??? ??? ?????? ??? ZSP

20 ?? ????? 40 ??? Pravilnik za prilagane na ZSP (?????????????? ?????????? ??? ???
????????? ??? ZSP), ??? ????? ??? ?????? ??? ???????? ??? ?? ?????? ??? ?????? ??? ??????,
?????? ?? ????:

1. ????????????? ???? ??????????? ?????????????? ?????????????? ??????????, ??? ???? ??????????? ??????????????
????????? ??? ??????????? ????? ?????????????????? ?? ?????? ?????????????? ??? ? ? ??????,
????????? ?? ? ? ??????????? 9?

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

3. ?????????????????? ???????, ??? ? ??????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????? ?????? ?????? ??????, ?????????? ?????? ?? ??? ?????? ?????? ???, ? ?????? ??????.

(2) ????? ??????? ??? ?????????????? ??? ????? ?????????? 1 ??????????????????:

1. ?????????? ??????? ?????????? (??? ?????????? ??? ?????????)?

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

3. ??????????, ?????? ???????????, ?????? ?????????? ??? ?? Lekarska consultativna comitsia (LKK) [????????????? ?????? ??????] (LKK) ??? Teritorialna ekspertna lekarska comitsia (TELK) [????????????? ?????????? ??????] (TELK) ?? Natsionalna ekspertna lekarska comitsia (NELK) [????? ?????????? ??????] (NELK)].

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

(4) ?????? ??? ??????? ?? ???? ?????????????? ??????????, ?????? ??? ??? ????? ?????????????? ???
 ?????? 27, ??????????? 7, ? ???? ??? ?????????????? ??? ?????????? 1, ?????? 1 ??? 3,
 ??????????, ????? 20 ??????, ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????????????
 ??? ?????????? ?????????? ??????????, ??????? ?? ?? ?????????? 10, ??? ?????? ???
 ?????????? ?? ???? ??? ?????? ?????? ?? ?? ?????????? ?? ?????????????? 8. ??? ?????????????? ???
 ?????? 27, ??????????? 7, ? ?????????????? ?????? ??? ?????? ??? ?????? ???
 ?????????? ??? ?????????? ??????????.

[...]»

21 ?? ?????? 40d ???. ?????????????? ?????????? ??????? ?? ????:

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

(2) ?? ?????????? ?? ?????????????? ?? ?????????????? 1 ?????????????? ??????????????
?? ?????????? ?? ?????????? ?? ??????????:

1. ????????????????????

2. ??? ??????? ???????

3. ????????????????????? ??????? ?

4. ????????????????????????????

5. ?????????? ??????? ?? ??? ?????????? ???????

6. ?????????? ?????? ?? ??? ????????????, ????. ??????, ????. ??????????? ???. ?????.

[...]»

22 ????? ?? ?????? 40e ??? ?? ????? ?????????????? ????????:

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

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

1. ?? ??????????????, ???. ???? ?????????? /???. ??. ?????????? ??????????, ???.
?????????? ??????? ???. ??? ???. ?????????????? ?????????? ???. ??????????

2. ??? ?????? ??????? ?? ??? ?????? ? ??? ?????? ?????? ?????????? ?????????? ??????????

3. ?? ??????????????, ???. ???. ?????? ?????? /???. ???. ?????? ?????? ?????? ???. ???. ??????

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

5. ??? ?????????? ??? ??????? ? ??????? ??? ?????? ?????????? ??????????

6. ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????

7. ???????????????, ??? ???? ?????? ???????, ??? ? ?????????? ??????? ?? ???????????
???? ? ??? ?????????????? ??? ??????? ?????????????? ?????????? ??? ??????? ??? ??????????

(3) ? ??????? ?? ???? ?????????? ?? ???? , ?????????? ?? ???? ?????????? ?? ?? ???? ?????? ??
????????????? ?? ???? ?? ???? ???????:

1. ?????????? ??? ???????? ??? ?????? ???????? ??? ??????? ?? ?????????????? ???
???????

2. ????????????????? ???? ??? ????? ?????????????? ?? ??????? ? ????????

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

???? ?????????? ??? ???? ??????? ??????????».

23 ? Momtrade ?????? ??????? ?????????????? ??????? ? ?????? ??????? ??? ???????????
??? ??????????. ? ??????? ??? ????? ??????????? ?? ?????? ??? ?? ??? ???? ??????
????? ??? ?? 24 ??????? 2014. ?????? ?????? ??????????????, ?? ??????? ??????????
????????? ???????, ??? ?????? ??? ?????? ? ?????? ?????????? ?????????? ???????
????????? ?????????? ?????????? ??? ?? ?????? ?????????? ?????????? ??????????,
????????? ??????? ??? ?????? ???' ?????? ??? ??????????.

24 ?? ?????????? ??? ?????????? ??? ??????? ? Momtrade ?????? ??????????? ???
????????? ??? ?????????? ??? ??? ??????. ??????? ?? ??? ?????????? ??? ?????? ??????????
????? ??? ??????? ??? ?????? ??? ?????? ???, ?? ?????????? ?????????? ?????????? ??????????
?? ?????????? ?????????? ??? ?????????? ???' ?????? ??????????. ?? ?????????? ?????????? ???
????????? ?????????? ?????? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? ???
?????????, ?????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ? ??? ?????? ???, ??
????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??????. ?? ?????????? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ?????' ?????? ??????
????????? ?? ?????????? ??????.

25 ??? ?????? ?????????? ??????? ??? ?????????? ?? ?????????? ?????????????? ??????????
????? ??? ?? ??????? ?? 24 ??????? 2014 ??? 31 ?????????? 2015, ?????????? ???,
????????? ??? ?? ?????????? ??? ??????? ? Momtrade ?????????? ??? ?????? ???
????????? ?????? ??? ?????????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ???, ?? ??? ???
??????, ?????????? ?? ??? ?????? ?? ?????? ?????????? ??? ??? ??? ?????????? ??? ?????? 40,
?????? 1, ??? ZDDS, ?????? ?? ?????????? ?????????? ?????????? ??? ??? ??? ??????????
?????????, ??????? ?? ?? ?????????? ??? ??? ?????????? ?????????? ???, ??? ?????????? ???
????????? ??? ?????? ??? ?? ?????????? ??? ??? ?????????? ?????????? ??? ?????? ??? ??????????
?????????.

26 ?? ?????????? ?????????? ???, ??? ?????????? ??? ? Momtrade ??? ???
????????? ??? ?????? ?????????? ???, ??? ??????, ??? 4 ?????????? 2018, ???
????????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????? ???
??? ?? ??? ?????? ????. ? ??? ?????? ??? ?????????? ??? ??? Direktor.

