

@import url(../../../../css/generic.css); EUR-Lex - 61994C0217 - EL

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61994C0217

????????? ??? ?????? ?????????? Elmer ??? 2?? ???? 1996. - Eismann Alto Adige Srl ???
Ufficio IVA di Bolzano. - ?????? ??? ??? ?????? ?????????????? ??????????: Commissione
tributaria di primo grado di Bolzano - ??????. - ????? ?????????????? ????? - ?????????? ???
?????? 22, ?????????? 8, ??? ????? ?????? 77/388/???, ??? ????? ?????????????? ?? ???
?????? 91/680/?? - ??? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ???
???? ??? ?????????? ??? ????? ?????????? ?????? - ??????? C-217/94.

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1 ??? ?????? ?????? ? Commissione tributaria di primo grado di Bolzano ??? ??????
????????? ??? ?????????? ?????????????? ?????????? ?? ?????????? ?? ?????????????? ?? ??
?????? 22, ?????????? 8, ??? ????? ?????? ??? (1) (?? ?????: ??????) ?????????? ??????????
????????? ?????????? ??? ?????????? ?????????????? ?????????????? ?????? ?????????? ??????? ??
????????????? ??? ?????? ???????.

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2 ?? ??? 1, ?????????? 1 ??? 3, ??? 2 ??? ?? (????????? ?????????? ??? ???????
???????????) 627 ??? 6?? ?????????? 1978 (?? ?????: ????????) ?????? ?? ???:
«????? 1

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

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

????? 2

?? ????? ??????? ??????????? ?????? ?? ?????????????? ??? ?? ?????? ?????? ??????? ? ??
????????? ?? ???? ?????????? ?, ??????? ??????????, ??? ?? ???? ?? ????? 1 ??????????
??????- ??? ?????????? ??? ??????????, ?????????? ??? ?????????, ?????????????? ??? ??
????????? ?? ???? ?????????? ??? ?? ?????????? ?????? ??? ?? ?????????? ??????, ??????????
???? ?????????? ??????? ??? ??????????»

? ?????????? 2/58001, ??? 5?? ?????????? 1993, ??? ???????? ?????????? ??????????
????????????? ??? ?????????? ??????????????:

«(...) ??????? ??? ???????????? ??? ?????????????? ???????, ? ?????????? ?????????? ???
????????????? ??? ?? ??????? 627, ??? 6?? ??????? 1978, ?????????? ???
????????????? ?????????? ??? ??????? ?????????? ?? ?????? ?????? ??? ?? ??????
??????, ??? ?? ??? ?? ?????? ?????????? ??? ?????????? ?????????? ??? ?? ??????
?????????, ??? ?? ??? ?? ?????? ?????????? ??? ?????????? ?????????? ??? ?? ??????».

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

3 ? Eismann Alto Adige Srl (??? ????: ???????) ????? ?????????????? ??? Bolzano ??? ???
???' ????. ?????????????? ??? ?????????? ??? ??????. ??????. ?????? ??? ??????????????
? ?????? ?????????????? ??? ?????? ??? ?????? ??????????, ?????????? ?? ??????
??? ????? ?????????? ??? ?? ?????????? ??? ?????????????? ?????????? ??? ??
????????????? ??? ?? ??? ??????, ?????? ?? ?????????? ?? ?????????? ??? ?? ??? ??
????????? ??????????.

4 ?? 1993, ?????????? ??? Guardia di Finanza ???????????, ??? ?? ??????? ??????? ??
????????? ???????, ??? ??????? ?? ?????? ??? ??????? ??????? ?? ???????, ???????
?????? ?????????? ??? ?????????????? ??????? ??? ??????? ?????????? ??????????
????????? ??? ?????????? ??? ?? ??? 1992 ??? 1993 ?? ?????? ?? ?? ??????????
?????. ?????? ?????, ? ?????? ?????? ??? 18 ???????? 1993 ??? ??????
?????? ?????????? ??? ?? ?????? ??? 89 124 000 ?????? ??? (LIT) ??? 267
372 000 LIT.

