

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

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

??? 29?? ?????????? 2024 (*)

«????????????? ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) – ??????
2006/112/?? – ?????????? ??? ?????????????? ??? ?????? 90, ?????????? 2 – ????? ??????????
??? ????? – ?????? ??? ?????? ?????????? ??? ?????? – ?????? ? ?????? ?? ?????????? ???
????????? – ?????????? ?????????? ?????????? ??? ?????? ??? ?? ??? ?????????? ?????? ???
????? ?????????? ??? ??? – ?????????? ?????????? ??? ?????????????? ?????????? – ??????????
??? ?????????? ??? ??? ??? ?? ??????»

???? ?????? C2314/22,

??. ?????????? ?????? ?????????????? ?????????? ??? ?????? 267 ????, ???
?????? ?? Varhoven administrativen sad (?????? ?????????? ???????????, ???????????) ??
?????? ??? 4?? ????? 2022, ? ????? ?????? ??? ?????????? ??? 11 ????? 2022, ???
?????? ??? ???

«Consortium Remi Group» AD

????

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

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

????????? ??? ??? Z. Csehi (?????????), ??????? ????????, M. Illeši? ??? ?. ????????,
???????,

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

?????????: R. Stefanova?Kamisheva, ?????????? ??????????,

?????? ??? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??? ?????????? ???
12?? ??? 2023,

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

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

– ? ?????????? ????????, ?????????? ??? ??? T. Mitova,

– ? ?????????? ????????, ?????????? ??? ??? D. Drambozova ??? J. Jokubauskait?,
????? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ???
??? 7?? ?????????? 2023,

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

???????

1 ? ?????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? 90 ???
??????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ? ? ? ????
?????? ??? ????? ?????????? ??? (?? 2006, L 347, ?. 1, ??? ????: ?????? ???).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? «Consortium
Remi Group» AD ??? ??? Direktor na Direktsia «Obzhalvane i danachno-osiguritelna praktika»
Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite (????????? ???
????????? «????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????? ??? ?????? ?????????? ???????, ???????) (?? ????: ??????????) ??
????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ??? Consortium
Remi Group ??? ?????? ??? ????? ?????????????? ??? (??) ?? ?????? ??? ?????? ???
??? ?????????? ??? ??? ?????????? ??? ??? ??????????.

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

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

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

3 ?? ?????? 2 ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
??? ??? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????????
????????? ??? (?? 2005, L 157, ?. 203) ????:

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

? ?????? ???

4 ?? ?????? 63 ??? ?????? ??? ?????? ?? ???:

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

5 ?? ?????? 73 ??? ?????? ??? ?????? ?? ????:

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

6 ?? ?????? 90 ??? ??? ?????? ??? ?? ????:

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

2. ?? ?????????? ?????? ?? ??????? ?? ?????????? ??? ????, ?? ????? ??? ????? ??????? ??
????????????? ??? ?? ??????? ??? ?????????? 1.»

7 ?? ????? 185 ??? ????? ??????? ??? ?? ???:

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

2. ??? ?????????? ??? ?? ?????????? 1, ??? ?????????? ?????????????? ??? ?????????? ???
????????? ????, ??? ?? ?????? ??? ?????? ????? ? ?????? ???????, ?? ??????????
?????????????, ?????????? ? ?????? ??? ?????????????? ? ?????????????????? ?????????? ??? ???
????????? ?????????? ??? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? 16.

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

8 ?? ????? 273, ????? ??????, ??? ??????? ??? ?????????? ?? ????:

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

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

9 ?? ????? 115 ??? zakon za danak varhu dobavenata stoynost (????? ??? ?????
????????????? ????, DV ????. 63, ??? 4?? ??????? 2006), ??? ?????? ?? ?????? ??? 1??
????????? 2007, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ??????????
??? ?????? ??? (??? ????: ZDDS), ??? ?? ????:

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

(2) [...] ?? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ??????????
??? ?????????? 1, ??? ?? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????????? ???
????? ?????????? ? ??? ??? ?????????? ??? ??? ?????? ?????????? ??????????????, ??? ?????? ??????????
????? ?????? ??? ??? ?????????? ??????????, ?????????? ??? ?????? ?? ?????????? ????
????????? ??? ?????? ??? ?????????????? ??????????????, ??? ?? ??? ?????? ??? ??????????????
????????? ??? ?????? ??? ?????????? ??? ?????????? ???.

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

(4) ????? ?? ?? ??????? ?????????? ??? ?????????????? ??? ?????? 114, ??? ?????? ?? ?????????? ??????? ?????????? ?????????? ?? ??????????:

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

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

(5) ?? ??????? ?????????? ?????????? ?? ???????????: ??? ?? ?? ?????????? ??? ?? ?? ?? ??????.

[...]

(7) [...] ?? ??????? ?? ?????????? ?????????? ??????? ?? ??? ?????????? ?? ?????????? ?????????? ??? ?????????????? ??? ?? 114, ?????????? 1, ?????? 12, 14 ?? 15, ?????? ?? ?????? ?????? ??? ?????? ? ?????? ?????? ? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????? ?????? ??????, ?????????????? ??? ?? ?????????? ?????? ??????.»

10 ?? ????? 116 ??? ZDDS ??? ?? ???:

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

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

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

(4) ??? ??????? ? ?????????? ??????? ?? ?????????? ??????? ?? ?????????? ?????? ??? ?????????? ?? ?????????? ??? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????:

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

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

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

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

(5) ??? ?? ??????? ??? ??????? ??? ?????? ?????????? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? [?????????] ??? ????? ?????????? ????.»

11 ?? ????? 128, ?????????? 1, ??? Danachno-osiguritelnia protsesualen kodeks (?????? ?????????? ??? ?????????????? ?????????????? ??????????????) (DV ????. 105, ??? 29?? ?????????? 2005), ??? ?????? ??? 1?? ?????????? 2006, ??? ?????? ??? ?????? ??? ?????? ???.

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

«?? ?????????????? ?????????????? ? ?????????????? ??? ?????? ??? ??????, ?????????????? ??????????
????????????? ??????????, ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ??? ???
????????????? ??????, ?????? ??? ?? ??? ?????? ??? ?????????? ?? ?????????? ??? ?? [Natsionalnata
agentsia za prihodite (?????? ?????? ?????? ??????)] ??????? ??? ?????????? ??? ??
????????????????? ??????????, ?????????????? ??? ?????? ?????????? ?????????? ??? ?? ?????
??? ?????????? ??? ?????????? ?????? ??? ?? ?????? ??? ?????? ?????? ?????????? ??? ??
????????? ?????????? ??????. ?????? ?????? ? ?????????? ??? ?????????? ?????? ?????????? ??? ??
????????? ??? ?????????? ?????? ??? ?? ?????????? ?????? ??? ?? ?????????? ??? ?? ?????????? ??? ??.

12 ?? ????? 129 ??? DOPK ??? ?? ???:

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

[...]

