

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

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

??? 27?? ??????? 2023 (\*)

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? (???) – ??????  
2006/112/?? – ?????????????? ?????? – ?????? 2, ?????????? 1, ?????????? ?? – ?????? ??  
?????? “????????????? ?????? ??? ?????????????? ?? ?????????? ??????” – ?????? 9,  
????????? 1 – ?????????? ?????????? – ?????? 14, ?????????? 1 ??? ?????????? 2,  
????????? ?? – ?????????? ?????? – ?????????? ?????????? ?????????? ?????????? – ??? ??  
????????????? ??? ?? – ?????????? ?? ?? ?????? ?????????? ??? ?????? ?????????? ???  
????????????? ??? ?? ?????? ??? ?????????? ?????????? ?????????? – ??????????  
????????? ?????? ?????? – ?????????? ??? – Sui generis ?????????? ??? ?????? ???  
????????? ?????? ?????? ?????????? ?????????? ??? ?????? ?????? – ?????? ??? ??? “?????????  
????????? ??????” – ?????? 2006/112/?? – ?????? 13, ?????????? 1, ?????? ??????, ??  
????????? ??? ?? ?????? – ?????? ??? ?????????? ??? ? ?????? ?????????? ?????????? ???  
????????? ???’ ?????? ??? ?????? – ?????? ??? ????? “?????????” ?????????????»

???? ??????? C?677/21,

?? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???  
????????? ?? vredegerecht te Antwerpen (????????????? ??????????, ??????) ?? ??????? ??? 8??  
????????? 2021, ? ?????? ??????? ??? ?????????? ??? 11 ?????????? 2021, ??? ???????  
??? ????

### **Fluvius Antwerpen**

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**MX,**

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

????????? ??? ??? L. Arastey Sahún, ??????? ???????, ??? ??? N. Wahl (?????????) ??? J.  
Passer, ???????,

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

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

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

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

– ? Fluvius Antwerpen, ?????????????? ??? ??? C. Doclo, avocate, ?????? ??? ??? ??? T.  
Chellingsworth, D. Devroe ??? B. Gevers, advocaten,

– ? ??????? ???????, ?????????????? ??? ??? P. Cottin, ??? J.?C. Halleux ??? ?? C.  
Pochet,

- ? ?????????? ????????, ?????????????? ??? ??? J. Jokubauskait? ??? ??? W. Roels,  
???? ?????? ?? ?????? ?????????? ??? ???????? ??? ?????? ??? ??? ?? ??????????  
??? 12?? ?????????? 2023,

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

???????

1 ? ?????? ?????????????? ?????? ??? ??????? ??? ?????? 2, ?????????? 1,  
????????? ?, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????  
?? ? ?????? ?????? ??? ?????????????? ?????? (?? 2006, L 347, ?. 1), ??? ??????????????  
?? ??? ?????? 2009/162/?? ??? ??????????, ??? 22?? ?????????? 2009 (?? 2010, L 10, ?. 14)  
(?? ?: ?????? 2006/112), ?? ?????????? ?? ???? 14, ?????????? 1 ??? 2, ????? ???  
?? ???? 9, ?????????? 1, ??? ???? 13, ?????????? 1, ??? ???? ??????.

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? Fluvius  
Antwerpen (?? ?: Fluvius), ?????????? ?????? ?????????? ?????????? ??????????, ???  
??? MX, ?????????? ?????????? ??????????, ?? ?????????? ??? ?????????? ?????????? ???  
????????? ?????????? ??? ?????????? ??????.

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

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

3 ?? ?????? 2 ??? ?????? 2006/112 ??????? ?? ???:

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

4 ?? ?????? 9, ?????????? 1, ??? ?????? 2006/112 ?????? ?? ???:

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

5 ??? ?? ?????? 13, ?????????? 1, ??? ?????? 2006/112:

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

[...]

6 ?? ?????? 14 ??? ??????? 2006/112 ??? ?? ???:

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

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

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

[...]]».

7 ?? ?????? 15, ??????????? 1, ??? ??????? 2006/112 ?????????? ?? ????:

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

8      ?? ?????????? | ?? ??????? 2006/112 ?????????? «?????? ?? ???? ?????????????? ??  
?????? 13, ?????????? 1, ????? ?????» ??? ??????????, ??? ?????? 2 ?? «??????  
??????, ??????, ?????????? ?????????? ??? ?????? ??????????».

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

O ??????? ???

[...]

?????, ?? ????, ???????????, ??? ??????? ?? ?????????????? ??? [??], ??? ??? ??????????  
?????????????? ? ??????? ?????? ?????? ??? ????? ????? ??????????:

[...]

2°     ??? ?????????? ??? ?? ??????? ???????, ??????? ??????, ??????????? ?????????? ???  
???????, ????????