27 ? Momtrade ?????? ??????? ??????? ??? Administrativen sad Ruse (???????????)
????????? Ruse, ???????) ?? ??? ??? ?????? ?????????? ?? ?????????????? ???
????????? ??? ?????? ?????? ?????? ????. ?? ?????????? ??? ?????? ??? ?? ??? ??? ??????
?? ??? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ????,
???? ?????? ??? ?? ??? 40, ?????? 1, ??? ZDDS ??? ?????????? ??? ??????????
????? ??? ?? ??? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ?????? ???, ?? ?? ???
????????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ???????, ?????? ? Momtrade ??? ??? ?????????? ??? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????????? ???
?? ??? ???????.

28 ??? ? Direktor ??? ??? ? Momtrade ?????? ?????? ?????????? ??? ??? ??? ??????
??? Administrativen sad Ruse (???????????) ?????????? Ruse) ?????? ??? ??????????
???????????, Varhoven administrativen sad (????????? ?????????? ????????????, ??????????).

29 ?? ?????? ?????????? ?????????? ???, ??? ?? ?????????? ???, ?? ?????? 132,
????????? 1, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????????? ???
????? ??? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??????????
????????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????

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

30 ?? ??????? ?????????? ?????? ???, ??????, ??? ??? ?????? ?????? ??? ?????? ???
????????? ?? ??? 132 ??? ?????? ???, ????? ?????? ?? ?? ?????? ??? ??
????????? ?????? ??? ?????? ?? ?????????? ??? ??? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

31 ???????, ??? ?????? ?? ?????????? ??? ?????????? ?????? ?????? ???????, ??? ??
????????? ???, ? ?????? ?????? ??? ?????????? ?????? ?????? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????????? ?????? ???, ?? ?????????? ??? ??
??? ?????????? ??? ?????? ???, ?? ?????????? ??? ?? Varhoven
administrativen sad (?????? ?????????? ??????) ??????? ??? ?????? 132, ??????????
1, ??????? ??, ??? ?????? ???, ?? ?????????? ?????? ???, ?? ?????????? ??? ??
?????? ?????????? ?????????? ??? ?????????? ?? ?????????? ?????????? ??????????
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???,
????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???,
????????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???.

32 ??? ??? ??????? ????, ?? Varhoven administrativen sad (?????? ??????????
?????????) ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ???
????????? ?? ?????????? ?????????? ??????:

«1) ??????????, ??? ?????? ??? ?????????? ??? ?????? 132, ?????????? 1, ??????? ??, ???
????????? ???, ?? ?????????? ?????? ??? ?????? ?????????? ?? ??????? ??????????
????????? ??? ?????? ?????? (?? ?????????? ??? [????????? ???] ??????)
?? ?????????? ??? ?????? ??????, ?????????? ?? ??? ?????? ?????? ??? ??
??? ?????????? ?????????? ??? ??????, ??? ?????? ?????? ??? ?? ??? ?????? ??? ??
????? ?????? ?? ?????? ?????? ??? ?????? ?????? ??? ?? ??? ?????? ???; ??? ?????? ???
??? ?????????? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???;
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????;

2. ?? ?????????? ?????????? ??? ?????? ???, ?????? ??? ?????? ???
?????? ?? ??? ?????? –?? ?????????? ?/?? ?? ?????????? ??? ?????????? ???
??????, ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??
?????? ??? ? ?????????? ?????? “????????[?] ?? [?????????] ??????????
?????????” ??? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? “?? ????
????????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ”;

3. ???, ??? ?????? ??? ?????? ???????, ? ?????????? ?????? ??? ?????? ???
?? ?????? ?????? ?????? ??? ?????? ???, ??? ?????? ?????? ??? ?????? ???
????? ?? ?????? ??? ? ?????? ?????? “????????[?] ??? [...] ?????????[?] ??
????????? ??????” ??? ?? ?????? ??? ?????? ???;»

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

33 ? Direktor ?????????? ?? ?????????? ??? ??? ?????? ?????? ?????????? ??????????
????????? ??? ???, ???, ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????? 132 ??? 133 ??? ?????? ???, ??? ??? ??? ?????? ??? ?????? ???
?????? ?? ??? ?????? ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???,

?????????.

34 ???????, ?????????????? ??, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??
?????? 267 ????, ?????????? ?????????????? ??? ?????? ?????????? ?????????? ?? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??
??????, ?? ?????????? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ???????, ???
????????? ??? ?????????? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???
??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? . ???????, ?????? ??
????????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???????, ?? ?????????? ??
????????? ?????? ??? ?????? ??? ?????????? ??' ??????. ?? ?????????? ?????? ??? ?????? ??
????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??
????? ??? ?????? ?????? ??? ? ?????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ??????
????? ??? ?????? ??? ? ?? ?????????? ?? ? ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????
????, ??? ?? ?????????? ?????? ?????????? ?????? ? ?????? ??? ?? ?????????? ??? ?????? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? (??????? ??? 31?? ??????????)
2023, Puig Gordi ??., C?158/21, EU:C:2023:57, ?????? 50 ??? 51 ??? ?????? ??????????????
?????????).

35 ?? ??????????, ?? ?????????? ??? ?????? ?? ?????? ??? ?????? ??????????, ?? ?????? ??????????
??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ?????? ? ?????? ??????????
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ??????????
??, ??? ?????? ???, ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????????
??, ???, ??? ?????? ??? ?????? ??? «????????[?] ??? ?????????[?] ??? ??
????????? ??????» ??? ?? «?????[?] ?????????? [...] ?? ?????? ?????????? ?????? ??
??? ?????????? ?????? ??? ??????», ??? ?? ?????? ??? ?????? ??? ?????? ???, ??????????
?? ?????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ?? ??
?????? ?????????? ??? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

36 ??? ??? ?????? ???, ??? ?????? ??? ?????? ??? ? ?????????? ?????????? ??? ?????? ??? ?????????? ???
?????? ?????? ??? ?? ?????? ??? ? ?? ?????????? ? ?? ?? ?????????? ??? ?????? ??? ?????????? ??? ??????
????? ??? ?? ?? ?????????? ??? ?????? ?? ?????? ?????????? ?????? ?????? ?????????? ??? ??????,
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ?????? ??????????
??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
?????????.

37 ?? ?????? ???, ??? ??? Direktor, ? ??????? ??? ?????? 132, ?????????? 1,
????????? ??, ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ???
????????? ??? ?????? ??? ?????? ???.

38 ???????, ??? ?????? ??? ?????? ?? ???????????, ?????? ??? ?? ?????????? ??? ? ??????????
??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??????????, ??
????????? ??? ??? ?????????? ?????? ?????????? (??????? ??? 27?? ?????? 2014,
Consejería de Infraestructuras y Transporte de la Generalitat Valenciana ??? Iberdrola
Distribución Eléctrica, C?300/13, ?? ????????????, EU:C:2014:188, ????? 18 ??? ???
????????????? ??? ??????).