(3) [...] ? ?????? ?????????? ? ?????????? ?????? ?????? ?????????? 30 ?????? ???
??? ??????? ??? ?????? ?????? ??? ?????????? ?????? ?????? ?????????? ??? ?? ??? ?? ??? ??
???????????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????????, ?? ?????????? ??? ?????? ?????? ??? ??
????????????? ?????????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????????? ?? ?????? ?????????, ?????? ?????? ??? ?????? ?????? ?????????? ?????? ??? ??
????????? ?? ?????? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ??.

[...]

(7) ?? ?????? ?????????? ? ?????????? ?????? ?????? ?????????? ?????????? ?????????? ?? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ?????? ?????? ???.

13 ?? ????? 110 ??? zakon za zadalzheniyata i dogovorite (????? ???? ?????????? ???????
??? ??????????) (DV ????. 275, ?? 22?? ??????? 1950), ??? ?????? ??? ?????? ??? ??
????????????? ?????????????? ??? ?????????? ??? ?????? ?????? ?????? (??? ????: ZZD), ?????? ??
?????:

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

[...]»

14 ?? ????? 116 ??? ZZD ??? ?? ???:

«? ?????????? ??????????:

a) ?? ?????????? ??? ? ?????????? ?????????? ??? ??????

b) ?? ??? ?????? ??????, ?????????? ? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ? ????, ?
????????? ? ? ?????? ?????????? ??? ?????? ??????, ? ?????????? ?????????? ?? ??

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

c) ?? ?? ??? ????? ?????????????? ??????????.

[...]»

15 ?? ????? 117 ??? ZZD ??? ??:

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

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

[...]»

16 ?? ????? 120 ??? ZZD ???????? ?? ??:

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

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

17 ? Consortium Remi Group ?????????????????? ??? ?????????????? ?????????? ???
?????????????. ?????????????? ??? ?????? ??? 16 ?????? 1995 ??? ?????????? ???
????? ??? 7 ?????? 2019 ??? ?????????? ?? ?????????? ??? ??????? ???
????????? ??? ?????????? ? ZDDS. ?? ?????? ??? 18? ?????????? 2020, ?? Okrazhen
sad Varna (????????? ?????????? ??????, ??????) ?????? ??? Consortium Remi
Group ?? ?????????? ?????? ?????? ??? ??? ?????? ??? ?????????? ??????????.

18 ??? ?????? ?? ??????? ??? 2006 ??? ?? 2010 ??? ?? 2012, ? Consortium Remi
Group ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? «Promes» OOD,
??? «Orkid Sofia Hills» EOOD, ?? «Valentin Stoyanov» EOOD, ?? «Sunshine Coast Investment»
EOOD ??? ?? «Mosstroy-Varna» AD (??? ????: ?????????? ??????). ??? ?????????? ???
????????? ??? ??? ???? ?????? ?????? ?????????? ??? ??? ?????????? ??????????
?????????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ??? ?????????? ??? Consortium Remi
Group ??? ?? ?? ??? ?????? ?????? ??? 618 171,16 ?????????? ??? (BGN) (??????
309 085 ???).

19 ?? ?????????? ??? ?????? ?????? ??? 31?? ?????????? 2011, ?????????? ???
????? ??? Consortium Remi Group, ??? ?? ?????? ??? 1?? ?????????? 2007 ??? 31
?????? 2010, ?????? ??? ZDDS, ??? ?????? ?????????? ? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? Sunshine Coast Investment. ???
??? ?????? ??? Consortium Remi Group ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? Varhoven administrativen sad (????????? ?????????? ???, ???????).

20 ?? ?????? ??? 7?? ?????????? 2020, ??? ?????????? ?????? ??? ?????? 129,
????????? 1, ??? DOPK (??? ????: ?????? ??????????), ? Consortium Remi Group ???
??? ?? ?????????? ?????????? ???, ?????? ??? ?????? 128, ?????????? 1, ??? DOPK, ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ??? 618 171,16 BGN, ???
????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??? ?????? ?????????? ??? Consortium Remi Group ?????? «????????? ??? ?? ??????????»

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

21 ? ?????? ??? ????? ???????????? ?? ??? ?????????? ??? ??? ?????????? ??? ??? ???
????? ??? ?????????????? ?????????? ??? ??? 129, ?????????? 1, ??? DOPK. ????????,
?????? ??? Consortium Remi Group ??? ??? ?????????? ??? ??? ??? ? ?????? ?? ????????
??? ?????????? ??? ??? ??? ??? ??? ????? ?????????? ????? ?????????? ?????.

22 ??? ?? ?????? ??? ?????????? ?????????? ?????????? ??? ??? ?????????? ???
????????? ??? ?? ??? ?????? ?, Consortium Remi Group ?????????? ??? ?????????? ???
??? ?????? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????, ??? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?? ?? ???
????? ??? ?????? ??? ??? ????? ?????? ??? ?????????? ?????????? ??? ?????? ??????????
????? ?????????? ??? ?????? ??? ????? ?????? ??? ?????????? ?????????? ?????? ???
????????? ??? ?????? ???.

23 ? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ??
????? ??? ?????? ? ?????? 22 ????? 2020.

24 ? Consortium Remi Group ?????? ?????? ??? Administrativen sad Varna (?????????)
????????? ???, ??????) ?????? ??? ?????????? ??? ??? ?????????? ??? ?? ??
????????? ?? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?? ?? ?????????? ???
????????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ? ?? ??? ?????? ?????? ??? ??????
????????? ??? Varhoven administrativen sad (????????? ?????????? ??????????), ?? ???
????? ?? ?????? ??????????, ?????????? ???, ?????? ?? ?? ?? 90, ?????????? 1,
??? ?????? ???, ? ??? ?????? ??? ??? ??? ?????? ?? ?????????? ??? ?????????? ??? ??
????? ? ?????????? ??? ??? ?????? ??? ?????? ?? ?????? ? ?????? ??? ?????? ??? ??????????
????????? ??? ??? ?????? ??? ?????? ? ??? ?????? ?????????? ??? ??? ??? ? ?? ???
????? ??? ?????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ??
????????? ??? ?????? ???.

25 ?? ?????? ?????????? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ???
????????? ??? ?? ?????????? ?? ??? ?????? ??? ?????? ?????? ??? ?? ?? ?????????? ??
?????????, ?????????? ??? ?? ??? 115 ?? ZDDS ?????????? ?????? ?????? ??? ??
????????? ?????????? ??? ??????.

26 ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? 23?? ???????
2017, Di Maura (C?246/16, EU:C:2017:887, ?????? 21 ?? 27), ?????? ??? ?? 3?? ??????
2019, UniCredit Leasing (C?242/18, EU:C:2019:558, ?????? 62 ?? 65), ?? ??????
????????? ???, ??? ?????????? ? Consortium Remi Group ??? ??? ??
????????? ??? ?????????? ??? ?????? 90, ?????????? 2, ??? ?????? ???, ? ??????????
????????? ??? ?? ??? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?? ??????????
??????. ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ? ?????????? ??? ?????? ??? ??????????
????????? ??? ??????????, ?????? ?????? ??? ?????? ??? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??.

27 ??? ?? ?????? ??????????, ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??????????
??? ??? 90, ?????????? 2, ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
?????????, ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ?????????????? ??? ?
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????? ??? ??
?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???.

28 ??? ??? ?????? ???, ?? Varhoven administrativen sad (????????? ??????????)