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

6 ? ?????????????? ?????? ?????????????? ?? ??? ?? ??????????????, ??? 1?? ??????????
1993, ??? ?????????? ??????.

7 ?? ?????? 7 ? (2) ??? ?????????? ????

«? ?????????? ??????? ?? ?????? ??? ?? ?????????????? ?????????????? ?? ?????????????? ?????? ?????????????? ??????
???? ?? ?????????? ?????????? ?????????? ? ?????? ?? 31? ?????????? 1992, ??????? ??
??? ?????????? ?? ?????????? ???????, ??? ?????? (...) 99 (...) ??? ?? ??? ?????????? ?? ??????

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

? ?????????? ??? ?????????????? ??? ????? ???? ?????????? ?????? ??? ?????? ??? ?????
????????????? ? ?????? ?????????? ??? ??????????????, ??? ???????, ??? ??????????
??? ??? ???????, ??????? ?? ??? ?????????? ??? ?????????? ?????? ??????»

8 ?? ??? 99 ??? ??????? ?????? ?????????????? ?? ???:

«?? ????????, ?????????????? ??? ??????, ?????????? ??? ?????????? ??? ?????? ??? ??????????????
?? ?? ?????????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ??????
????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ???
????????? ??? ?????????????? ??? ??? ?????? ?????? ?????? ?????, ??? ?????? ??? ? ??????????
???? ?????? ?????????? ??? ?? ?????????????? ? ?????????????? ??? ? ?????????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? 7 ?.»

9 ? ?????????????? ????, ? ?????? ??????? ?? ??? ?? ??? 99 ??? ???????,
??????????, ???, ??? ??????? ?????????? ????????:

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

????????? ???, ??? 1?? ?????????? 1993, ?????????? ??? ?????? ??? ?????? ??? ??????????????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????????
????? ???» (?????? ??? ?????? ?????????? ???).

«????????? ??? ? ?????????? ??? ?????? ??? ?????????? ?? ??? 4 ?? ?????? ?????? ?????? ???
????????? ??? 11?? ?????????? 1967 (...) (3), ??? ?????????????? ?????????? ??? ??? ??? ???
????? 77/388/??? (...) ?????????? ??? ? ?????????? ??? ?????????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ??????????????
????? ??? ?????????? ??? ??????, ??? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???, ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???, ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???.

????????? ???, ???' ??? ???, ? ?????????? ??? ?????????? ??????????????, ?? ??? ??????
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??????????????
????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????????????????
????? ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ??? ??? ??? 31 ?????????? 1992.

??, ??????, ?????? ?????? ?? ??????????, ??? 1?? ?????????? 1993, ??? ??????????????
????????? ?????????? ??? ??????, ??? ??? ?????? ?? ?????????? ?????????? ??????????
?? ?????????? ? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ??????
????? ???, ?????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ???»
(??????, ??? ??? ?????? ?????? ?????????? ???).

«????????? ??? ? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??? ??????????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ???» (?????? ?????????? ???).

10 ?? ?????? 1, ??????? 22, ??? ?????????????? ??????? ?????????? ??? ????? XVI? ??? ??
????? 28? ??? 28?:

«?????? XVI?

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

(...)

????? 28?

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

?? ?????? 22 ?????????????? ??? ?? ?????????? ??????:

"????? 22

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

(...)

8. ?? ?????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?????? ?????????????? ??? ??????
????????? ??? ?? ?????????? ??? ?????????? ????? ?????????? ??? ?????? ??? ?? ?????? ???
?????????????, ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ???
[????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ???] ??? ??? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ???????, ???
????????? ??? ?????? ????, ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???????, ???
????????? ??? ?????? ????, ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???????, ???.

(...)».