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

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

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

40 ?? ?? ?????? ??????????????? ????????, ?? ?????? ?????????????? ?????? ???' ?????? ??
??????????????, ??????, ?? ?? ????? 132, ??????????? 1, ??????? ??, ?? ?????? ?????? ??
????? ??? ?????? ?? ??????? ?? ?????? ??????????, ?????? ??? ?????????? ??????, ??
????????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?????? ?? ?????? ??????????
?? ?????? ??? ?????????????? ?? ??????? ?? ?????? ??? ?????? ? ?????? ??? ?????? ???
????????????? ?????????????????? ?? ??? ??, ???????, ?? ?????????? ?? ?? ??? ?????? ?????? ??
????????? ??? ?? ??? ?????? ?????????? ?????????? ?????????? ?????????????? ??? ??? ?????? ??
????? ??? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ???.

41 ??????? ?? ?? ?????? 132, ??????????? 1, ??????? ??, ??? ??????? ????, ??, ?? ??????
????? ??????????? ??, ??????? ??????? ??, ??? ??????? ??????? ??, ??? ??????? ??, ?? ??????
?????????? ??, ??? ??, ??????? ??, ??? ??????? ??, ??? ??????? ??, ??????????????? ??,
?????????? ??, ??? ??????? ??, ??? ??????? ??, ??? ??????? ??, ??? ??????? ??, ??? ??????? ??,
?????????? ??, ??? ??????? ??, ??? ??????? ??, ??? ??????? ??, ??? ??????? ??, ??? ??????? ??,
?????????? ??, ??? ??????? ??, ??? ??????? ??.

42 ????? ?????? ??????????? ??? ????????????, ??? ?????????? ?????????? ??? ?????????? ???
?????? ??????? ?? ??????????? ??? ????? ?? ?????? ?? ??????? ???, ??? ????? ?? ??????? ???
????? ??????????? ??? ?? ?????? ??? ??????????? ?? ?? ??????? ??? ?????? ?????? ??????????
????? [?????? ?? ?? 7?? ??????? 2022, I (?????? ?? ?? ??? ???????????
?????????), C2228/20, EU:C:2022:275, ????? 33 ??? ????? ?????????????? ??????????].

43 ???????, ??????, ??? ?? ?????? ??? ?????? 132, ?????????? 1, ??????? ?, ??
?????? ???? ??? ?????????? ??? ? ?????????? ??? ?????? ?????? ? ??????? ?????? ??????????
??? ??? ?????????? ??????????????, ????, ??????, ??? ?????????? ??????? ???? ?? ??? ???? ??
????????? ??????, ?? ?????? ?????? ?? ?????????? ?????? ?? ??? ?????? ??? ?????????? ??????
??? ???????, ???, ???????, ??? ?????????? ?????? ?? ??? ?????? ??? ?????????? ?,
????? ?????? ?? ??? ?????????? ?????? ?????? ?? ??? ?????? ??? ?????????? ??? ?????? ??
????? ?????? ?????? ?????? ?????????? ?????? ?????? ?? ?????? ?????????? ??? ?????? ??.

45 ????? ??? ?????????? ??????, ??? ?? ?????? ??? ?????? 132, ?????????? 1, ??????? ?,
???? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?? ?????? ?????????? ??? ?????? ???
????????? ??? ?????????????? ??? ?? ?????????????? ?????????? ??? ?????? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ? ?????? ??? ?????? ??? ?????? ???
????????????? ???.

46 ????????, ??? ???? ?? ??????? ??? ????? ??????????? ?? ?????? 132, ??????????? 1,
?????? ??, ??? ??????? ???, ? ??????? ??? ??????????????? ??? ?????????? 2, ??
????? ??? «????????? ?????????? ?????????????? ?????????? ??????????», ???
????? IX ??? ??????? ???, ? ??????? ??????? ?? ?????? 132 ??? 134 ??? ??????. ???
??? ??? ?????? ??? ?????? ??? ?? ??? ????? ?????????? ??? ?? ?????????? ?? ?????? ?
????????? ??? ?????? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? ??? ??? ??? ?????? ??? ?????????? ???

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

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

47 ???????, ?????????????? ???, ??????, ?? ????? 133, ????? ??????, ??? ?????? ????

?? ?????????? ??? ?????? ??? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? 132,

????????? 1, ????????, ??, ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????

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

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

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

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

48 ???????, ?? ????? 134 ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???

????? 132, ?????????? 1, ????????, ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??

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

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

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

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

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

49 ??????? ??? ?? ????? 133 ??? 134 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????

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

????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? 132,

????????? 1, ????????, ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???

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

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

19?? ?????????? 2013, Bridport and West Dorset Golf Club, C?495/12, EU:C:2013:861, ????

27 ??? ??? ?????????????? ??????????).

50 ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? 132, ?????????? 1, ????????

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

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

????????? ???, ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???'

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

????????? (????? ??? 8?? ?????? 2020, Finanzamt D, C?657/19, EU:C:2020:811,

????? 29 ??? ??? ?????????? ??????).

51 ??? ???, ??????? ??? ?????? 132, ?????????? 1, ??????? ??, ??? ?????? ???

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

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

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

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

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

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

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

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

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

52 ????? ????????, ??? ?? ????????, ?????????? ??? ?????????? ?????? ?????? ???
?????? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ?????? ??? ?????????? ??? ? ???
????????????? ?????????? ?????????? ?? ??? ?????? ?????? ?????????? ??? ?????? ??? ???
????????????? ?? ?????? ?????? ?? ??? ?? ??? ?????? ?????? ??? ?????????? ??? ?????? 43
??? ????????, ????????, ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ???
????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

53 ?????, ??? ?? ?????? ??????? ?????????? ??? ?? ??????? ??? ?????? ??????
????????? ?????? ?????? ?????????? ?? ??? ?????? ?????? ??? ???????, ?? ??????
????????? ?? ?????? ?????? ??? ?????? ?????????? ?? ??? ?????? ?????? ?????????? ??? ??????
??? ?????? ?????? ?????? ??????????????, ?????????? ?????? ?????????? ?????????????? ??? ???
????? ?????? ??? ?? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ??????
?? ?????????? ?? ?? ??????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????
132, ?????????? 1, ??????? ?, ??? ?????? ????.

54 ??? ?????? ?????? ? ?????????? ????????, ?? ??? ?????? ?????????? ?? ??????
????????? ?? ??? ?????????? ????????, ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ?
????? ?? ?????? ??????, ??????, ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ??????????
??? ?????? ?????????? ?? ?? ??? ?????? ??????, ????????, ?????????? ?????????? ??? ???
????????? ??????, ?? ?????? ??????, ?? ?? ??????, ?? ?????????? ?????? ?????? ??? ??
????????? ?? ?????????? ??????.