????????????) ?????????? ?? ??????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
?????????? ?? ?????????? ?????????????? ??????????:

«1) ?????? ?????????? ?????????? ??? ???? 90, ?????????? 2, ??? ?????? ???,
????????? ??? ???? ??? ???? ?????????? ??? ???? ?????? 90 ??? ?????? ??? ??????
????????? ??? ???? ??? ?????? 129, ?????????? 1, ??????? ???????, ??? [DOPK], ? ???
????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ? ??????????
??? ??? ??? ?????????? ??? ??? ?????????? ??? ??? ??? ??? ??? ?????????? ?????? ? ???
????? ?????????? ?? ?????????? ?????? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ???
????? ??? ?????????? ????;

3) ??? ??? ?????????? ??? ?????????? ??? ??? ??? ?????? ?????????????? ??????????:
??? ?????? ?? ?????????? ?? ??? 90, ?????????? 1, ??? ?????? ??? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ? ?????? ?????? ??? ?????? ???
????? ?? ?????????? ?????????? ?????? ? ?????? ?? ?????????? ??? ?????????? ???, ???
??? ?????????? ??? ?? ??? 90, ?????????? 1, ??? ?????? ??? ?????? ??????;

4) ??? ??????? ?? ???????????? ? ?????????????? ??? ?????????????? ??? ?????????????? ???
23? ?????????? 2017, Di Maura (C?246/16, EU:C:2017:887, ??????? 21 ??? 27), [????? ???]
??? 3? ??????? 2019, UniCredit Leasing (C?242/18, EU:C:2019:558, ??????? 62 ??? 65), ??
?? ?????????? ?????? ??? ?????????? ?????? ?????????????? ??? ??? ?????????? ???
?????????? ??? ?????????? ??? ??????? 90, ?????????? 2, ??? ?????? ???;

5) ??????????? ? ??? ???? ?????????????? ??? ? ???? 90 ??? ?????? ??? ???
????????? ??? ?????????????? ?????? ?????? ??? ?????????? ??? ??? ?????????? ??????????
????? ??? ??????, ?? ?????????? ?? ?????????? ??? ??????????, ??? ?????????? ?????????? ???
????????????? ?????? ??? ? ?????????? ??? ?????? ??? ??????????, ?????? ???
????????? ??? ??????, ?????????? ??? ?????? ??? ??????, ?????????? ??? ??????????
? ?????? ??? ??? ?????? ?????? ?????? ??????;

6) ??????? ?? ???????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? 90, ??????????? 1, ???. ??????? ?? ??
???. ?????????? ???. ??????? ???. ??????? ?? ???. ??????? ?? ???. ??????? ???. ??????? ?? ???. ??????? ?? ???.
?????????? ???. ??????? ???. ??????? ???. ??????????? ???. ??????? ???. ??????? ???. ??????? ???.
?????????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???.
?????????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???.

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

29 ????? ???? ????????????, ?? ?????????????? ?????? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ???
????????? ?? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ???? ?? ???? ?????? ?????? ??? ???
????????????? ?????????????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ?????? (????????? ???
17?? ?????????? 2020, Franck, C?801/19, EU:C:2020:1049, ????? 16 ??? ???
????????????? ??????????).

30 ?? ?????? ??????????, ?????? ????, ??? ? ??????????? ?? ?????? ?????? ??
????????? ??????? ?? ?????? ??? ?????? ??? ?????? ? ??????? ?? ?????? ?? ??? ?????? ??

????????? ????? ?????????????? ??? ?????????????? ?????????????? ??? ?????????? ?????????? ?????????
????? ?????? (????????? ??? 3?? ??????? 2019, UniCredit Leasing, C?242/18, EU:C:2019:558,
????? 31).

31 ??????????, ?????????? ??? ? ?????????? ?????????????????? ?????????? ?????????? ?? ??
????????? ??? ?????????????? ? ?????????????? ??? ??? ?????????? ??? ?? ?? ??????????????
????????? ?????????, ? ??????????, ??? ??? ?????????? ?????????? ?????? ?????? ??????
????????????? ?? ?????? ?????????, ???' ?????, ?? ?????????? ??? ?????????? ?????? ??? ??
????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ? ?????? ?????????? ?????? ??
????????? ?????????? ?????????????????? ??? ??? ??? ??? ?????? ?????????? (????????? ??? 27??
????????? 2018, Varna Holideis, C?364/17, EU:C:2018:500, ?????? 31).

32 ?? ??????????, ? ??????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ?????????? ??? ??
2006 ??? ?? 2010 ??? ??? ?? ??? 2012. ???????, ?? ?????????? ??? ?????? ?????? ?????? ??
????????? ??? ??? ?????????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????????
?????? ? ??? ?????? ?????????? ??? ?????? ??? 2006, ??? ?????? ??? ??? ??? ??????????
??? ?????????? ??? ?????????? ??? ?????? ??? 1? ?????????? 2007.

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

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

33 ??????????????, ?????????????? ??? ?? ??????????, ?????????? ?? ?????? ??????
????????? ??? ?????? ??????????, ?????? ?? ?????????? ?? ?????? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????????
????????? ??? ?????? ??? ?????? ??? ?????????? ?????????, ?????????? ??? ?????? ??? ??????????????
????????? (????????? ??? 2?? ??????? 2023, Åklagarmyndigheten, C?666/21, EU:C:2023:149,
????? 22 ??? ??? ?????????????? ??????????).

34 ?? ??????????, ?????????? ?? ?????? ??????????, ?? ?? ?????????????? ?????????? ???,
????????? ??? ??? ??? ?????? ?????????? ??????????????, ?? ?????????? ??? ??
????????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????? ??? ?????? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ???.

35 ??????, ?????? ?? ?????? ?????? ???, ?? ?? ??????, ?? ?????? ??? ?? ??????
????????????? ??????, ?? ?????? ?????? ?? ??????????????, ?? ?????? ?????????? ???,
???' ??????, ?? ?????????????? ??, ?????????? ??? ?????? ??? ?????????? ??? ??????
????????? ?? ?????? 90, ?????????? 2, ?? ?????? ???, ?? ?????? 90, ?????????? 1, ??? ??
????? ??????, ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????, ???
????????????? ??? ??? ??????????????????, ??? ??? ?????? ??? ?????? ??? ?????????? ??
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????????? ??? ??? ?????? ??? ??????
????? ? ?????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???,
????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

36 ?????????? ??? ?? ?????? 90, ?????????? 1, ??? ?????? ??? ?????????? ???, ??
????????? ??????, ??????????, ??????, ?????? ? ?????? ?? ?????????? , ? ?????? ???
?????, ??? ?????????? ??? ??? ?????????????? ??? ??????, ? ?????? ?????? ??? ??????
????????? ??????, ?????? ?? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ???.
????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

????????????????? ??? ??????? ??????, ? ?????????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???
????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ???
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????? (????? ??? 11?? ?????? 2021, ELVOSPOL, C?398/20, EU:C:2021:911, ?????? 24
??? 25).

37 ?? ????? 90, ?????????? 2, ??? ?????? ??? ?????? ???, ?? ?????????? ?????? ?
????? ?? ?????????? ??? ???????????, ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? 90,
????????? 1, ??? ?? ??? ?????? ??????.