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

11 ?? ??????? ??? 12?? ??????? 1994, ? Commissione tributaria di primo grado di Bolzano
?????? ??? ?????????? ?? ??????? ?????????? ????????:

«????????? ??? ?????? ??? ?????? ??? ??????????????, ??? ?????? ??? ?????????????? ???
????????????? ??? ?????? ??? ?????????? 8 ??? ?????? 22 ??? ?????? ?????? ??? ?? 15??
?????? 1977, ?? ??????? ??? ??? 1?? ??????? 1993 ?? ?????????????? ??? ??????????
?????? 627 ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????????
????????? ??? ??? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???;»

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

12 ? ??????? ?????????? ?????? ??? ? ?????????? ?????? ?????? ???????????,
????????????? ??? ?? ?????????? ?????? ?????? ?????????? ?????? ?????????? ??? ?? ???
?????? ??? ??????? ??? ?????? ?????, ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?
????????? ??? ??? ?????????? ??? ?????? ?????? ?????????????? ?? ?????? ?? ?????? ?? ???????,
??? ?? ??? ??? ??????????, ?? «?????? ??????» ? ?? ?????? ?????? «??????» ??????.
???? ?? ?????? 3 ??? ??????????, ??? ?????? ??? ?????????? ?????? ???????, ??? ?? ???????
??? ?????????? ?????? ?????? ?? ?????? ?????????? ?????? ???????, ??? ???????, ???
?????? ?????????? ??? ?????? ?????? ?????????? ?????? ???????, ??? ???????, ???
????????? ???????, ??? ??? ??????, ?????? ?? ?? ?????? 4 ??? ??????????, ???
????????? ??????? ?????? ?????????? ?????????? ?????????? ???????.

13 ? ??????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?? ?????????? ?? ? ??????
????????????? ?????????? ?????? ?????? ?????? ??? ?????? ??? ??????? ??? ??????? ???

?????.

14 ?? ??? ?????????? ?? ?????????? ???, ??????? ?? ?? ?????????? ??? ?????????????? ??? ??
?? ?????? 177 ??? ?????????? ????????????, ?????????? ??? ?????? ?????????? ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ?????????? ??
????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??????. ??? ??? ?????? ???, ?? ??? ??????
Pigs Marketing Board, ?? ?????????? ?????? ???:

«????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ??
??????????, ??? ???? 177 ??? ???????, ?? ?????? ?????????? ?? ?????? ??? ?????? ??
????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ???
????????? ?? ????????, ?? ?????? ?????? ?? ?????? ?????? ??? ?????? ????????, ?????? ?? ???
?? ?????? ????????, ?? ?????? ?????? ?? ?????? ?????? ??? ?????? ????????, ?? ?????? ??? ??????
????????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????
????????? ?????? ???????????, ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???» (4).

??. ??? ?????? ??? ?????? Banchero (5), ?? ?????????? ?????? ???:

«????? ??? ?????? ?????? ??????????, ??? ???? ?????? ??????????, ?? ?????? ?????? ?????? ?????????? ???
????????? ??? ???? ?????? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ???
????????? ?? ????????, ??????????? ?? ????????, ?? ?????? ??? ?????????? ???
?????????, ??? ???? ?????????? ?? ?????? ?????????? ?????????????? ?????????? ??? ?? ??????????
?? ?????????? ?? ?????? ?????? ???????, ??? ???? ?? ?????????? ??? ?????? ?????????? ??? ??????????
??? ?????????? (???. ?????? ?????? ??? 2?? ?????? 1994, ?????? C-30/93, AC-ATEL
Electronics Vertriebs, ?????? 1994, ?. I-2305, ??? 18).»