[...]».

10      ?? ?????? 9, ?????? ??? ??????? ???????, ??? ?????? ??? ?????????? ?? ????:

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

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

1° ? ?????????? ???????, ?? ?????? ?????, ? ?????????? ??? ?????

[...]]».

11    ?? ?????? 10, ??????????? 1 ??? 2, ??? ?????? ??? ??? ???? ?? ????:

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

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

2.     ?? ?????????? ?????? ?????????? ??????:

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

[...] ».

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

12 T? decreet houdende algemene bepalingen betreffende het energiebeleid (????????? ???  
??? ??????? ?????????? ??? ????? ?? [...] ?????????? ??????????), ??? 8?? ??? 2009 (  
*Belgisch Staatsblad*, ??? 7?? ??????? 2009, ?. 46192), ???????? ??? ?? ??????????  
????????? ??? ????????????, ??? ????????????, ?? ?? decreet tot wijziging van het  
Energiedecreet van 8 mei 2009, wat betreft het voorkomen, detecteren, vaststellen en bestraffen  
van energiefrau (????????? ??? ????????????, ?? ????????????, ??? 8?? ??? 2009 ??? ??  
?????????, ??? ????? ?? ???????, ?? ????????, ?? ??????????, ?? ????????????, ??? ?? ???????  
???????????, ?? ????????????, ??? 24?? ????????????, 2017 (*Belgisch Staatsblad*, 22 ??????? 2017, ?.  
38694) (???, ???: ???????, ??? ?? ???????), ?? ????? 1.1.3, ?? ?????? ??????? ?? ???:

«[...]

40°/1 ??????????? ?????: ????? ?????????? ?????? ? ?????????? ?????????????????? ??????????, ?  
????? ?????????????? ??? ?? ?????????? ?????????????? ??????. ?? ?????????? ??????  
?????????:

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

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

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

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

[...]».

14 ?? ????? 5.1.2 ??? ??????????? ?? ?? ??????? ?????????? ?? ???:

«[...]

?? ?????? ???. ?????? ?????? ?????????????? ? ?????????????? ?????? ??? ???. ?????????????? ???.  
????????????? ???. ??? ???. ?????? ???. ?????? ???. ?????? 1.1.3, 40°/1, ?????? a), b), c), d) ???. g),  
?? ???. ?????????? [...], ? ?????????? ???. ?????? ???. ?????? ???. ?????? ???. ???. ?????? ???. ???.  
???????????, ?? ???. ???. ?????? ???. ?????? ???. ???. ?????? ???. ?????? ???. ?????? ???. ???.  
?? ???. ???. ?????? ???. ???. ?????? ???. ???. ?????? ???. ???. ?????? ???.

[...]»

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

15 ? besluit van de Vlaamse Regering houdende algemene bepalingen over het energiebeleid  
(????????????? ??????? ?? ?????????????? ?????????????? ??? ?????? ?? ??????? ?????????????? ???  
????? ??? [...] ?????????????? ??????????), ??? 19?? ?????????? 2010 (*Belgisch Staatsblad*, 8  
?????????? 2010, ?. 74551), ??? ?????????????? ?? ??? besluit van de Vlaamse Regering tot  
wijziging van het Energiebesluit van 19 november 2010, wat betreft het voorkomen, detecteren,  
vaststellen en bestraffen van energiefrau (????????????? ??????? ?? ?????????????? ??????????????  
????? ?????????????? ?? ?????????????? ?????????? ??? 19?? ?????????? 2010 ??? ??  
?????????, ??? ?????? ?? ?????????, ??? ?????????, ?? ?????????, ?? ?????????? ??? ??? ?????????? ??  
????????????? ??????), ??? 26?? ?????????? 2018 (*Belgisch Staatsblad*, 30 ??????? 2018, ?.  
31178) (??? ????: ??????????? ??????? ??? ?? ???????), ?????????????? ?? ??? 4.1.2, ??  
????? ??? ?? ???;

«§ 1. ?? ??????????????? ?????? ?? ????? ??????????????? ?? ????? 5.1.2 ?? 5.1.3 ?? [????????????? ?? ?? ?? ??????] ????????????, ??? ??????????, ?? ?????? ??? ???? ???? ??????????? ?? ?? ?? ?????????? ??????:

1°      ????? ????' ?????????? ????????

2°      ????? ?????????????? ?????? ??????????????, ??????? ? ??????????

3°      ??? ?????????? ??? ?????????????? ??????

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

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

1° ??? ?????? ??? ?????? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?? ??????  
?????? ??? ?????? ??? ?????????? ??? ??????????

2° ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ??????????

3° ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????  
?????????

4° ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????

[...]