38 ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ?????????? ??????
?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? 90, ?????????? 2, ??? ?????? ??? (?????
?? 3?? ?????? 2019, UniCredit Leasing, C?242/18, EU:C:2019:558, ????? 60 ?? ???
????????? ?????? ??????).

39 ?? ??????????, ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????????? ?????????? ??? ?????? ??? ?????? ?????????? ??????????,
?? ?????? 115, ?????????? 1, ??? ZDDS, ??? ?????????? ??? ?????? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

40 ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????, ?????? ?? ?????????? ???
? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
(????. ?????? ??? 3?? ?????? 2019, UniCredit Leasing, C?242/18, EU:C:2019:558, ???
61).

41 ??????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??????????
?????????, ? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? (????? ??? 11?? ?????? 2021, ELVOSPOL, C?398/20, EU:C:2021:911, ???
27 ??? ??? ?????????? ?????? ??? ??????).

42 ??????, ? ?????? ??? ???? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? ?????? ???, ? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? (????? ??? 11?? ?????? 2021, ELVOSPOL, C?398/20, EU:C:2021:911,
????? 28 ??? ??? ?????????? ??? ??????).

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

?????? ?????? ???, ??? ?? ?????????? ??? ?????????????? ?????? ??? ?????????? ???
?????????, ? ?????????????? ?????? ?? ?????????? ?????? ??? ?? ?????? ??? ?????? ???
????????? ? ?????????? ??? ?????????? ??? ?????????????? ?????? ??? ?? ??????
????????? ??? (?????? ?? 11?? ??????? 2021, ELVOSPOL, C?398/20,
EU:C:2021:911, ??? 31 ??? ??? ?????????????? ??????????).

44 ??? ?????? ???, ?????????????? ???, ??????, ?? ??? 90, ?????????? 1, ???
?????? 2016/112 ?????? ??? ?????????? ?????????????? ??? ?? ??? ?????? ??????????
[?????? ?? 15?? ??????? 2020, E. (??? – ?????? ??? ?????? ?????????? ??? ??????),
C?335/19, EU:C:2020:829, ??? 51 ??? ??? ?????????????? ??????????] ???, ????????, ?
????????? ?????????? ??? ?????????? ??? ?????????? 2 ??? ?????? ??? ??????
????????? ?? ?????? ?? ?????????? ?????? ??? ?? ?????? ??? ?????? ??? ?????????? ???
????????? ?? ?????? ?? ?????????? ??? ?????????? ?????? ??? ?? ?????? ??? ?????? ???
?? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ??????????
?? ?????????? (?????? ?? 11?? ??????? 2020, SCT, C?146/19, EU:C:2020:464, ??? 24 ???
???? ?????????? ?????? ??????????).

45 ??????, ??? ??????????, ???' ??????, ? ?????? ?????????? ??? ?????? 41 ??? 56
??? ?????????? ???, ?? ??? 90, ?????????? 1, ??? ?????? ??? ?????? ?? ??? ??????
????????? ??? ?? ?????? ?????, ??? ?? ??????????, ??? ?????? ?????????? ?????? ?????? ???
????? ?????????? ??? ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???
?????????.

46 ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????????? ??? ??????
90 ??? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????, ??????????????, ???
??????, ??? ??? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ? ?????????? ??????????
????????? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ?????????? ??? ?????? ???
????????? ???????, ? ?????? ?????????? ?? ??? ?????? ???' ?????? ?? ?????? ?? ?????? ?? ??????????
? ?????????? ?????????? ??? ?????????? ?????? ??? ?????? ?? ?????? ?? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ?????? (????. ?????? ??? 3?? ?????? 2021,
FGSZ, C?507/20, EU:C:2021:157, ??? 23 ??? ??? ?????????? ??????????).

47 ??????, ?? ?????????? ??? ?????? ?????, ??? ?????? ?? ?????????? ?????????? ??? ???, ??
???? ?? ?????? ??? ?????????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????? ???
???? ?? ?????? 90 ??? ?????? ??? (????. ?????? ??? 22?? ?????????? 2018, T?2,
C?396/16, EU:C:2018:109, ??? 35), ??? ? ?????????? ?????????? ??? ?????? ? ?????? ? ??????????
????????? ??? ?????? ??? ?????????? ?????? ?????? ??? ?????, ?? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ?? ?????? ???
????????? ??? ??? ??? ??? ??????, ??? ?????? ?? ?????????? ?????, ??????, ?????????? ??? ?????? ???
????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ?? ?????? ???
??? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? (????? ???
?????????) ???, ???????, ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????? ???
????? ??? ?????????? ??? ?????? ??? (????? ??? ??????????????????) (???????
?? 12?? ??????? 2018, Biosafe – Indústria de Reciclagens, C?8/17, EU:C:2018:249, ??? 37
??? ??? ?????????? ?????? ??????????).

48 ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????, ? ?????? ??????
????????? ?????? ?????????? ??? ?? ??? ?????? ??? ?????? ?????????? ? ?????? ??????
????????? ???, ?????????? ???, ??? ?????? ??? ?????? ? ?????? ?????????? ??? ?????? 44
??? ?????????? ???, ?? ??? 90, ?????????? 1, ??? ?????? ??? ?????? ?????????? ?? ???

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

49 ????? ??????????, ?????? ? ?????? ?????????????? ?????????? ??? ?????? ? ??????????
????????????? ??? ? ?????????? ??? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??? ??????
????????? ??? ??? ??? ?????????????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ?????????????? ?? ??? ?????? ???, ? ?????????? ??? ?????????????? ??? ??? ??? ????
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ???????, ?? ??? ?????????? ???
????????? ??? ?????? ??? ?????????????? ??? ??? ?????????????????? (????. ?????? ??? 3??
????????? 2021, FGSZ, C?507/20, EU:C:2021:157, ??? 23 ??? ??? ??????????????).

50 ????? ?????? ??????????? ???. ???? ???. ???????????????????????, ??? ???. ??????????? ???.
????????????? ??????????? ???. ??????????? ?????????? ? ?????? ???. ?????????? ???. ?????? ???.
????????????? ?????????? ???. ?????? ???. ?????????? ?????????? ???. ?????, ??? ?????????? ?????????, ????
????????? ???. ??? ???. ??? ??????? ???. ??? ??????? ?????????? ???. ?????? ???. ?????? ??????? ???.
?????????? ?????????? ???. ?????? ???. ?????? ???. ?????????? ?????????? ???. ?????? ???. ?????? ???.
?????????? ?????? ???. ?????? ???. ?????? ???. ?????????? ?????????? ???. ???. ?????????? ???????????????
????????????? ???. ?????????? ?????????? ?????????? ???. ?????? ???. ?????? (?????. ?????????? ???. 3???.
2021, FGSZ, C?507/20, EU:C:2021:157, ????? 25 ??? ????? ?????????????? ??????????).