15 ?? ?? ??????? ?? ?????? ???????????, ? ??????? ?????????? ?????????????? ?? ??????????
?? ?? ?? ?? ????? ?????????? ?????????? ?????????? ?????? ?????? ?? ?????? ??? ?????????? ???
?????????? ??????? ?? ??? ?????????? ?? ??? ?????????? ??? ?????? ?????????? ?????????? ?' ????,
??????????, ?? ?????????? ???????, ?????????? ??? ?????? ??? ?????? ??? ?? ??? ?????????? ???
????? ????. ??????, ? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
????????? ??? ??????? ??, ?? ?????? ??? ?? ?????????? ??? ?????? ?????? ?????????? ??????
????????? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
??? ??? ?????? 22, ?????????? 8, ??? ??????. ?????? ?????? ??? ???? ?????? ??? ?? ??? ??????
????????? ?? ?????? ?????????? ?? ?????????? ?????? ???????, ??? ?????? ?????? ?????????? ??
????????? ?? ?????????? ??? ?????????? ???????, ?? ?????? ??? ?????? ?????? ?? ??????????
????????? ??????????? ?? ?????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ???

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

16 ??????, ?????? ?? ?? ?????????? ??? ?????????????? ???????????, ?? ??????????
????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????????? ?????? ??? ??????????
?????????. ??? ?????????? ??? ?????? ?????????? ???, ?? ?????????? ??? ??????, ??? ??????????
????????????? ????????, ?? ?????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ???
?? ?????????? ??????. ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
????????? ?????????? ???, ?? ?????????? ??? ?????? ?? ??? ?????? ??? ?????? ??????????
????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???????, ??? ?? ??? ?????????? ??
????????? ?? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????? ?????? ?????? (6). ??????
?????, ?????????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ???

17 ?? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ???????????, ??? ?????????????? ???
?? ? ?????????? ?? ?? ?????? 22, ?????????? 8, ??? ?????? ?????????? ??? ??????
????????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ???
????????? ?????????? ?????????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ???
????????????? ?????? ???, ?? ?????? ??? ?????? ?????? ?????? ?????? ???

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

18 ?????? ?? ?????????????? ??? ?? ?????????? ?????? ?????? ?????????????? ?? ?? ?
????????????? ??? ?? ?????? 22, ?????????? 8, ??? ?????????? ?????? ?????????? ??????
????????? ??????. ??? ?? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? 22, ?????????? 8, ??? ?????????? ??? ?????? ??? ??????
????????? ?????? ??????????.

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

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

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

19 ? ?????? ??????????, ????, ??? ? ?????? ?????? ?????? ?????????? ?????????? ?????? ???
?? ?????????? ??? ?????? ?????????? ??? ?? ?????????? ?? ?? ?????? 22, ??????????
8, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ?? ?????? ???
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ??????.

20 ? ?????? ??????, ?????????? ??? ?? ?????????? ?????? ?????????? ??????????, ??????????
?????, ??? ? ??? ?? ??? 22, ?????????? 8, ??? ?????? ??? ??????????????
????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ???
????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???.
????????? ?????? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ???, ?????? ?????? ?????? ?????? ???
????????? ??? ?? ?????? 22, ?????????? 8, ?????????? ??? ?????? ??? ?????? ???
?? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ???.

21 ? ?????? ?????? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????????? ?? ?????? ???
?? ??? ?? ?????? XVI?, ?? ?????? ?????????? ??? ?????? ?? ?? ?????????? ???,
?? ?????????? ?????? ?????? ?????? ?????? ???' ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ????. ? ?????? ??? ?????????? ?????? ??? ?????? ???

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

22 ??? ???? ??? ???? ?????? ??????????, ?????????? ?????? ??? ?????? ??? ???? ??
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????, ?????? ?? ?????? ? ??????
????? ??? ?????? 22, ?????????? 8, ?????? ?? ??? ?????? ?? ?????? ??? ?????? ??? ???? ??
????????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????????? ??? ???? ??
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? «?????
?????????» ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ?????????? ??? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? 1 ??? 7
??? ?????? 22. ??????, ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