55 ?????? ??? ?????? ????????, ??? ?????? ?????????? ?????? ?????? ?????? ?? ??????
????????? ??? ?? ?????? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ??????, ?????? ?? ?????? ????????, ?????? ??? ?????????? ??????, ??
????????? ?????????? ?????????? ??? ?????? ?????????? ?? ?????? ?????? ?????? ?? ?????? ??????????
?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ? ?????? ?????? ??? ?????? ??? ??????
????????? ?????????? ??? ??, ????????, ??? ?????? ?????? ???' ?????? ?? ??????
??? ? ?? ??? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ??????
?? ?????? ??? ?????? ?????? ???.

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

56 ?? ?? ?????? ?????????? ????????, ?? ?????? ?????????? ?????? ???' ?????? ??
????????? ?? ?? ?????? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ?? ?????? ??? ??????
??? ?????????? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ?????????? ??? ?????? ???, ??? ?????? ??? ?????????? ?????? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ?? ?? ?????? ??? ??????
????? ??? ? ?? ??? ?????? ??? ?????? ??? ? ?????? ??? ?? ?? ?????? ??? ??????
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??
????????? ?? ?????? ?????????? ??? ?????? ??? «????? [?] ?????????? [...] ?? ??????
????????? ??? ?? ??? ?????????? ??? ?????? ??? ?????????? [...] ??? ?? ??????
????????????? ??? [...] ?????????? ??? ?? ?????????? ?????? ??? ?????? ??????????
?? ?????????? ??? », ??? ?? ?????? ???.

57 ?????????? ??? ?? ?????????? ??? ?????? 132 ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ??????, ?? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
(?????? ??? 28?? ?????? 2022, Happy Education, C?612/20, EU:C:2022:314, ??? 27 ???
??? ?????????? ??? ?????????? ???), ??? ?? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???.

????????? ??? ????? ????? ???? ?????????????????? ??? ??? ?????????????? ??? ?? ??? ????
????????????? (????. ?????????? ??? 26?? ??? 2005, Kingscrest Associates ??? Montecello,
C?498/03, EU:C:2005:322, ??????? 23 ??? 27, ??? ??? 5?? ?????????? 2016, TMD, C?412/15,
EU:C:2016:738, ??????? 24 ??? 25).

58 ????????, ??? ?????? ?????? ?? ???????????, ?????? ??? ??????????? ??????? ???
?????? 131 ??? ??????? ???, ?? ?????? ??? ??????????? ??? ??? ?????? ??? ??????? ???
????????? ??? ?? ??????????? ??? ?????? ??? ?????? ??????? ??? ??? ?? ???????????
????????? ???????????, ??????????? ??? ???????????, ?????? ?? ??????????? ???
????????? ??????????? ??? ?????? ??? ??????????? ??? ??????????? ?????????? ???
(?????? ??? 26?? ??? 2005, Kingscrest Associates ??? Montecello, C?498/03,
EU:C:2005:322, ????? 24 ??? ??????????? ??????????).

59 ??? ?????, ??? ?????, ??? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ??, ???
????????? ???, ??? ?????? ?? ?????? ?????????? ??????? ??? ?????????? ??? ??????? ??
??? ?????????? ??????? ??? ???????, ?????????????? ???, ??? ?? ?????????? ???
??????????, ? ?????????? ??? ?????? ?? ?????????? ??? ?? ?????????? ??? ?? ??????? ??? ?????? 134,
????????? ??, ??? ?????? ??? ??? ?? ?????? ???????, ?? ????? ?????????, ?? ??????
????????? ?????? ? ?????? ?????????? ?? ?????? ?????????? ??? ?????? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ?????? ??? ?????? (?????? ??? 15?? ???????
2021, Administration de l'Enregistrement, des Domaines et de la TVA, C?846/19, EU:C:2021:277,
????? 59 ??? ????? ??????????? ??????????).

60 ???????, ?? ?????????? ??? ?????? ???, ???????, ?????????? ?????? ?? ???
????????? ??????? ??? ???????, ??? ??? ?????? ??? ?????? 132, ?????????? 1, ??????????
??, ??? ??????? ???, ? ?????? ??????? ?????????? ?????????? ??? ?????????? ???
??? ?????? ??????? ???' ?????? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ???
????????? ???????, ?????????? ? ???????????. ??????, ?????? ?? ?????????? ?? ??????
????????? ?? ??? ?????? ?????????? ?? ?????????? ?????? ? ?????????? ?????????? ??? ??
????????? ??? ?????????? ??? ?????????? ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ???, ??? ?? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ?? ?????? ??
?? ??? ??????? ??? ?????? ?? ?????????? ?? ?????????? ? ?????? ?????????? ???, ??????????
??? ??????? ??? ??? ?????????? ??? ?????? ?????? ?? ?????????? ?? ?????????? ???
????????? ??? ?????????? (?????? ??? 15?? ??????? 2021, Administration de
l'Enregistrement, des Domaines et de la TVA, C?846/19, EU:C:2021:277, ?????? 62 ?? 63 ??
???? ?????????? ??????????).

61 ?? ?? ??????, ?????? ??? ??????????? ?????????? ??????? ? ?? ?????????? ??????????
????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ?? ??????????
?????????, ??? ??? ?????? ??? ?????? 132, ?????????? 1, ?????????? ??, ??? ??????? ???
??, ??????? ?????????? ??? ?? ?????????? ?????? ?????? ?????????? ??? ?????? ???
??? ?????????? ?? ?????????? ??? ???????, ?????????? ?????? ? ?????????? ??????????
?? ?????? ??? ?????? ??? ?????? ?????????? ? ??? ?????????? ?????? ?? ?? ?????? ???, ??
????????? ??? ?? ?????????? ??? ??? ???.

62 ???????, ??? ??? ?????????? ???, ?? ?? ??? ?????? ?????? ??? ?????? ??? ???????, ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? «????[??]
????????? [...] ?? ?????? ?????????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ??? ???, ?? ?? ??????, ??? ??
????? ?? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ??????? ???

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

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

64 ??????? ?? ?? ?????? 45 ??? ??????? ?????? ???, ? ?????? ??????? ?????????? ?? ??
?????????? ?? ?? ?????? ?????? ? ?????? ??? ?????? ??? ?????????? ?????????????? ?? ??
?????????? ?? ?? ????????.

65 ????????, ??? ??? ?????? ?????????? ??? ???, ?? ?????????? ?????????? ??????????
??? ?????????? ?? ?????? ?????? ?? ?????? ?????????? ?? ?????? ?????? ?????? ?????????? ??
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????????? ?? ?????? ???, ?? ?? ?????, ?????????? ?? ??? ??? ???
????????? ?????? ?????.