51 ???????, ?????? ?? ????? ?????, ??? ??????????? ??? ? ?????? ??????????? ???
?????? 50 ??? ??????? ??, ???, ??????????? ?????? ??? ?????? ??? ??????????? ???
??, ??? ??? ????? ??????? ??? ? ???????????, ? ?????? ??????????? ???
?????????????? ??? ??? ??????????? ??? ??? ??????????? ??? ??? ???????,
?????????? ??? ??? ??? ??? ?????? ??? ?????? ??? ??????? ??? ???????????
?????????????? ??? ?? ?????? ??????????? ??? ??? ???, ? ?????? ??????? ??? ???????????
?????????? ??? ??? ?????? ??? ??????????? ??? ?????? ??? ?????? ??????? ??? ??????,
??????? ??? ?????? 90, ?????????? 1, ??? ?????? ???, ?????? ?? ?????????? ??????? ?? ??
?????? ?????? ??? ??? ?????? ??????????? ??? ???, ?????????? ???????, ??????? ??
????? ?????? ??? ??????????? ?????.

52 ????????, ?? ?????????? ???? ??????, ????. ????? ?????????? ???. ?????????? ???. ?????????? ???.
???? ?????? ?????? ?????? ?????? ?????? ???. ??? ?????? ?????? ?????? ???. ?????? ?????? ???. ?????? ?????? ???.
????? ???. ??? ?????? ?????? ?????? ???. ??? ?????? ?????? ?????? ???. ?????? ?????? ???. ?????? ?????? ???.
????? ???. ?????? ?????? ?????? ???. ??? ?????? ?????? ?????? ???. ?????? ?????? ???. ?????? ?????? ???.
????? ?????? ???. ??? ?????? ?????? ???. ?????? ?????? ???. ?????? ?????? ???. ?????? ?????? ???.
????? ??????.

53 ?????????????? ??????? ??? ? ?????????????? ?? ?????? ?? ??? ?????????? ?????????? ???
?? ?????????? ?? ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ?????????? ?????? ???
????? ?????????? ??? ???? ?????? ? ?????????? ??????, ??? ?????????? ?????????? ? ??????????
????????????? ? ?????????? ??? ?????????? ???, ??? ?????????? ?????? ?????????? ?????? ??? ?
????? ??? ?? ??????????, ?? ?????????? ?????? ?????? ?????????? ?????? ??? ?? ??? ??? ???
????????? ??? ?????? ???, ???' ??? ???, ??????? ??????????. ?? ?????? ?????????? ???
????????? ??? ?????? ?????? ?? ??????????, ?????????? ??? ?????? ??? ?????? ??? ??????????????
?? ??? ?? ??? ?????????? ??? ??????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ?????????? ?????????? ???
?? ?? ??????????, ??????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ?????? ???
????? ?????? ?? ??? ?????? ?????? ?????????????? ??? ?????? ?????????? ??? ?????????? ???
????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??????????, ? ?????? ?????????? ???
????????????? ??? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? [????? ???
15? ?????????? 2020, E. (?? - ?????? ??? ?????? ?????????? ??? ??????), C335/19,

EU:C:2020:829, ????? 48 ??? ??? ?????????????? ??????????].

54 ? ??????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????????????
????????????????? ? ??????????????, ??? ?????? ?????? ?????????????? ??? ?????? ?????????? ??????????
????????? ??? ?????????? ?????? ?????????? ?? ?????????????? ??? ?????? ??? ?????? ??????
????????? ??????????????. ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ?? ??????????
???? ?????????????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ?????????? ??????
?????????????, ?????? ?????????????? ?????????????? ?????????????? ?????????????? ?????????? ?? ??????
????????????? ?? ?????? ?? ??? ?????? ?????????????? ??? ?????? ??? ?????? ???, ?? ?????? ??????????
????????? ?? ?????????????? ??? ?????? ?????????????? ?????????????? ??? ?????? ?????????? ?? ???
????? ??? [????. ??????? ??? 15? ?????????? 2020, E. (??? – ?????? ??? ?????? ??????????
??? ??????), C?335/19, EU:C:2020:829, ??? 50 ??? ??? ?????????????? ??????????].

55 ?? ??????????, ??????? ?? ??????? ??? ??????? ?????? ?????? ?????? ?????? ?????? ??????????
?????? ??? ??????? ??????? ?????????? ?????????????????? ??? ?? 2007 ??? 2010 ??? ?? 2012,
? Consortium Remi Group ??????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???
??? ?????? ?? 2020. ??? ?????? ?????????? ??? ?? ?? ?????? ??? ?????????? ??? ?????????????? ??? ???
??? ??????? ??? ?? ?????????? ??? ??? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???
????? ??? ?????? ?????????? ??? ?????? ??? ??' ?????????? ??????????, ??? ???
????????????? ??????????, ?? ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????????? ??? ??? ???
??? ?????????? ?????????? ??? ?????? ??????, ?????????????? ?? 2012 ??? ?? 2017, ? ??????
????????? ??? ?? ?????????? ?????? ??? ?? ?????????? ??? ?????? ?????? ???, ??????, ?? ???
????????? ?????????? ?????????? ?????????? ?????????? ?????????????? ??? ?????????? ??? ?????????? ???
??? ??????? ??? ?? ??? ??????.

56 ?? ?? ??????, ??????????? ?? ?????? ??????????, ?? ?????? ?????? ?? ??? ?????? ??????
?? ?????????? ??? ?? ??????????? ??????????????, ?? ?????????????? ??? ?????????????? ???
??? ?????? ? Consortium Remi Group ???????, ?????? ?? ?????????? ?? ???????, ?? ???????
?? ??????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ?????? ?? ???????
?? ???????, ?????????????? ?????? ?????? ??? ?????????? ?????????? ?????????? ???
????????? ???.

57 ??????????? ??? ?????? ??? ?????? ??? ?????? ???????, ??? ?????, ??? ?????? ??? ??? ???
?????? ??????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?? ?????? 90 ??? ??????
??, ?? ??????? ?? ??? ?????? ??? ?????????? ??????????????, ??? ?????????????? ???
??? ??????????????????, ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??????????
????? ? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??????????
??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
?????????, ??? ?????? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ??????????
????????? ?????????? ???, ??? ??? ?????????? ??? ? ?????? ?????????? ??? ?????? ???
?????? ?????? ??? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ?????????? ??? ?????? ???
????????, ?????? ??? ?????????? ???????, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? . ??????
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ??? ?????????? ???
????????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???.

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

58 ??????????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? 33 ??? ??????
????????, ?????? ?? ?????? ???, ?? ?? ?????? ??? ?? ?????? ?????????????? ???????,
?? ?????? ?????? ?? ??????????????, ?? ?????? ?????????? ??????, ???' ??????, ??
????????????? ?? ?? ?????? 90, ?????????? 1, ??? ?? ?????? 273 ??? ?????? ???, ??
????????? ?? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???, ????

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

60 ????????, ??? ?? ?????????? ?? ???? ???????????, ? ??????? ????? ?? ?????? ?????? ?????? ?????? ?????
????? ?????????? ?? ? ?? ?????????? ???????, ???????, ??? ???????, ??? ??????? ?????? ?????? ?????? ?????
????????? ?????? ?????? ?????? ? ?????????????? ?? ???? ?????????? ?????? ?????? ?????? ?????? [????.
?????? ?? 8?? ?????????? 2022, Finanzamt Österreich (??? ?? ??????? ?????????? ?????????? ??
?????? ??????????), C?378/21, EU:C:2022:968, ??????? 21 ??? 23].