23 ?? ? ??? ???? 22, ?????????? 8, ?????????? ?????? ?????? ?????? ?????????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?? ?????????? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? 22, ?????????? 8, ?????????? ??
????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????
??? ??? ?????? ??? ??, ??? ? ?????????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??? ??????
????????? ?? ?? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

24 ???????, ??? ???? ???????, ? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?? ?????? ?? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?
????? ?? ?????? ?????? «?????» ?????? ?????? ?????? ?????? ?????? ?????? ?? ???? ??
????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

25 ???????, ??? ???? ?????? ??? ??????????, ?????? ?????? ?? ?? ?????????? ??????
?? ?????? ??? ?????? ??? ??????????, ?????? ?????? ??????, ?????? ?????? ?????? ??
????????? ??? ?????? ??? ?????? 22, ?????????? 8.

? ?????? ???

26 ??? ?????????? ? ???????, ?? ?????????? ?????? ?? ?? ?????????? ??? ??? ???? ???? ??
?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ??????
??' ?? ??? ??? ??????????. ???, ??? ?????? Peureux (7), ?? ?????????? ??????????, ???
????? 32 ??? 33, ???:

«(...) ??? ?? ????? 95 ?????????? ?? ?????????? ?????? ?????? ?????? ?? ?????? ?? ?????????? ??
?? ??? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????? ?????? ?????? ??? ?? ??????.

(...) ??????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? 95, ???'
????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ??? ?????? ??????.

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

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

«???? (...) ????. ?? ?????? 95 ??? ??????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??????
????? ?? ?????? ??????? ?????? - ????. ?? ?????? ?????????? ?????????? - ?????????? ??? ?? ??
????? ?????? ?????????? ? ??? ?? ?????????? ?????????? ??????????, ?????????? ??????
????????????? ??????, ?????????? ?????? ??? ?????????? ?? ?????????? ?????????? ???
????????? ??? ???.»

27 ?? ??????? ?????? ?????? ? ?????????? ?????? ?????? ?? ??? ?? ?????? ?????? ???????????
 ?? ?????????? ??????. ????, ?? ?????????? ?????????? ??? ?? ?????? ?????? ???
 ???????? ?????????????? ??????????????, ??????? ?? ?? ??????, ?????? ??? ??
 ?????????? ??? ??????? ? ?? ?????? ?????? ?? ?? ?????? ?????????? ? ?????????????? ??????????, ??
 ??????? ??? ?????????? ?? ?????? 30 ?? ??????. ?? ?????? ?? ?? ?????? ??????????
 ??? ??????? ??????????, ?? ?????????? ?????????? ?????????? ??? «? ?? ??????
 ?????????? ??? ??????? ?????????? ?? ?????? ?? ?? ?????????? ?????????? ? ?????? ??
 ?????????? ??? ?????? ??????? ?????????? ?? ?????? ?? ?????? ??? ?????? ??????????
 ???????, ?????????? ??? ?????? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ??????????
 ?????????? ?????? ?? ?? ?????????? ?? ?????? ?????????? ?? ?????????, ??? ?????? ??? ??
 ?????????? ??? ?????????? ?????» (???. ?????????? ??? ?????? Cognet (8), ???
 ?????? 10 ??? 11, ??? ??? ?????? Mathot (9)).

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

29 ?? ?????? ?????? ??? ??????? 22, ??????????? 8, ??? ???????, ?????????????? ?? ????????,
????? ??? ?????? ???, ??? ?? ?????? ??? ??? ?????? ??????? ?????????? ???????????, ???? ????
?????????????, ??? ?????????? ?????? ??? ?????????? ?????? ??????? ?????????? ??????????? ??????????
?? ?????????? ?? ?????? ?????????? ??? ????????. ? ??????? ??????? ??????? ??? ????
????? ?? ?????????? ?? ?????????? «????? ?????????? ??? ??????? ?????????? ??? ??
????????? ??? ?????????? ?????????? ?????? ??? ??? ??????? ??? ?????????? ??? ??????????». ???
??? ?????? ???, ?? ?????? ?????????? ??? ??????? ??? ??????? ?????? ??? ?????????? ??? ?????? ???.