§ 2. ??? ?????????? ??? ?????????? 1, ??? 3, ??? 1°, 2° ??? 3°, ? ??????????  
????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ?????? ?????????? ?????????? ??????????, ?? ?????? ?????????????? ?????????? ?? ???  
????????? ??? ?????? ?????????? ??????, ?????????????? ??? ???, ??? ?????? ??? ??? ??  
???.

? ?????????? ??? ?????? ??? ?????? ??? ??????? 1 ?????????? ??? ?????? ??? ??????? ???  
????????? ???, o ?? ?????? ??? ?????? ?????????????? ??? ?????????????? ??? ?????????????? ???  
??? ?????? ?? ?????? ??? ?????????? ??? ?????????????? ??? ?????????? ???.

§ 3. ??? ?????????? ??? ?????????? 1, ??? 3, 4°, ? ?????????? ??? ??????????  
????????? ??? ?????????? ??? ?????? ?? ?? ?????? ?????????? ??? ?????? ?????????? ?? ??? ??????  
?????????.

[...]

? ??? ? ??? ?????????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??  
????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????, ??? ??? ?????????? ??? ??????,  
???? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????, ??? ??? ?????? ??? ?????????? ??? ???  
????????? ??? ?????????? ??? ??? ?????????? ??? ?????? ??? ?? ?? ?????? 20, ?????????? 1, ???  
????? ??? 29? ?????? 1999 ??? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ??  
?? ??? 15/10, ?????????? 1, ??? ??? ??? 12? ?????? 1965 ??? ?? ?????????? ??? ??  
??? ?????? ?????????? ??? ??????, ?????????????????? ??? ??????, ??? ?????????? ??? ??  
???.

[...]»

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

16 ? ?????????? ?????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? (?????) ???????  
?? ?? ?????? ??? ??? ??????, ?? ???, ?? ?? ?????? ???, ?????????? ??? ?? ????????

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

17 ???' ?????????? ??? ?????? 4.1.1 ??? ?????????? ??? ?? ??????????, ? VREG ????? ??  
Fluvius ?? ?????? ??????? ?????????????? ?? ?? ?????????? ?? ????? ?????? ???????  
????????? ??????? ?? ?????? ?????? ?????? ????? ?????? ????? ?????? ?????? ???  
????????? ?????.

19 ?????????? ?????? ??? ?????? ??? Fluvius ??? ?????? ?????????? ??? ?????????? ??? ?  
????????????? ??? ?? ?????????????? ??? ?? ?????? ?????????? ?? ??? ? ??????????????  
??? ??? ?????? ?????????????? ???, ??? ?? ?????????? ?? ?????? ?????????? ??????????  
?????????. ?? ?????????? ??? ?????????? ?????????????? ??? ?????????? ?????????? ???  
????????????? ??? ??? ??? ??? ??? ??? ??? ??? . ?? ?????????? ?????? ????????, ???  
?????????????, ??? ??? ???, ?? ?? ?????????? ??? ?????????? ?????????? ??? ?????? ???  
????????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ??????????, ?? ??? ??  
????????? ??? ??? ?????? ??? ?????? ??????.

20 ???? ??? ??????? ??? ?? 7 ?????? 2017 ??? ??? 7 ?????????? 2019, ? MX, ????????,  
?????????? ?????????? ?????????? ?????????? ?????????.

22 ?? ?? ???????, ??? 22 ??????? 2021 ? Fluvius ??????? ??? MX ??????? ???. ???????????, ?? vredegerecht te Antwerpen (?????????????? ???????, ??????), ?? ??????? ???. ??????? ???. ?? ??????? ????????????. ?? ??????? ??????????? ??????????? ??? MX, ?? ??? ???. ??????? ???????????, ?? ??????????? ?? Fluvius ??? ?? ??????? ??? «?????????? ??????????? ??????????? ??????????? ??????». ????????, ??????? ??????????? ?? ??? ???. ?? ??????? ??? ??????????? ??? ????????.