61 ??????????, ??? ? ??????? ?????????? ??? ?????? ?????????? ??? ???? ? ?????????
????? ??? ????, ??? ???? ?????? ?? ?????? ?????????, ?? ?????????? ?? ??????????, ? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ??????, ?????? ?????? ?? ??????????????
????????????? ??? ?????????? ???, ?????? ?????? ?????????????? ??? ??????, ??? ?????? ???
?? ??????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? 90, ??????????
1, ??? ??? ????? 273 ??? ?????? ??? (????. ?????????? ??? 26?? ?????????? 2012, Kraft
Foods Polska, C?588/10, EU:C:2012:40, ??? 24, ??? ??? 6?? ?????????? 2018, Tratave,
C?672/17, EU:C:2018:989, ??? 35).

62 ???????, ?????????????? ???, ??? ?? ????? 273 ??? ??????? ???, ?? ?????? ???
?????? ?? ?????????? ??? ????? ?????????? ??? ?????? ?????????? ??? ?? ??????????
??? ?????? ?????????? ??? ??? ??? ??? ??????, ??? ??? ??????????, ??????
?????, ??? ? ?????????? ??? ??? ?????????????? ??? ??? ??? ?????? ??????
?????????? ?????????? ??? ??? ??? ?????? ??? ?????????? ??? ??? ?????? 3 ???
??????.

63 ?????????? ??? ?? ?????????? ??? ?????? 90, ?????????? 1, ??? ??? ?????? 273 ???
?????? ???, ??? ?? ?????? ??? ??????, ??? ?????????????? ??? ??? ?????????????? ???
??? ?????????? ??? ?? ?????? ??? ?????? ?? ?????????? ?? ?????? ???, ?? ?????????? ???
????????? ??? ?? ?????? ??? ?????????? ?????????, ??? ?????, ??? ?????? ???, ???
????????? ??? ?? ?????? ??? ?????????? ?? ?????????? ?? ?????????? ??? ?????? ???
????????? ???, ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
(?????? ??? 11?? ?????? 2020, SCT, C?146/19, EU:C:2020:464, ??? 35 ??? ???
????????????? ??????????).

64 ???????, ?? ?????? ??? ??????? ?? ?????????? ?? ?????????? ?? ?????? ??? ?????? ?????? ?????? 273
??? ??????? ??? ?? ??????? ??????? ?? ??????? ?? ?????????? ??? ??????? ?? ?????? ??? ?????? ???
?????? ?? ??????? ?? ?? ??? ?????? ??????? ?? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ?? ??????? ?? ?? ??? ?????? ??????? ?? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ?? ?? ??? ?????? ??????? ?? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
??????, ?? ??????? ?? ?????????????????? ?? ?????? ?????? ??? ?????? ?? ?????????????? ?
?????????? ?? ?? ??, ? ?????? ??????? ??????? ?? ??????? ?? ?? ?????? ?????? ?????????? ??? ??
???? ?????????? ?? ?? ??? ?????? ??????? ?? ?? ??? ?????? (?????? ?? 6?? ?????????? 2021,
Boehringer Ingelheim, C:717/19, EU:C:2021:818, ??? 60 ??? ??? ??????????????

?????????).

65 ???????, ??? ? ?????????? ??? ?? ?????????? ??????? ? ?????????? ? ?????????? ?????? ???
??? ?????????? ??? ?? ??????? ??? ?????? ????? ?????????? ??? ?????, ?? ?????? ???
????? ?? ??????????, ??????? ?? ?? ?????? ??? ?????? ??? ?????????????? ??? ?? ?????? ???
??? ?????? ??? ??????????????, ?? ?????????? ?? ?? ?????? ??? ?????? ?????????????? ??? ??
??? ?????? ?????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ???
?? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?? ?????????? (????. ??????? ??? 26??
????????? 2012, Kraft Foods Polska, C?588/10, EU:C:2012:40, ????? 29 ??? ???
????????????? ??????????).

66 ???????, ?? ?????????? ??? ??????? ?? ??????? ?? ?????????? ??? ?????? ???
????????? ?? ??????? ??? ?????? ??? ?????????? ??? ?????? ?? ??????? ?????? ??? ??
????????? ??? ?? ?????? ?? ?????? ?????? ?????? ?? ??? ?????? ?????? ?? ?????????? ??? ??
????? ?? ?????????? ??? ??????, ? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? ???
?????????. ??? ?????? ?????????? ?????????? ?????? ?? ?????????? ??? ?????????? ???
????????????? ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ???
????? ?????? (????. ??????? ??? 6?? ?????????? 2021, Boehringer Ingelheim, C?717/19,
EU:C:2021:818, ????? 61 ??? ??? ?????????????? ??????????).

67 ???????, ?? ?????????? ??? ?????????????? ?????? ??? ? ?????????? ??? ? ?????????? ???
??? ?? ?????? ?? ??????? ? ??? ?????? ?????? ??? ?????, ??? ?????? ?????????? ??? ??
?????????, ? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????, ??
????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???
??? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???
??????, ??? ?????? ?????? ??? ?????? 90, ?????????? 1, ??? ??? ?????? 273 ???
????????? ??? (????. ??????? ??? 26?? ?????????? 2012, Kraft Foods Polska, C?588/10,
EU:C:2012:40, ?????? 32 ??? 33).

68 ??? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ? ???? ? ?????????? ???
??? ?? ?????????? ??? ?? ?????, ?????????? ?? ?????? ??? ?????? ?????????? ??? ??
????????? ??? ?? ?????? ?????? ??? ?????????? ?????????? ??? ?????? ?????????? ??? ??
????? ?????????? ??? ?? ?????, ??? ?????? ??? ?? ?????? ?????????? ??? ?????? ??? ??
(????. ??????? ??? 6?? ?????????? 2018, Tratave, C?672/17, EU:C:2018:989, ?????? 35 ???
36).

69 ???????, ? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ???
?? ??????? ??? ?????? ???, ??? ?? ??????, ??? ?? ?????? ??? ?????? ?????????? ??? ??
? ?????????? ??? ?? ?????? ?????? ?? ?????????? ?? ?????? ?????????? ??? ?????? ?????? ?
?? ?????????? ??? ?? ?????? ?????? ?? ?????? ?????????? ??? ?????? ?????? ??? ??
????????? ??? ?? ?????? ?????? ?? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ???
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? (????. ?????????? ???
26?? ?????????? 2012, Kraft Foods Polska, C?588/10, EU:C:2012:40, ????? 37, ??? ??? 6??
????????? 2018, Tratave, C?672/17, EU:C:2018:989, ????? 39).

70 ??????, ?????? ?????????? ??? ?? ?????? ?????????? ?????? ??? ?????? ?????????? ???
????????? ?????????? ???, ?? ?????????? ?????? ?????????? ?????? ??? ?? ?????????? ???
????? ?????????? ??? ?????? ?????? ?????? (????. ??????? ??? 6?? ?????????? 2018,
Tratave, C?672/17, EU:C:2018:989, ????? 41).