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

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

31 ????????, ??????????? ?? ??????????? ?? ??????????? ?? ??????????????? ??? ?? ?????? 22, ??????????? 8,
????? ?? ??????? ???. ??? ??????? ???, ? ??????? ??????? ?? ??????????????? ???
??? ??????????? ??? ??????????????? ??? ??????? ??????? ?? ????????????? «????? ?????????????»,
??? ??? ??????? ??? ?? ????????? ??????????????? ??? ??????? ?? ?????????, ??? ??????????
????? ????????? ??????? ???, ?? ??????????????? ??? ??? ????????????? ?????????. ??????????
??? ????????? ??? ???????????????, ????????????? ?? ?????, ???, ?? ??????????? ??
????????? ??????????? ?? ??? ?? ?? ??????? ??????????????? ????????????? ?????????? ??????????
??? ??? «????? ?????????????» ??? ?? ??????? ????. ??? ?????????? ??????????? ??
????????? ??? ?? ?????? 22 ??????????????? ????????????? ?? ?????? ??? ?????????????? 1 ??? 7,
????????? ??? ?? ??????????? ?? ??????????? ??? ?????????? ??? ? ?????????????? 8 ?????? ??????
????????? ?? ???????, ??? ??????????????? ??? ??????? ?????????? ???????????, ???
????????? ?????? ?????????? a contrario ??????????????. ??? ?????? ???? ?? ???
??? ??? ?????, ??? ?? ????? ??, ??????????????? ???????, ??? ?????????????? ???, ?
????????? ??? ?????????? ?????????? ??? ?????? 22, ?????????? 8, ??????????? ??
????????? ?? ?????????? ??? ? ?????? ?????????? ?????????? ?????????????? ?????????? ???
??? ? ?????????????? ??? ?????????????? ??? ??????? ?????????? ???????????.

32 ???????, ?????? ?? ??????????????? ??? ?? ??????? ?????? ??? ?????????? ?????????????? ??????????????
??? ??????? «??? ??????????????? ??? ??????????? ??????? ??? ?? ??????? ??? ?????????? ??? ???????????????
????? ?????????? ?????? ?????» ??? ?? ?? ????? ??????????????? ??? ?? ?????? 2 ??????? ??
????????? ??? ?????? ??? ?????? ?????? ?? ??????????????? ??? ?????? ?????????????? ?? ???
????????, ???' ?????? ??? ?? ??????????? ??????? ?? ?????????? ??? ?????? ?????? ??????????????
?? ??????? ?????? ?????????? ??????. ??? ??????? ??? ?????????? ??? ???????, ?? ???????
?????? ?? ?????????????? ??? ? ??? ?????? ?? ?????? ?????????? ?????????????? ??? ???
????????? ??? ?? ???????????, ?????????? ? ?????????? ??? ?????? ??????????? ??? ???.

33 ??????, ??????????? ??, ?? ??????? ?? ?? ??? ?????? ?????? ??? ?????? ?????????? ???
????? 22, ?????????? 8, ??? ??????, ?? ?????? ?????? ??? ?????? ?? ?????? ???????????
????????, ?????? ?? ?????? ?????????? ??? ???????????.

34 ???????, ? ??????? ?? ??????????????? ??? ??????????????? ??????? ??? ?????? ??? ?????????? ?????? ???
????? XVI? ??? ??????? ??????? ?? ?? ?????????? ??????? ??? ?????????? ?????????????? «???

????????? ??? ?????? ?????????? ?????? ???», ??? ?? ??? ?????? ??? ?????????? . ?
????????? ??? ?????? ?????????? ?? ??? ?????? ?? ?????? ?????? ?? ?????????? ??? ?????? ???
????? ?? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.
?? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ???
????? ?????????? ?? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ?????? ?????? (??. ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ?????????????? ???). ?
????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
35 ?????????? ?????????? ??? ?? ?? ??????? ?????????? ?????? ?????????????? ??? ?