23 ?????????? ?? ???, ????, ??? 1? ????? 2018, ????? ?????????????? ??????? ???  
????????? ?????? ?? ??????? ?? ? ?????????? ????? ?????? ?????? ?????? ?????? ??????????  
????????? ?????????? ?????????? ?? ????. ??? ??? ?? ??? ??????????, ?? ??????????  
????????? ??? ?????? 1.1.3, 40°, ?????????? 1, ??? ??? ?????? 5.1.2 ??? ?????????? ??  
?? ????????, ????, ??? ?? ?????? 4.1.2 ??? ?????????? ?????????? ??? ??? ??????  
????????? ?? ????, ????, ?? ??? ?????????? ?????????? ??? ?? ?????? ?????? ?? ??????  
????????? ?????????? ?? ??? ?????? ?????????? ?????? ??? ?? ?????????? ??? ??????  
????????? ?????????? ?? ?????????? ?? ?????????? ?????? ?????? ?????????? ??? ??????  
????????? ?????????????? ?????? ??? ?? ?????? 1.1.3, 40°, ?????????? 1,  
??? ?????????? ?? ??? ???????. ????????, ?? ?????? 4.1.2., ?????????? 3, ???  
????????? ?????????? ?? ??? ??????????, ??????, ?????????? ??? ?????? ?????????? ????  
????????? ??? ?????????? ?? ??? ?????????????? ?????? ?? ?????? ?????????? ???,  
?????????, ????, ??? ? ?????????? ??? ?????????????? ??? ?????? ???, ??? ?????? ??? ?? ???  
???

24 ??????????, ?? ?????? ?????????? ?????????? ??? ?????? ?? ???????????????  
????????? ??? ?????? ?????? ?? ?????? ??? ?????? 2006/112.

25 ??? ??? ??????? ????, ?? vrederecht te Antwerpen (????????????? ????????)  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??  
????????? ?????????????? ?????????:

«1) ??? ?? ??? 2, ?????????? 1, ???????? ??, ?? ?????????? ?? ?? ??? 14,  
????????? 1, ??? ?????? [2006/112] ??? ?????? ??? ? ?????? ??? ?????????? ?????  
????????? ??????, ??? ?????????? ??? ?????????? ?? ?????? ??? ??????, ?? ??????,  
????????? ???;

2) ?? ?????????? ?????????? ?????????? ??? ?? ??? ??????, ??? ?? ??? 14,  
????????? 2, ???????? ??, ??? ?????? [2006/112] ??? ?????? ??? ? ?????? ???  
????????? ?????? ?????? ??????, ??? ?????????? ?? ?????????? ?????? ?????????? ???  
????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? ??  
?????;

3) ??? ?? ??? 9, ?????????? 1, ??? ?????? [2006/112] ??? ?????? ??, ??? ? Fluvius  
Antwerpen ?????????? ?????????? ??? ?????????? ?????????? ?????????? ??????????  
????????? ?? ?????????? ??? ?????? ??? ??? ?????? ??? ? ?????? ??? ?????????? ??????????  
???? “????????????? ??????????????” ??? Fluvius Antwerpen, ?????? ??? ??????????????  
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??????????;

4) ?? ?? ??? 9, ?????????? 1, ??? ?????? [2006/112] ??? ??? ?????? ???, ???  
????????? ??? ?????????? ??? ?????? ?????????, ?????????? ?????????? ??????????????, ???  
?? ??? 13, ?????????? 1, ??? ??????, ??? ?????? [2006/112] ??? ?????? ??? ? Fluvius  
Antwerpen ?????? ?????? ??? ??, ?? ?????????? ?????????? ?????????? ?????????? ??? ?? ???  
13, ?????????? 1, ??? ??????, ??? ?????? ??? ? ?????????? ??? ?????????? ?????? ??? ?? ???  
????????? ??? ?? ?????????? ?????????????? ??? Fluvius Antwerpen;»

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

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

26 ?? ?? ??? ?????? ?? ?????????? ?????????????? ???????, ?? ?????? ?????? ?? ??????????  
??? ??????, ?? ?????? ?????????? ?????? ???' ?????? ?? ?????????????? ?? ?? ??? 2,  
????????? 1, ?????????? ??, ??? ?????? 2006/112, ?? ?????????? ?? ?? ??? 14,  
????????? 1, ?? ??? 14, ?????????? 2, ???????? ??, ??? ?????? ??????, ??? ???  
????? ??? ? ?????? ?????????? ?????? ??? ?????????? ??? ?????????? ??????, ??? ???  
?? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??????, ??? ?????? ??????  
????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??????.

27 ?????????????? ?????????????? ??? ?? ??? 2, ?????????? 1, ?????????? ??, ??? ??????  
2006/112, ?? ?????? ??? ?????? ?????????? ???????, ?????? ??? ?????????? ??? ??,  
????? ???, ?? ?????????? ??? ?????? ??? ?????????????? ?? ?????????? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?? ??? ??????  
?????.

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

????? ??? ?????????????? ?????????????? ???????????, ???? ???? ??? ?????????? ??? ??, ????, ????  
????????????? ?????????????? ?????? ??? ?????????? ??? ?? ??????? ?????????? (?????????  
??? 10?? ?????????? 2011, The Rank Group, C?259/10 ??? C?260/10, EU:C:2011:719, ?????? 45  
??? ??? ?????????????? ?????????), ?????????? ??? ?? ??????? ?????? ??? ?????????? ??? ??  
????????? ??? ?? ??????? ?????????? ?????? ? ?????????? (????????? ??? 1?? ??????? 2021,  
Tribunal Económico Administrativo Regional de Galicia, C?521/19, EU:C:2021:527, ?????? 31 ???  
???? ?????????????? ?????????) ?????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ??  
????????????? ???' ?????????? ??? ?????????? 2006/112.