71 ??? ?? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ???
????????????? ??? ?? ??' ?????????? ??? ???????, ?????????? ??? ??, ??????, ?

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

72 ?????????, ??????? ?? ?? ??? ?????????????? ?????????, ? Consortium Remi Group
????????? ??? ?? ?????? ??? ????? 7 ?????? 2019 ??? ??? ??????????, ??? ??? ?? ??????????
????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??????????, ? ?? ??? ?????? ?????????? ???
???? ??? ??? ?????? ?? ?????????? ?? ?????????? ?????????? ?????????? ??????????, ?
????????????? ?????????? ??????, ????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ???, ???,
????????? ?? ??? ?????????? ratione temporis ?????? ?????????, ??? ?????????? ?? ??????
????????? ??? ?? ?????????? ??? ? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?? ??
???? ??????.

73 ?????????, ?????????????? ???, ?????????? ??? ? ?????????? ??? ?????????? ??????????
???? ??? ?????????? ??? ?????????? ?????????? ?????, ?????????? ?????????? ?????????? ??? ??
????? ?????? ?????? ??? ?????? ?????????? ??? ?????, ? ?????????????? ??? ??? ?????? ???
??? ?????? ?????? ?????? ?????? ? ?????????? ?????????? ??? ??? ?????????? ?????? ???
(????. ?????? ??? 6?? ?????????? 2021, Boehringer Ingelheim, C?717/19, EU:C:2021:818,
????? 63).

74 ???????, ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ?????? ?
????????????? ??? ?????? ?????? ?????? ?? ?????? ?????????? ?????????? ?????????? ?? ??
????????????? ??????????, ?? ?????? ??? ?????????? ?????? ??? ??? ??? ??? ??????????????
????????????? ?? ?????? ?????? ?????? ?? ?????????? ?????? ?????????? ?????? ??? ??
????????????? ?? ?????????? ?? ?????? ?????? ?????? ??? ?????????? ?????????? ?????? ?? ??
????????? ??? ?? ?????? ??????????, ??? ??? ?????? ?????????? ?? ?????????? ??? ??? ?????? ???
????? ?????????? ??? ?????? (????. ?????? ??? 6?? ?????????? 2021, Boehringer Ingelheim,
C?717/19, EU:C:2021:818, ?????? 65).

75 ??? ??? ?????????? ????, ?????? ?? ?????? ?????? ??? ?? ?? ?????????? ?? ??????????
????????? ??? ?????? ?????????? ??? ???, ?????? ?? ?????????? ?????????? ?????????? ???
?? ?????????? ?? ??? ?????? ?????????? ?? ?????? ?????????? ?????? ?????? ??? ?????? ???
????? ?????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? 273 ??? ?????? ???, ? ??????
????????? ??? ?????? ?????? ??? ?????????? ?????????? ?????????? ??????, ?? ?????????? ???
????? ?????????? ?????? ??? ?????????? ??? ?????????? ?????????? ??????.

76 ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
????????? ??? ?????????? ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?? ??
?? ???, ??? ?????? ?????????? ?????? ?? ?????? ??????, ?????????? ?????????? ???, ???
????????? ??? ?? ???? ?? ?????? ??? ?????????? ??????, ?????? ??? ?? ???
????????????? ??? ?????????? ?????? ?????? ?????????? ?????????? ??????, ?????? ??????
????????? ??????????, ?????????? ??? ??? ?????? ??? ?????????? ?????? ??????????
?????, ??? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ???
????? ?? ??????????.

77 ??????, ?????????? ???, ?? ??????????, ? Consortium Remi Group ?????? ??? ??
????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??
ZDDS, ?? ?????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????????
????? ?????? ??? ?? ?????? ????. ??????, ?????????? ??? ?????? ?????? ?????????? ???
????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????
?? ?????? ?????? ?????????? ???.

78 ??????? ??? ??????? ????????, ??? ??????? ??? ??? ?????? ?????????????? ???????
?????? ?? ?????? ? ??????? ??? ?? ????? 90, ?????????? 1, ??? ?? ????? 273 ??? ??????
??, ?? ?????????? ?? ??? ?????? ??? ?????????????? ?????????????? ??? ??? ??????????????,
????? ??? ?????? ??? ?????????????, ?????? ??? ?????????? ?????? ?????? ?????? ??????????, ??
????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ? ?????? ??? ?????? ?????? ??? ??? ??
????????? ?????? ? ??????? ?? ??????? ?????????? ?????????? ?????????? ??? ?????????? ???
????? ??????? ??? ??? ?????????? ??? ? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?????? ?????????? ??? ?? ?????? ?????????? ?????????? ?????????? ??? ?????? ???
??? ??? ??????? ??? ?? ??????? ??? ???, ??? ? ?? ??? ?????????? ?????????? ??? ??? ?????? ???
?? ?????? ??????? ?? ??? ?????? ????????, ??? ? ?? ?????? ??? ?????? ??? ?????? ??? ??????
?? ???.

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

79 ?? ?? ????, ???????, ?? ?????? ??????????? ?????? ?? ??????????????? ?? ?? ??? 90,
?????????? 1, ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
????????? ?? ?? ?? ?? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
?? ?? ?????????? ?? ?? ?? ?? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
????????? ?? ?? ?? ??, ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?? ?????? ?? ??????
?????????, ?? ?? ?? ?????? ?? ?????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????.

80 ???????, ??? ?????????????? ??? ????? 43 ??? ?????????? ??????????, ?? ??? ????? ???????
??? ??? ?????????? ??? ?????????????? ??? ????? ?????? ??? ?????????? ??? ????? ?????? ??????????
??? ?????????????? ??? ?? ?????? ??? ??? ?????? ?????????? ? ?????????? ??? ?????????? ??? ?????? ???
????????????? ?????????????? ????. ??? ?? ?????????? ??? ?????????????? ??? ?????????? ??? ?????? 63 ???
????????? ?????????? ?????????? ??????? ???, ?????????? ?? ?????? ??? ?????????? ?????????????? ??????????
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? 90 ??? ?????? ???, ?? ?? ?????? ?????????? ??? ?????????? ??
????????????? ??? ?????? ??? ?????????????? ?????????????? ?????????????? ??? ?????????????? ??
????? ???? ?? ??????????, ?? ??? ? ?? ?????, ?? ?????? ??? ???.

81 ???????????, ?? ?????? ?????? ?????? ?? ?????????? ??? ?????????????? ??? ?????? ??
?????????? ?? ??????????, ?? ?????????? ??????, ???????????, ?????????? ?? ?????? ?? ?????? ??
????????? ??? ?? ?????? ??? ?????? ?????? ??????? ??? ???, ??????? ??? ?????? ?????? ???
????????? ?????? ?? ?????????????????? ?????? ?????? ?????? ???????????, ?? ???
????????? ?????? ?? ?????????? ??? ??????? ?????, ??? ???, ?? ????? ???????????, ? ?????????? ??????
????????? ??? ?????? ?? ??????? ??? ?????? ?????? ??????????? ?????? ??? ?? ??????
????????????????? ?????? (????. ??????? ?? 12?? ????? 2021, technoRent International
??., C844/19, EU:C:2021:378, ??? 38).