????? ??? ?????? 22, ?????????? 8, ???, ???, ? ?????? ?????? ?????? ??????????
????????????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???

????????????? ??? ????????????. ?? ????? 22, ?????????? 8, ?????????? ?? ??????? ???
????? ??? ????? ?? ????? ????????, ??? ????? ?? ?????????????? ? ?????? ?????????? ???
?????? ???, ?? ??????????????, ??? ????? ?? ?????????? ?????? ??? ??????????????
?????? ??????, ?? ?????????? ????? ?????? ??? ????? ?????????? ??? ?? ??????????
??? ????? ?????????? ??? ??? ??? ?????????? ??? ?????, ?????? ?? ?? ??????
????????? ??? ?????????? ?????????? ??? ?????? ???.

36 ????????????????, ??? ????? ?? ????? ?? ?????????? ?????????? ??? ?? ????? ???
????????????? ??? ?????? ? ?????????? ??? ? ??? ?? 22, ?????????? 8, ??? ??????
????????????? ??? ?????????? ??? ????? ?? ?????? ??? ?????????? ?????? ??????????
????????????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ??????????????
?????? ??????, ?? ?????, ?? ?????? ??? ?????? ?? ?????????? ?????? ??????????
?????? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??????????

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37 ?????? ????, ?????? ??? ?????????? ?? ?????? ??? ?????????? ?????????? ???
????????? ??? ??? Commissione tributaria di primo grado di Bolzano ??????:

? ??? ? ? ????? 22, ?????????? 8, ??? ????? ?????? 77/388/??? ??? ??????????, ??? 17??
???? 1977, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????, ??? ?????????? ?? ???
????? ?????? ?????? - ??? ????? ?????? ??? ????? ?????????? ??? ?????: ??????????
????????? ???, ??? ????? ?????????? ?? ??? ?????? 91/680/??? ??? ??????????, ???
16?? ?????????? 1991, ??? ?? ?????????? ??? ?????? ?????????? ?????? ??????????????
????? ??? ??? ??????????, ?? ??? ??? ????? ?????????? ??? ?????????? ??????, ???
?????? 77/388/???, ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????.

(1) - ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ???
????????? ??? ?????? ???, ??? ?????? ?? ??? ?????? ?????? ?????? ?????? - ???
????? ?????? ?????????? ????: ?????????? ?????????? ??? (?? ??? . ??? . 09/001, ?.
49), ??? ????? ?????????? ?? ?? ?????? 28, ??? ?????? 91/680/??? ??? ??????????,
?? 16?? ?????????? 1991, ??? ?? ?????????? ??? ?????? ?????????? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????
??????, ??? ?????? 77/388/?? (?? 1991, L 376, ?. 1).

(2) - ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? 8 ?, ??? ??
????? ??????, ???, ??? ?????? ??? ?? ?????????? ???, ??? 1?? ?????????? 1993,
????? ?? ?????? 7 ?.

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

(4) - ?????? ??? 29?? ?????????? 1978 ??? ?????? 83/78 (????????? ??? 1978, ?. 739,
????? 25).

(5) - ?????? ??? 14?? ?????????? 1995 ??? ?????? C-387/93 (????????? 1995, ?. ?-4663,
????? 15).

(6) - ??., ??????????, ??? ?????? ??? 30?? ?????????? 1995 ??? ?????? C-55/94, Gebhard
(????????? 1995, ?. ?-4165).

(7) - ??????? ??? 13?? ??????? 1979, ??????? 86/78 (???????, ?, 481).

(8) - ??????? ??? 23?? ???????? 1986, ??????? 355/85 (???????, ?, 3231).

(9) - ??????? ??? 18?? ?????????? 1987, ??????? 98/86 (???????, ?, 809).