29    ?????????, ??? ?????????????? ??? ?? ?????? 15, ?????????? 1, ??? ?????? ??????  
????????? ??? ?????????? ?????????? ?? ??????? ??????, ?????? ?????? ?? ??????????????  
??? ? ?????????? ???????, ???? ??? ?????? ??? ?????? 2, ?????????? 1, ?????? ???,  
??? ?? ??? ?????? ??????, ???? ??? ?????????????? «?? ?????????? ??????», ??? ??????????????  
??? ?????? ?????? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?????????? ???  
????? ?????? ?????? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ???  
????????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ?????? ??? ??????????  
????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????????? ???????, ??  
????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ??  
????????? ??? ?????? ?????? (?????. ??????? ??? 15?? ??????? 2021,  
Administration de l'Enregistrement, des Domaines et de la TVA, C?846/19, EU:C:2021:277, ?????  
36).

30    ?? ??????????, ? ?????? ?????????? ?????? ??? ?????????? ?????????????? ??????????  
????????? ??? ?? ?????? ??? ? Fluvius ?????? ?? ?????????? ?????????? ??? ??  
????????? ?? ?????? ?????? ?? ?????? ?????????? ?????????? ??? ? MX ?????? ???  
????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ? Fluvius ?????????? ??? ??  
????? ??? ?????? ?????????? ?????? ?????????????? ??? ?????????? ??? ?????????? ??? ??  
????????????? ??? ?????????? ???, ?????????? ?? ?????????? ??? ?????????? ??? ??  
????? ??? ?????? ??? ?????????? ??? ?? 7 ?????? 2017 ??? ?? 7 ?????????? 2019. ??????, ??  
????? ??? ?????????????? ??? ?????? ??? ?????????? ?????????????? ?????????? ??????????  
????????? ??? ?????????? ??? MX.

31    ??????, ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ?? ?????????? ??? ??  
????? ??? ?????????? ??? ?????????? ??? ?????????? ??? 28 ??? ?????? ??????????,  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??????????, ???  
????? ?? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ???, ??  
??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

32    ??? ?????, ??? ?????????? ? Fluvius, ?????? ??? ?? ? ?????????? ??????????  
????????? ??? ?? ?????? ??? ?????? ???????, ?? ?????? ?????? ??? ?????????? ???  
????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??????  
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ????  
????????? ???????, ? ?????? ?????? ??? ?????? ??? ?????? ??? «????????? ??????» ??? ?????????? ???  
? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
??? ?????? ?? ?????? ????. ??? ???????, ??? ?????????? ??? ?????? 23 ??? ??????????  
?????????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??  
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???.

33 ????????, ??????? ?????? ? ?????? ?????????? ?? ?????? ??????????????????, ???  
????????????? ?? ?????? ?????????? ?? ??????, ?????? ?? ?????????? ?? ?????????? ?? ??????  
????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 2, ?????????? 1, ?????????? ?, ???  
????? 2006/112.

34 ?????????? ?? ?????? ?? ??? ?????? ?????????? ??????? ??????? ?? ?????????? ?? ?  
?????????? ?? ?????????????? ?? ?????????? ???????, ?? ??????, ?????????? ?????, ???? ??  
????? ?? ?????? 14, ?????????? 1, ??? ?????? ?????? ?? ?????? ?? ?????????? ?????? ???????????, ??  
????????? ???????????, ??? ?????????? ??????, ??????? ?????????? ??? ?????????? ?????? ?  
??? ?????? ??? ? ? ??????? ??????, ??????? ?? ?? ?????? 14, ?????????? 2, ??????? ??,  
??? ?? ??? ?????? ???????.

35 ?????????????? ??? ?? ?????? 14, ?????????? 1, ??? ?????? 2006/112 ??? ??????????  
??? ?????????? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????  
??????, ??? ?????????????? ??? ????? ?????????? ?????????? ?????? ??? ??????  
???????????, ??? ??? ????? ? ?????????????????? ??? ?????? ?? ?????????? ??? ??????  
?? ?????? ?? ?????? [????????? ??? 25? ??????????] 2021, Gmina Wrocław (????????? ???  
????????? ??????????), C?604/19, EU:C:2021:132, ??? 52 ??? ??? ??????????????  
?????????].