66 ?????????? ?? ?????????? ??? ?????? ?????? ?????????????? ?????? ? ?????????? ???
??????????.

67 ????? ??????????, ????, ?????????? ? ?????? ?????????????? ??? ?????? 47 ??? 48 ???
????????? ???, ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??????
????????? ?????????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ??????????
«?????? ?????? [...] ?? ?????? ?????????? ?????? ?? ??? ?????????? ?????? ???
?????????», ????, ???, ?????? ??? ?????? 132, ?????????? 1, ?????????? ?, ??? ?????? ???,
???, ?????? ?? ?????? ??? ?? ?????? ??? ?????????? ?????????? ????,
????????????? ??? ? ?? ??? ?????? ?????? ?? ?????? ?? ?????????? ?????? ??? ??????????
????? ??? ?????? ??? ?? ???, ?? ?????? ??????????, ? ???????, ??? ?
????????? ??? ?????? ???, ?? ?????? ?? ?????????? ?????? ?? ?????? 132,
????????? 1, ?????? ??, ?????? ??? ?????? ?????????? ?????????? ?????????? ??
????????? ?? ?? ?????? ??? ?? ??? ?????? ?????? (?????? ??? 15??
????????? 2012, Zimmermann, C?174/11, EU:C:2012:716, ??? 32 ??? ????? ??????????????
?????????).

68 ???, ????????, ???, ??, ???, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????,
???????????, ????????, ???, ??, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????,
???????????, ????????, ???, ??, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????,
??? ????????????, ???, ??, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????, 59, ??, 60, ??,
???????????, ????????, «????????? ?????????? [...] ??, ????????, ????????????, ???, ???, ??, ???, ??????????»,
????????? ???, ??????????», ???, ???, ???, ???, ???, 132, ????????????, 1, ?????????? ??, ??,
????????? ???, ???, ???, ???, ???, ???, ????????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????????,
«????????? [?] ???, ??, ????????????, ???, ????????, ???, ????????, ?????, ????????????, ??, ????????????, ??????????»,
????, ???, ???, ???, ???, ????????, ? ????????????, ???, ????????, ???, ????????, ???, ????????, ???, ????????,
???????????, ???, ????????????, ???, ???, ??, ???, ????????, ???, ????????.

69 ????? ??????, ????????, ??? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ?,
???? ?????? ???, ??? ???? ?? ?????? ??????????, ?????????? ??
?????????????, ?????? ?? ?????????????????? ??? ?????????? ?????????? ?????? ?
????? ?????????? ??? ?? ?????????????? ?????? ?????? ?????????? ?? ??????????
?????????, ?????????????? ??? ? ?????? ??? ?????? ?????? ?????????? ?????? ??? ??????????????
????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??????????
????????? ??? ??? ?????? ?????????? ??????. ??????, ??????????, ??????,
??? ?????? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?? ??? ??????

?????? ?? ?????????? ?????????? ?? ?????? ?????????? ????????????, ?? ?? ?????? ????.
?????????, ??????, ?????? ?????????? (?????? ?? 15?? ??????? 2021, Administration
de l'Enregistrement, des Domaines et de la TVA, C?846/19, EU:C:2021:277, ??? 69 ??? ???
????????????? ??????).

70 ??? ??????? ????, ?? ????? 133 ??? ?????? ??? ?????? ??? ??????? ??? ?????? ???
????????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? 132, ?????????? 1,
????????? ?, ??? ????? ?????? ?????????? ??? ?????? ?????????? ?????????? ???????, ???
??? ?????? ??? ? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? 133.
?? ?????????? ????, ?? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ????,
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ????,
????????? ?????? [??., ??? ?????? ?? ?????? 13, ?, ?????????? 2, ?????????? ?, ??
????? ?????? 77/388/???, ?? ??????????, ?? 17?? ????? 1977, ??? ?????????? ???
????????? ??? ?????? ????, ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? – ???
?????? ??? ?????? ?????????? ????: ?????????? ?????????? ??? (?? ????. ????. 09/001, ?.
49) (?? ????? 133 ??? ?????? ???), ?????? ??? 21?? ?????????? 2016, Les Jardins
de Jouvence, C?335/14, EU:C:2016:36, ????? 33 ??? ????? ?????????? ??????????].

71 ???????, ? ?????? ?????????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ?? ?????????? ?????????? ??????????, ??? ?????? ??????? ???
????????? ??? ?????? 132, ?????????? 1, ????????, ??, ??? ?????? ???, ??? ???
????????? ?? ?????????? ?? ?????????? ??? ?????????? ?????? ???????????????, ???
?????????, ?? ?????????? ?????????? ??????, ??? ?????? ??? ?????? ??? ?? ??? ??????
????????? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ???
????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???
????????? ?????????? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?????.

72 ??? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ???
????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? 132, ?????????? 1,
????????? ?, ??? ?????? ???, ???, ???, ???, ??? ?????? ??? ?? ?????? ?????????? ???
????????? ?????????? ?????????? ?? ?????? ?????? ??? ?????? ?????????? ?? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ?? ??????????, ?? ?????? ??? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????
?? ?? ??? ??????????, ?????????????? ???, ?????????? ??? ? ?????? ??? ??? ??????
????????? ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ????????, ??, ? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?????????? ??? ?????? ???
??? ?????????? ??? ?? ??? ?????? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? (?????? ??? 22??
????????? 2022, EUROAPTIEKA, C?530/20, EU:C:2022:1014, ??? 31 ??? ???
????????? ?????? ??????????).

75 ???? ????????, ? ????????, ??? ?????? 132, ?????????? 1, ??? ?????? ??? ?? ?
?? ?????? ??? ?????? 131 ??? ?????? ??? ?????????????? ?? ?????????? ??? ?? ???? ?? ???? «?? ?????????????? ?????? ??????» ??????? ?? ?????? ?????? ??????????????

76 ????????, ??? ???? 131 ??? ?????? ???, ?? ??? ?????????? ??? ?????
????????? ??? ?????????????? ??? ?????????? ??? ?????????????? ??? ?????????? 2 ??? 9 ???
????? IX ??? ??????, ?????? ??? ?????? ??? ?? ?????????? ??? ?????????????? ???
????? 132 ??? ??????, ?? ?? ??? ????? ?????????? ?????????????? «?? ?? ??? ?????????? ???
????????? ?? ??? ??? ?????? ??? ?? ?????????????? ??? ??? ??? ??? ?????? ??? ?? ???
????????? ??? ?? ??? ?????????????? ??? ????? ?????????? ??????????????, ?????????????? ? ??????????».