83 ????????, ??????? ?? ???? 90 ??? ?????? ??? ?? ?????????? ??????????
????????? ?????? ??? ?? ?????????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?? ????
????????????? ??? ?????????? ??? ?? ?????? ?????????? ?????? ???, ? ??? ?? ????
????????????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ?????????, ??? ?? ????
????????? ??? ????????????, ??? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?? ???? ?
????????? ??? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ???' ?????????? ??? ?? ??????

????????? ??????????? (????. ??????? ??? 12?? ????? 2021, technoRent International ?.??., C844/19, EU:C:2021:378, ??????? 40 ??? 41).

85 ????? ?????? ??????????? ????? ?????? ????? ?????????????? ??? ?????????????? ??? ?????
????????? ??? ?????? ?????????? ??? ???, ?? ?????? ?????? ?????? ?????????? ??? ??????????????
????????? ??? ?????? ??????, ? ?????? ?????????????? ??? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????????????????? (??., ???' ?????????, ??????? ??? 13?? ?????????? 2022, HUMDA,
C?397/21, EU:C:2022:790, ????? 45).

86 ???????, ?????????? ??? ?????? ?????????? ?? ??????????, ??? ?? ?????? ??? ?????
????? ??? ???? ?? ?????????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ??????????, ??, ??
??????????, ?????? ?? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ??, ??,
?? ?????? ?? ?? ?????????? ??? ? ?????????? ?????? ?? ?????????????????? ?? ?????? ??????
????????? ??????????, ?? ?????? ?????? ??? ?? ?????? ?? ?????????????? ?? ?????? ??????
????? ?????????? (????. ?????? ??? 5?? ?????????? 2023, ZSE Elektrárne, C?151/23,
EU:C:2023:751, ??? 28).

87 ?? ???????????, ???? ??????????, ???' ??????, ? ?????? ?????????????? ??? ?????? 99,
100 ??? 102 ??? ?????????? ???, ?????? ??? ?????????????? ?????????????? ?????? ??? ??
????? ??????, ?? ?????? ??? ??????? ?? ?????? ?????? ?????????? ?????? ??? ?????? ????
????? ?????????? ??? ??? ??????? ?? ?????????????? ?????? ??? ??? ?????????? ??? ??
????? ? ??????????? ??? ?????? ?????? ??? ? ?? ??????? ??? ?????????? ??????????
????????? ???????, ??? ??? ?????? ??? ?????? 90 ??? ??????? ???, ??? ?????? ??
????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ??
??? ??? ?????? ?????????? ???????, ?????????? ???, ??? ??? ??? ?????????? ???, ??
????? ??? ??? ?????? ??? ?????? ??? ?????? ?? ?????? 63 ??? ?????? ???.

88 ??????? ?? ???????, ??? ?????????????? ??????? ??????? ?? ?????? ? ???????
??? ?? ?????? 90, ??????????? 1, ??? ??????? ???, ?? ?????????? ?? ??? ?????? ???
?????????? ???????????????, ??? ?? ?????? ??? ?????? ?????? ?????????? ??????? ??? ?????
????????? ??? ?? ?????? ?????? ?????? ? ??????? ?? ?????????? ?????????? ?????????? ?????
??? ?????????? ??? ?????? ?????? ?????????? ?????? ?????????? ?????????? ??? ?????????????? ??? ???
????????? ??? ?????? ???, ?????? ?????? ???????????, ??? ???, ?????? ??? ??????????
????????? ??? ?????? ??? ?????????? ?????? ?????? ??????? ?? ??? ?????? ?????? ?????????? ?????
??????, ?? ?????? ?????? ?????????????? ??? ??? ?????????? ??? ??? ?????? ?????? ?????? ??????????
????? ??? ?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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89 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ?????????? ??? ?????? ?????? ??????
??? ?????????? ?????????????? ??? ?????? ?????????? ??? ?????????? ?????????????? ?????????? ,?' ????
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ?????? ??????????????
???? ?????????? ?????????????? ??? ?????????? , ??? ??? ?? ??? ?????????? , ??? ?????????? .

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

1) ?? ????? 90 ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006,
??????? ?? ?? ??? ?????? ?????? ?????? ?????????????? ?????, ?? ?????????? ?? ???
????? ??? ?????????? ?????? ?????????????? , ??? ?????????????? ??? ??
????????????????? , ??? ??? ?????? ??? ?????? ?????????? ?? ??????????
??????? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ??? ??????
??????? ?????? ??? ?????? ?????????? ?????????? ?????? (???) ??? ?????? ??? ??????
????????? ??? ??? ?? ?????????? ?????? ? ?????? ?? ?????????? , ??? ??????
????????? ?????????? ??? ?????? ?????????? ?????? ??? ?????????? ?????? ??????
????????? ??? ???, ??? ??? ?????????? ??? ? ?????????? ??? ?????? ?????? ??
????? ??? ??? ??? ?????????? ??? ??? ? ?? ??? ?????? ?????????? ?????? ??? ???
????????? , ??? ??? ?? ?????????? ?????? , ?? ?????? ?? ?????????? ??? ??? ??????
????????? ?????????? ?????????? ?????? ?? ??? ?????? ?????????? ??? ??????????
????? , ? ?????? ?????? ??? ?? ??? ?????????? ?????? ?????? ?????? ?? ??????
?? ?????????? ?????? ??? ??? ?????????? ?????? ?????? ?????? .

2) ?? ????? 90, ?????????? 1, ??? ?? ?????? 273 ??? ?????? 2006/112, ??
????????? ?? ?? ??? ?????? ??? ?????????? ?????????????? ??? ?? ??? ?????????????? ,
????? ??? ?????? ??? ?????????? , ?????? ??? ?????? ?????? ?????? ??????
????????? , ?? ?????? ??? ?????????? ?????? ?????? ??? ?????? ? ?????? ??? ??
????????? ??? ?????? ?????????? ?????? (???), ?? ?????? ?????? ?????? ? ?????? ??? ??
????????? ?????????? ?????????? ??? ?????????? ?????? ???, ?????????? ??? ??
????????? ??? ? ?? ??? ?????????? ?????? ??? ?????? ?? ?????????? ?????????? ???
????????? ?????????? ??? ?? ??? ?????????? ?????? ?????????? ?????? ?????? ??? ??
????????? ??? ?? ?????????? ??? ??, ??? ? ?? ??? ?????????? ?????? ?????? ??????
?? ?????? ?????? ?? ??? ?????? ?????? , ?????? ?? ?????????? ?????? ?????? ??? ??
????????? ??? ?? ??? ?????? .

3) ?? ????? 90, ?????????? 1, ??? ?????? 2006/112, ?? ?????????? ?? ?? ??? ??? ???
????????? ?????????? , ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??
????? ?????? ??? ?????? ?????????? ?????? (???) ?? ?????? ?????? ??????
????????? ?? ?????????? ?????????? ?????? ??? ?????????? ?????? ??? ??
????????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ??? ??
????? ???, ??? ?????? ?????? ?????? , ??? ???, ?????? ??? ?????????? ?????? ??????
?? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ??????
?? ?????? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ?? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ?????? .

(?????????)

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