36 ? ?????? ??? ????? ?????????????????? ?????????? ??? ?????????????? ?????????????? ???  
?????? ??? ??? ?????????????? ??? ?????????? ?????? (?????? ??? 15?? ??? 2019, Vega  
International Car Transport and Logistic, C?235/18, EU:C:2019:412, ??? 28).

38 ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? 14 ??? ??????  
????????? ??? ? ?????????? 2 ??? ?????? ?????? ??????, ?? ?????? ?? ??? ?????? ??????  
??? ?????????? 1, lex specialis, ??? ?????? ?????? ??? ?????? ?? ??????????????  
????????? ??? ?????? ?????????? ?? ?????? ?? ?????? ??? ?????????? 1 [????????? ??? 25??  
????????? 2021, Gmina Wrocław (????????? ??? ?????????? ??????????), C?604/19,  
EU:C:2021:132, ??? 55 ??? ??? ?????????? ??????], ? ?????????? ???  
????????????? ??? ?????? ?????????? ?????? ??? ?????? ?????????? ?????????? ???  
????????? ??? ?????? 14, ?????????? 2, ?????? ??, ??? ?????? ??? ?????? ??? ??????  
?????.

39 ??????? ?? ????????????????, ??? ?????? ??? ??? ?????? ?????????????? ???????  
?????? ?? ?????? ? ??????? ??? ?? ??? 2, ?????????? 1, ?????????? ?, ??? ??????  
2006/112, ?? ??????? ?? ?? ??? 14, ?????????? 1, ??? ?????? ??????, ??? ??? ??????  
?? ? ?????? ?????????? ?????????? ??? ?????????? ?????????? ??????????. ??? ??? ?? ???

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

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

40 ?????????? ??? ??????? ?????????? ?????????????????? ??????????, ?? ?????? ?????? ?? ?????????? ?? ??????????????  
???? ??????, ?? ?????? ?????????????? ?????? ???' ?????? ?? ?????????????????? ?? ?? ?????? 9,  
?????????? 1, ??? ??????? 2006/112 ??? ?????? ??? ?????? ??? ? ??????? ??????????????  
????????? ??? ?????????? ?????????? ???????, ??? ?? ???? ?????? ?????????? ??? ??????????  
????? ?????????? ?????????????? ??????, ??????? ?????????? ?????????????? ???, ??????  
????? ?????? ??? ?????? ??????, ??, ??????, ?????? ? ?????? ?????? ?????? ?????? ??????????????,  
????? ? Fluvius, ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 13, ?????????? 1,  
??? ?????? ???, ??????, ?? ?????????? ?????????? ?????????????? ??????????????, ? ?? ????  
????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ???? ?????????? ?????????? ???'  
????? ??? ?????? ?????????????? ?? ?????????? ?????????????? ??? ??????.

41 ??????? ?? ?????????????? ??? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?? ???? 9,  
?????????? 1, ??? ?????? 2006/112, ??????, ?????????? ? ?????? ??? ?????? ??????????  
??? ??? «?????????? ??????????????» ???, ????????, ?????????? ?????? ? ??????????????  
????????? ???, ??? ??? ?????? ??? ? ?????????? ?????? ????????, ??????????  
??? ?????? ? ??? ?????????????? ??? [????. ??????? ??? 25 ?????????? 2021, Gmina  
Wrocław (????????? ??? ?????????? ??????????), C:604/19, EU:C:2021:132, ??? 69 ???  
??? ?????????? ??????].

42 ???????, ??? ?????????????? ??????????????????, ?? ?????, ?????????? ??? ??????????  
?????? ?????????? ??? ??????? ?????? ?????? ??? ?????? ??????? ?? ??????? ???  
????????? ??? ?????????? ??????? (??????? ??? 15?? ??????? 2021, Administration de  
l'Enregistrement, des Domaines et de la TVA, C?846/19, EU:C:2021:277, ??? 47 ??? ???  
????????????? ??????????).

43 ?? ???????????, ?? ?????? ??????????? ??? ????? ?? ??????????? ??????? ?? ??  
????????????? ??? ??????????????? ?????? ?? ??????, ??? ? Fluvius, ?? ???????????  
?????? ???????, ?????????????? ? ?????? ??????? ??????? ?? ??????? ???  
????????????? ??? ?????? ??????? ??????? ?????? ?? ??????? ???????, ???  
????????????? ??? ?????? ??? ??? ?????? ?? ??????? ??? ??????? 13, ?????????? 1, ???  
??????, ??? ?????? 2006/112, ?? ??????? ?? ?? ??????? | ??? ?????? ???????, ?? ?????  
????????? ??? ? ??????? ?????????? ?????????? ?????????? ???' ?????? ??? ?? ?????? ???  
???? ??? ?????????? ?????????? ?????????? ?????????? ? ?????? ?????? ?? ??????  
??????. ?????????????? ?? ??????? ??? ??????? ?????? ??? ?????? ?? ??????? ??????  
????????? ???????, ?? ?????? ??????? ??????? ??? ?????? ??? ??????? ??? ?????????? ???  
??????????, ??? ??? ?????, ??? ??????? ?????? ??????? ??? ?????? ?? ??????? ???  
?????????? ?????? ??????? ??? ?????? ??????? ??? ?????????? ? MX.