77 ????????, ??? ?? ????? 131 ?????????? ??? ?????????????? ??? ?????? ??? ?????? ???
?????? ?? ?????????? ??? ?? ??? ????? ?????????? ?? ??????????, ?????????????? ??? ?? ???
?????? ????, ??? ?????????????? ?????????? ???, ?????? ??? ?????? ??????????????????
??? ??????? ??? ?????????? ?? ?????????????? ??? ?????????? ?????????? ?????????? ??
????????? ?????????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? 132,
????????? 1, ??????? ??, ??? ?????? ????. ??? ?????????????? ??? ?????? 74 ???
????????? ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ?????????? ??? ??
?????? ??? ???????????.

79 ????? ???????, ??? ?????? ??? ?????? ??? ??????????? ?? ?????? 132, ??????????? 1,
????????? ??, ??? ??????? ????, ??? ?????????????? ??? ?????? 50 ??? ??????
?????????, ??? ??? ?????????????? ??????????????, ??? ??????? ???, ?????????? ??????
????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ??????, ? ?????????? ???
????? ?????????? ? ???????? ??? ?????????? ??? ?? ?????? ?? ?????? ??? ?????? ??? ??????
????????? ??? ?? ??? ?????????? ?????????? ?????????? ?????? ?????? ?????? ?????? ??????
????????? (??????? ??? 8?? ??????? 2020, Finanzamt D, C?657/19, EU:C:2020:811,
????? 29 ??? ??? ?????????????? ??????????).

80 ?????? ?? ???????, ?? ? ? ?????? ?? ?????? ?????, ?? ?????? ????? ?? ?????? ?????
?? ?????????? ?? ? ? ?????????? ?? ? ? ?????????? ?? ? ? ?????????? ????? ?? ?????? ?????? ??

?????? 132, ?????????? 1, ??????? ??, ??? ??????? ????, ?????????????? ?? ??? ??? ??????
???? ?? ??? ????? ?????????? ? ??? ?? ?????? ?? ?????????? ?? ??????? ??? ?????????? ??
?????? ??? ?? ??? ????? ???????, ?? ??????????, ????? ?? ?????? ??? ?????????? ??? ??????????
??? ???????, ????? ?? ??? ?????? ?? ?????????? ?????????? ?????????? ?????????? ??????????
????????? ??????? ?? ?????? ?????????? ?????, ?????????? ?????????? ?????? ?????????? ???
????????? ??????? ?? ?????? ?????????? ??, ?? ?????? ??? ?????? ??? ?????????? ??????????
????????? ???????, ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ??? ?????????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

81 ???????, ??? ?? ???????, ?????????? ???, ?????????? ??? ?????????? ?????????? ??? ?????? 132,
????????? 1, ?????????? ?, ??? ?????? ??? ?????? ??? ?????????? ??? ? ?????????? ???
????????? ??????? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???????, ??
???? ?????? ??? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ?, ??? ?????? ???
??, ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ?????????? ???.

82 ?? ?? ??????, ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??????,
???? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?? ?????? ?????? ??? ?????? ?????? ???
????????? ?? ?????? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ???
????? ?? ?????????? ?????????? ???, ? ?????????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? 132, ?????????? 1, ??????????
??, ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?? ?????????? ???, ?? ?????????? ??? ?????? ?????????? ?????????? ???
??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ???.

83 ? ??????? ??? ?????????????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????????
?????? ?? ??? ?????????? ??? ?????? ?????? ??? ?????? ??????, ? ?????? ??????????
???? ?????????? ??? 3 ??? 5 ??? ?????? 2008/8 ??? ?? ??? ?????? 45 ???
?????? ??? ??? ??? ?????? ?? ??? ?????? ? ?????????? ??? ?????? ?????? ??? ??????????
?? ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
?????????.

84 ??? ?????? ???, ?????? ?? ??? ?? ??? ?????? ?? ?????????? ? ??????????
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ??????????,
??? ??? ?????? ??? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ?, ??? ??????
???? ???, ??? ??? ??? ?????? ??? ?????? ??????, ??? ?????? ?????? ??? ?????? ??? ??? ??
????????? ?????????? ??? ?????? ?? ??? ?????? ??? ?????? ?????? ?????? ??????????
????????? ?? ??? ?????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???.

85 ?????, ?????????????? ???, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 132 ??? ?????? ??? ??,
????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ???, ??? ?????? ?????????? ??? ?????? ???, ?? ??????????
????????? ?????? ??? ?????? (?????? ??? 16?? ?????????? 2008, Canterbury Hockey Club
??? Canterbury Ladies Hockey Club, C?253/07, EU:C:2008:571, ??? 30 ??? ???
????????? ??? ??????).

86 ??? ???, ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ?????? ??, ??? ?????? ???
??, ??? ??? ??? ?????? ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ???
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

????????? ??????? ?? ???? ?????????????? ??????? ?? ????????????, ?? ??? ?? ?????????????? ??
?????????????? ?? ?? ???? ?? ???? ?? ?????????? ?? ??????? ??????????? ?????? ?? ?? ???? ??????????
????????? ?? ??????????, ?? ???? ?? ???? ?? ???????, ?? ???? ?? ??????? ??????????? ?? ?? ???? ??????
?????????????? ?? ??????? ?????? ?? ?????? ?? ?????? ?? ?????? ?????????????? ?? ??????????? ???????????
??????????, ?? ???? ?? ???? ???????, ?? ???? ?? ??????? ?? ?????????????? ?? ?????? ?? ???? ???????
?? ???? ?? ?, ??, ??????????, ?? ???? ?? ?????????????? ?? ???? ?? ???? ?? ???? ??????? ?? ???? ?? ????
??????????, ?? ???? ?? ???? ???? ?? ??????? ?? ?????? ?? ?????? ?????????????? ?? ???? ?? ????
??????????, ?? ???? ?? ???? ?? ?????????????? ?? ???? ?? ?????? ?????????????? ?? ???? ???????, ?? ????
?????? ?? ??????????? ?? ???? ?? ??????? ?? ?????? ?????????? ?? ???? ?? ???? ?? ???? ?? ???? ?? ????
?????????? ?? ???? ?????????? ?????? ?? ?????? ?????????? ?? ???? ?? ???? ?????????? ??????????? ?? ???? ??????
?? ? ? ?????????? ?? ???? ?? ?????? ???????, ??????? ?? ???? ?? ?????? 45 ?? ??????? ?? ???? ?? ????,
?????????? ?? ?, ?? ??????? ?? ?, ?? ???? ?? ?????????? ?? ???? ?? ???? ?????????????????? ?? ????
?????? ?? ???? ?? ???? ?? ?????? ?????? ?????? ?????????????????? ?? ???? ?? ???? ?? ???? ?? ???? ???????????
?? ???? ?? ???? ?? ???? ?? ??????, ?? ???? ?? ?????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?? ???? ?? ????
????????????????????? ?? ???? ?? ???? ?? ?????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?????????????? ??