44      ????? ?? ??????????? ?? ??????????????, ?????????????? ?? ?????? ?? ??? ?????????? ??????  
?????????? ?? ?????? ?????????? ?????????????? ??????????????, ?????? ?? ?????????? ?? ?????? ??  
????????? ?? ?? ?????? ?????? ????? ?????????????? (????. ??????? ?? 15?? ?????????? 2021,  
Administration de l'Enregistrement, des Domaines et de la TVA, C?846/19, EU:C:2021:277, ????  
48 ??? ?? ?????????????? ??????????)

45      ???????????, ??? ?? ?????????? ??????? ??? ??????????? ??????????, ??????, ???  
Fluvius ???????????, ????? ?? ?????????? ??? ????? ?? ????? ?? ????? ?? ????? ??, ??  
????????????? ????? ?? ????????????. ?? ??????????? ??????????? ????? ?? ??????? ?????

? ??????? ?? ???????? ???????? ?? ??? ?????????????? ??????? ?? ?????????? ?? ???? ?  
Fluvius. ??? ???????, ? ??????? ?????? ?? ?????? ?? ?????, ?????? ?????? ?????? ???????, ??  
?????? ?????????? ??? ??????????? ?????? ?????????? ???????????, ?????? ? ?????????????? ??  
??? ??? ?????????? ??? ???????, ???????, ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??  
??? ??? ?? ?????????? ??? Fluvius ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??  
?????????, ??? ?????? ??? ??????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

46    ????, ??? ? ?????????? ??? ???????, ?? ?? ??? 1.1.3, 40°/1, ??? ?? ??? ????  
5.1.2 ??? ?????????? ??? ?? ???????, ?????? ??? ?? ??? ?????? 4.1.2 ??? ??????????????  
????????? ??? ?? ???????, ??? ??? ???? ? Fluvius, ?? ??? ?????????? ??? ??????????  
????????? ??? ?? ???????, ??? ?????? ?????? ?????? ?????????, ?????? ?????????? ???  
????????? ??? ?? ???????, ??? ?????? ?????? ?????? ???????, ??? ?? ?????????? ??? ?????? ??????  
??? ?????????? ??? ?? ???????, ??? ?????? ?????? ?????? ???????, ??? ?????? ??? ?????? ??? ??  
????????? ??? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???  
????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???.

47    ????, ? ??????? ?????? ??? ??????, ?? ?????????? ? ?????? ?? ?????????? ?? ???? ???? ?  
????? ?? ??????? ?? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ??????  
???? ?? ??????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
??????????????, ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
?????????.

48    ??? ???????, ??? ?? ?????????? ??? ???????, ?? ?????????? ??? ?????????????? ??????????  
????????? ??? ?? ??????? ???????????, ?????????? ?? ?????????? ??? ?? ??????? 9,  
????????? 1, ??? ?????? 2006/112 ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????????? ?????????? ???????, ??? ?? ??? ?? ?????? ?????? ?????? ??? ??????  
????? ?????????? ?????????? ???????, ?????? ?????? ?????????? ?????? ?????????? ???  
????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ??????????  
????????? ?????? ?????? ?????? ??????.

49    ??? ?? ?? ??? ?????, ??? ? Fluvius ??? ?????? ?????????? ?????? ?? ???? ?  
??? ?? ?????? ?? ?????? 13, ?????????? 1, ??? ?????? 2006/112 ??, ???????, ???  
????????? ?? ?????? ?????? ?????????? ??? MX ?? ?????????? ???????, ? ?? ???  
????????? ?????? ?????? ???', ??? ?????, ?? ?????????? ??? ??? (?. ??? 43 ??? ??????  
?????????), ??? ?? ? ?????? ?????????? ??? Fluvius ??? ?????? ?? ?????? ??????.

50    ??? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?? ?????? ?? ???? ?  
??????????, ?????????? ??? ? ?????? ?????? ?????? ??? ? ?????? ?????????? ?? ?????????? ??  
????? ??? ?????? ?????? ???????, ?????????? ??? ? Fluvius ?????????????? ???  
????????? ??? ?? ?????? ?????? ?????? ?????? ??? ? sui generis ???????, ?????? ??  
????? ?????????? ??? ? ?????? ?????? ?????? ??? ? ?????? ?????????? ??? . ???????, ???  
????????? ??? ?????? 19 ??? ?????? ???????, ? Fluvius, ?? ?????????? ???  
??????????, ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ?? ???? ??  
??? ? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??  
????. ???????, ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
«????? ?????????? ?? ??????» (Opdrachthoudende vereniging), ??? ?????????? ??? ?  
Fluvius ??????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
??? ?????? ??? ?????? 13, ?????????? 1, ??? ?????? 2006/112.

51    ????, ? ?????????????? ??? ?????? 45 ??? ?????? ?????????? ?????????? ???  
Fluvius ???????, ??? ?? ???????, ?????? ?????? ?????? ?????? ???????, ?????? ?????? ???  
????? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???

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

52 ?? ?? ??????, ?????? ?? ?????? ?????? ?????? ??????? ?? ?????????? ?????????? ???  
??? ?????? ??? ?????? 13, ?????????? 1, ??? ??????, ??? ?????? 2006/112 ??? ???  
????? ? ?????? ?????????? ?????????? ??? ?????????? ?????? ?????? ?????????? ??????????, ???  
????????? ?????????? ??? ?????? ?????????? ???????, ?????? ?? ?????????? ??? ?????? ??????????  
??? ?????? ????.

53 ?????????? ??? ?????????? ?????? ?????????? ?????? ?? ?????????????? ??? ??????????????  
??? ?????????? | ??? ??????, ??? ? ?????? ?????????? ??????????, ?????????? ?? ???  
???????????, ??? ? ?????? ??????????, ??? ???, ??? ???? ?? ?????????? ??? ??????????  
????????? ?????? ?????? ?????? ??? ?????? ???????, ? ?????????? ??? ??????????  
????????? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????????? ??? ??????????????  
(????. ?????? ??? 16?? ?????? 2009, ??????? ??? ??????????, C?554/07, EU:C:2009:464,  
?????? 72 ??? 73 ??? ?????????????? ??????????).

54 ??????, ? ?????? ??? «????????? ??????????????» ?????? ?????????? ??? ??  
????? ?????? ??? ??? ?????????????? ?????????? ??? ?????? ??? ????. ?? ???  
????????? ??? ?????? ?? ?????????? ??? [????. ?????? ??? 25?? ?????????? 2021,  
Gmina Wroclaw (????????? ??? ?????????? ??????????), C?604/19, EU:C:2021:132, ???  
77 ??? ??? ?????????????? ??????????].

55 ??????, ?????? ?? ?????? ?????? ?? ?????? ?? ?????????? ??? ? ?????????????? ???  
????????? ??? ?????? ?? 2006/112 ??? ?????? ??? ??????????, ???  
????????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????????, ???  
????? ??? ??????, ???, ??????????, ??? ??? ?????? ?????? ?????????? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ??? ???  
?????????, ?????????? ??????????, ?????? ?? ?????? ?????? ??? ? ?? ?????????? ???  
??? ?????? ????.

56 ?????????? ??? ?????? ?? ?????? ?????? ?? ?????? ?? ?????????? ??? ? ?????? 45 ??? 46 ???  
????????? ???????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??????? ??? ?????? ?????? ?????? ?????? ?????? ??? ? Fluvius, ??? ??? ??? ???  
????????? ??????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ? ?????????? ???  
????????? ??? ??? ? Fluvius ?????????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ?? ?????????? ?????? ?????? ?????? ???, ??? ?????? ?????? ?????? ??? ???  
????????? ?????? ????. ??? ??????, ?????? ?????? ?????? ?????? ??? ??? ?  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ???  
????????? ??? ??????, ??? ??????, ?? ?????? ??? ???.

57 ?????? ??? ??????, ??? ?????? ?? ?????? ?????? ?????????? ?????? ???  
????? ? ??????? ??? ?? ?????? 9, ?????????? 1, ??? ?????? 2006/112 ??? ??? ???  
? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??? ?? ???  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???,

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

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

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

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

1)    ?? ??? 2, ?????????? 1, ??????? ??, ??? ?????? 2006/112/?? ???  
??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ?????????? ??????  
????????????? ????, ??? ?????????????? ?? ??? ?????? 2009/162/?? ???  
??????????, ??? 22?? ?????????? 2009, ?? ?????????? ?? ?? ??? 14, ?????????? 1,  
?? ??? ????,

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

? ?????? ?????????? ?????????? ??? ?????????? ?????? ?????????? ?????????? ???????, ??? ??  
????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ??????, ??????  
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2)    ?? ??? 9, ?????????? 1, ??? ?????? 2006/112, ??? ?????????????? ?? ??  
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????????? ??? ?????? 13, ?????????? 1, ??? ?????? ??????, ??? ?????? ?????? ?????? ?? ?????  
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\*    ?????? ??????????: ? ???????.