87 ???????, ??? ?????? ??????? ??????? ???? ?????? ?? ???? ?, ? ??????? ?????? ?? ?????.
132, ?????????? 1, ??????? ??, ??? ?????? ???, ???? ??????? ????? ??, ? ?????? ?????????? ?? ???? ?? ???? 81
??? ??????? ???????, ??????? ?? ??????? ?? ?????????? ?? ?????? ???????, ?????? ???????, ?????? ?????? ??
????????? ??? ?????????? ??????? ?? ?????? ?? ?????? ??????? ?? ??????? ?????? ?????? ?????????? ?? ???? ??????????
?? ?? ?????????? ??? ?????? ?? ?????? ??????? ?? ??????? ?????? ?????? ?????? ?????????? ?????? ??????? ??
??? ?????? ?????? ?????????????? ??? ???????, ??? ?????? ??????? ?????????? ?????????? ?????????????? ??
?????? ?????? ?? ?????? ?????????? ??????? ?? ??????? ??????? ??????? ?????? ?????? ?????????? ?? ????
????????? ?????????? ??? ??????? ??????? ?? ??????? ??????? ???????, ??? ?????? ??????? ??? ??????????
?? ?????????? ?? ?? ??? ??????, ?? ??????? ?? ??????? ??????? ??????? ?????????? ?????????? ?????????? ??
??? ??? ?? ?????? ?????? ?? ?????? ??????? ??????? ??????? ??????? ?????????? ?????????? ?????????? ??, ???
???? ?????? ?????????????? ??? ??????? ??????? ??????? ?????? ?????? ?????? ??? ?? ?????????? ?? ??????
????????? ???????.. ??????????, ??? ?????? ?????? ?????? ??? ??????? ?????????? ?? ?????.
????????? ?????? ?? ?? ??????? ??????? ??????? ?? ???????, ??? ?????? ?????? ?????????? ??????????????
?? ?????? ?????? ?? ?????? ?????????? ??????? ??????? ??????? ?????????? ?????????? ?? ???? ?? ??????????
????? ?? ?????????? ?? ???????, ?? ?????? ?????? ?? ?????? ?? ?????? ?????????? ?? ???? ??????????
????????? ???????, ?????????? ??? ??? ?????????? ???????, ??? ?????? ?????????? ???????, ??? ?????? ??????????
????????????? ???????, ??? ?????? ?????????? ?? ???? ?????? ?????? ?????????? ?????????? ??????????????
?????????.

88 ???????????, ? ??????????? ??????????? ?????? ?????? ??? ?? ??????????? ??
????????? ?????? ??? ?????????? ??????????? ?????? ?? ?????? ?????????? ??? ???????????
??? ?????? 132, ?????????? 1, ????????, ??, ??? ?????? ?????? ??? ?? ?? ?????????? ???
????, ????????, ??? ?? ?????? ?????????????? ??? ?????? ?????? ?????? ?? ?????? ??? ??????
????????? ? ?????????? ??? ?????????? ?????? ?? ??? ?????? ?????? ?????, ?????????? ??? ??
????????? ???, ??????, ???' ?????????? ??? ?????? 45 ??? ?????? ?????? ??? ??, ?? ??????
????? ?????????? ?? ??? ?? ?????????? ?????? ???, ??? ?? ?????????? ??? ??, ?? ??????,
????????? ??? ?????? ???, ? ?????????? ??? ?????? ?????? ?????? ???????????, ???,
?????????, ? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ??
????? ?????????? ??? ?????????? ??? ???????????, ??? ??????, ???????????, ???
????????? ?????? ?? ??? ??????????, ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??
????? ??????????, ??? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ???
?? ??? ??????????. ?????? ? ?????? ??? ?????????? ?????????? ?????????? ??? ??
?????????, ?? ?? ??????, ?? ??? ?????? ??????????, ??? ?????? ?????????? ???? ??
????????? ??? ?????? 73 ??? 74 ??? ?????????? ???, ?????????? ??? ?????? ?????????? ???
????? ?? ?????????? ?????? ?????????? ??? [??., ???' ?????????, ?????? ??? 9??
????????? 2021, Ministère public (?????????? ???????), C?906/19, EU:C:2021:715, ????

45].

89 ??????? ?? ??????? ????????, ??? ??????? ?????????????? ??????? ??????? ?? ?????? ?
?????? ?? ?? ????? 132, ?????????? 1, ??????? ??, ??? ??????? ??? ?? ?????? ?? ?? ??
????? ??, ??? ??????? ?????? ?????????? ?????????? ?????????? ?? ??????? ?? ?????? ??
??? ??????? ?? ?????? ????? ?????????? ??? ??????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????????? ?? ?????????????? ???, ? ??? ??????? ?????????? ?????? ?? ??
????????????? ?? ?????????? ??????? ?? ?????????? ??????? ?? ?? ?????? ?? ?? ??
????????? ?? ??????? ?? ?????? ?? ?????? ?? ??????? ?? ??????? ?? ?????? ?? ?? ??
??? ???, ?????????? ?? ?????????? ?? ?? ??????? ?? ?????? ?? ??????? ?????????? ??
????? ?? «?????[?] ??????? [...] ?? ?????? ?????????? ?????? ?? ?? ?????????? ???????
?? ??????? [...] ??? ?? ?????? ?????????????????? ??? [...] ?????????? ??? ?? ??
?????????? ?? ?????? ?????? ?????????? ?? ?????????? ??????????», ??? ?? ???????
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???? ???? ??????? ?????????????????? ?????????????

90 ?? ?? ?????? ??????????????? ????????, ?? ?????? ?????????????? ?????? ???' ?????? ??
?????????????? ?? ?? ?????? 132, ?????????? 1, ??????? ??, ??? ?????? ??? ?? ???? ??
????? ?? ?? ??????? ?? ?? ??????? ?????? ?????? ?????????? ?????????? ??????????
????? ?????????? ?? ?? ?????? ?????????? ?? ?? ?????? ?????????? ?? ?? ?????? ??????
????????? ?? ?? ?????? ?????????? ?????????? ?????????? ?????????? ?? ?? ?????? ???
????? ?????? ?? ?? ?????? ?? ?? ?????? ?????? ?? ?? ?????? ?????? ?????????? ?? ?? ??????
?? «????????[??] ??? ?? ?????????????? ?????? ?????? ?????????? ?? ?? ?????????? ?? ?? ??????????
?????????»», ??? ?? ?? ?????? ??????.

91 ????? ?????????? ??? ?? ?????????? ??? ??????????????, ??? ??????? ??? ??????????????
???? ?????????? ?????????? ?????????? ??? ?????????? ??? ?? ?????? ?????? ?????????? ???????, ??
????????? ?????? ?????????, ??????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ??????
?????????????, ?? ?????????? ?????? ??? ?????? ??????????. ?????? ??? ?????????? ??????
?????? ?? ?????????????? ? ?????? ?????? ?????? ?????????, ??????? ?? ?????????????? ???????,
????????????? ? ?????????? ?????? ??????????, ?????????? ? ??????????????????????????, ?
????????? ??? ?????????????? ??? ???????, ?????????? ?????? ??? ?????? ??? ?? ??????
?????????????, ?? ??????? ?? ?? ?????? ?????????? ??? ?????? ??? ?? ?????? ??? ??????
????????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????? ??? ?? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ? ?????? ?????????? ?????????? ?????????, ?????? ?? ?????????? ??? ?????? ??? ?? ??????
????????? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? (???????)
??? 15?? ??????? 2021, Administration de l'Enregistrement, des Domaines et de la TVA,
C846/19, EU:C:2021:277, ?????? 70 ??? ??? ?????????????? ??????????).

92 ???????, ??? ?????????????? ??? ??? 67 ??? ?????????? ??????????, ? ?????????????
????? ??? ?????? ?? ?????????????? ??? ?????????? ??? ?????????? ?? ?????? 132, ?????????? 1,
????????? ?, ?? ??????? ?????? ??? ?????? ?????????? ?????????? ?????????????? ?? ????
????????? ?? ?? ??????? ?????? ?????? ?????? ?????????? ??????????. ?? ?????? ??????????,
????????? ?? ?????? ?????????? ?? ??????, ?????? ??? ?????? ??? ?????????? ??? ?????????? ??????????,
?? ? ?????????? ??? ?????? ?????? ?????? ?????????? ? ?????? ??? ?????????? ??? ?????????? ?? ??????????
????????? ??? ??? ?????? ??? ?? ??? ?????? (????????? ??? 15?? ?????????? 2012,
Zimmermann, C?174/11, EU:C:2012:716, ????? 32 ??? ??? ?????????????? ??????????).

93 ????? ??????????, ????, ?????????????? ????? ???? ????? ?????? ????? ???? ?????????????? ? ??? ??
????????????? ??? ?????????? ?????????? ?????????? ??????????, ????, ??? ?????? ?????? ???, ?????????? ???
?????? 132. ?????????? 1, ??????? ??, ??? ?????? ?????? ???, ?????????? ???, ?????????? ???, ??????????

???????????? ? ? ?????????? ??? ? ? ?????????? ?????? ?????????? ?????? ??? ?????? ???
????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ????????????, ? ??????, ??? ?????? ??? ???,
????????????? ??? ?????? ??? ?????? ?????????????? ?????????????? (????????? ??? 15?? ?????????? 2012,
Zimmermann, C?174/11, EU:C:2012:716, ????? 33 ??? ??? ?????????????? ??????????).

94 ?? ??? ? ? ?????????? ??? ??????, ?????????????? ???, ??? ?????????????? ??? ??
????????? ??? ????????????, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??
????? 132, ?????????? 1, ???????? ??, ??? ?????? ??? ?????? ??? ?????????? ??? ??????????, ??? ???
????? ??? ?????? ??? ?????????? ?????????? ??????????, ?? ??? ?? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ?????????? ?????????? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????????? ??? ??? ?????? ?????? ?????????? ?????????? (????????? ??? 15?? ?????????? 2012,
Zimmermann, C?174/11, EU:C:2012:716, ????? 43 ??? ??? ?????????????? ??????????).

95 ????????, ??? ?????? ?????? ??? ?????????? ??? ?????, ? ?????? ?????????? ??? ??????
????? ????????????, ?? ?? ??? ?????? ?????? ??? ?????, ??? ?????? ??? ?????????? ??? ?????????? ??
????? ??? ?????? ??? ?????? ?????????????? ??? ??? ?????? ?????? ?????? ?????????? ??? ??
????? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ?????? ??????????, ??
????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ?????? ??? ???,
?????????, ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ???,
????? ??? ??? ? ?????????? ??? ? ??? ?????? ??? ?????????? ?????????? ??? ??? ???.

96 ??? ? ? ?????? ??? ?????????? ??? ?????, ?????????????? ??? ? ?????????? ??????????, ??
????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????????, ?? ??????
????????? ?????????? ??? ?????????? ?????????, ??????? ?? ? ?????????? ??? ?????? ?????? ??????,
????? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???
????????? ?? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «????????[?] ??? ??
????????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? », ??? ?? ?????? 132,
????????? 1, ???????? ??, ??? ?????? ??? ??, ?????? ??? ?? ?????? ??? ?? ?????? ??? ??????
????????????? ?????? ?????????? ?????????? ??? ?????????? ? ?????????, ??? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ?????????? ?????????? . ?????????, ?
????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ???
????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ???
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ???
????? 91 ??? 94 ??? ?????? ?????? ??????, ??? ?????? ?????? ?????????? ??? ?????? ??? ?? ???
????????? ??? ??? ?????? ??? ?????? ??????.

97 ?????? ??? ?????? ??????, ??? ?????? ?????????????? ?????? ?????? ??? ?????? ?
????????? ??? ?? ?????? 132, ?????????? 1, ???????? ??, ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??????????
????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??????
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? «????????[?] ??? ?? ?????????? ?????? ?????? ?????? ?????????? ??? ?????????? ???
????????? », ??? ?? ??? ?? ?????? ??????, ??? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??????.

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98 ?????????? ??? ? ?????? ?????????? ??? ? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ?????????? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ?????????? ???, ?' ???
????????? ?? ?????????? ??? ??? ?????? ?????? ??????. ?? ?????? ??? ?????? ??????????.

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

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

1) ?? ????? 132, ?????????? 1, ????????, ??, ??? ?????? 2006/112/?? ??
??????????, ?? 28?? ?????????? 2006, ??????? ?? ?? ????? ??????? ??
????????????? ????, ??? ?????????????? ?? ??? ?????? 2008/8/?? ??
??????????, ?? 12?? ?????????? 2008,

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

2) ?? ????? 132, ?????????? 1, ????????, ??, ??? ?????? 2006/112, ??
?????????? ?? ?? ?????? 2008/8,

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

3) ?? ????? 132, ?????????? 1, ????????, ??, ??? ?????? 2006/112, ??
?????????? ?? ?? ?????? 2008/8,

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????????????? ?? ?????? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ??
????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????????? ?????? ?? ??
????????? ?? ?????? ?????? ?? «????????[??] ?? ?? ?????????? ?????? ?? ??
????????? ?? ?????? ?????? ??????», ?? ?????? ?? ?????? ???????, ?? ?????? ?? ??
????????? ?? ?????? ?????? ?????? ?? ?????? ?????????? ?????????? ?? ?? ??
????????? ?? ?????? ?????? ?????? ?????? ?????????? ?? ?? ?????? ?? ?? ??
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(?????????)

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