

@import url(../../../../css/generic.css); EUR-Lex - 61995C0330 - EL

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1

**61995C0330**

?????????? ??? ??????? ??????????? La Pergola ??? 27?? ??????????? 1997. - Goldsmiths (Jewellers) Ltd ??? Commissioners of Customs & Excise. - ?????? ??? ?? ?????? ??????????? ????????????: Value Added Tax Tribunal, Manchester - ??????? ??????????. - ??? - ??? ?????? - ??????? ?????????????? ?????????????? ??? ?????????? 11, ?, ?????????? 1 - ??????? ??? ??????? ?????????? ??? ??? ?????????? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ??????????. - ??????? C-330/95.

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1 ?? ?? ?????? ?????????????? ??????? ?? Value Added Tax Tribunal, Manchester Tribunal  
Centre, ?????? ?? ???? ?????????? ?????????????? ?????????????? ?? ?????? ?? ??? ?????? ??????????  
????????????? ?? ?????????????? ?? ?????? 11, ?, ?????????? 1, ??? ?????? ?????? ??? ??  
(1) (???? ???: ????, ?????), ?????? ??????? ?? ?? ?????? ????? ??????????? ?? ???????????  
????? ?? ?????????? ?????? ? ??????? ?? ?????????? ?? ?????????? ?? ???????????, ? ?????? ??????????  
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?????. ??????????, ??????? ?? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?????????????? ??  
?? ?????? ?????? ?? ??????? ?? ?????????? ?????? ? ??????? ?? ?????????? ?? ?????????? ???????, ??? ??  
????????? ? ?????????? ?? ??????? ?? ?????????? ?? ???????, ?? ?? ?????? ?????????? ?? ??  
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?? ?? ?????? ?????? ?? ??????? ?? ?????????? ?????? ?? ???????, ??? ??????????  
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2 ?????????????? ??????????? ??? ??????? ?????????? ?????????????? ??? ??????????: ?  
Goldsmiths (Jewellers) Ltd (??? ????: Goldsmiths), ? ????? ?????????? ?? ??? ?????????? ???  
?????? ???????????, ??? ? RRI Ltd (??? ????: RR?), ? ????? ?????????? ??? ??????????  
????????? ??????. ?? ??? ????? ?????? ????????, ?????? ??????????  
????????????????, ?????? ?? ??? ?????? ? Goldsmiths ?????? ??? ?????????? ??????????  
???? RR? ?????????? ??? ??? ?????? ????????, ??? ? RR? ?????? ??? ?????????? ??????  
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3 ?? ?????????? ??? ?????????? ? Goldsmiths ???????? ??? RR? ?????????? ??? 202 809,47  
????? ?????????? (UK£) (???) ??? ??? ????? ?????????????? ???, ??? 30 205,67 UK£, ???  
????? ? Goldsmiths ?????????? ??? ?????? ??? ??? ??? ??? ??? ?????? ??? ??? ???  
????? ?????? ???). ?? RR? ?????? ?? ?????? ?? ?????? ??? Goldsmiths  
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4 ? RR?, ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ?????????? ??? ??? ?????? ???  
????? ??? ?????? ?????? - ??? 68 678,03 UK£ (???) ??? ??? ?????? ?? 9 335 UK£  
????????????? ???) - ?????? ?????? ??? ?????? ?? ?????????? ?? ?????????? . ??? ??? ???  
????????????? ??? ?????? ?????? ??? ?????? ?? 135 162,12 UK£, ??? ??? ?????? ?? 20 130,53  
UK£ ?????????? ???.

5 ?????? ??? ?????????? ??? ?????????????? ???, ? Goldsmiths, ?????????? ??? ??  
????? ??? ?????? ?? ??? ?????? ?????????????? ?????????? ??? ?????????? ??  
?????????????, ?????? ?? ?????? ??? ??? ?? ?????? ??? ?????? ??? ?????? ??? 28  
????????? 1993. ? Goldsmiths ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??????????????  
????? ??? ??? ??? ??? ??? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ? RR?, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????.

6 ?? Commissioners of Customs and Excise (???) : Commissioners) ??? ?????????? ???  
????? ?????? ??? 1? ?????? 1993 ?????????? ??? Goldsmiths  
????????????? ??? ??? ??? ??? 20 130 UK£, ??? ??? ??? ??? ?????????? ???.

7 ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 11, ?????????? 1, ??  
Finance Act (????????? ??? ?????? ??? ?????? ?????????? ??????????) ??? 1990. ??????????, ?  
????? ????, ??? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????????? (2), ?????? ???, ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
«????? ?????????? ??????????»: ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? RR? (3).

8 ? Goldsmiths, ?????????? ??? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ??  
?? ?????????? ?? ??? ??? ?????? ???, ?????????? ?????? ??? ?????????? ??? ?????????? ???,  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????????? ??? ?? ??? 11, ?, ?????????? 1, ??? ?????? ??? ???:  
«?? ?????????? ?????????, ?????????, ?????? ?????? ?? ?????? ?? ?????????? ? ??????????  
?? ???, ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ????.  
????????? ?? ?????????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ?? ?????? ??? ?? ??? ????.  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???» (?? ?????????? ??? ???).

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

9 ?? Value Added Tax Tribunal, Manchester Tribunal Centre, ?? ?????? ??????????????? ??  
????????????? ????. ??????????, ??????? ???. ?????????? ???. ?????????? ?????????????? ???????;

«????? ? ??????????? ??? ??????????? ??? ?????? 11, ?, ?????????? 1, ??? ????? ??????  
77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????????? ???  
????? ????, ??? ??????? ?? ??? ????? ?????? ?????? - ????? ?????? ?????? ???  
????????????? ????: ?????????? ?????????? ???, ??? ?????? ??? ?????????? ??? ??????  
?????, ?? ?????? ??????? ?????????? ??? ??? ?????????? ??? ?????? ?? ?????????? ??????????  
?????????, ?? ?????????? ??? ?????????? ???, ?????? ? ?? ?????????? ?????????? ???  
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10 ?? ??????? ?? ?? Value Added Tax Tribunal, Manchester Tribunal Centre, ????? ???'  
????? ?? ???? ?? ??????? ?? ?? ?????????? ?? ?? ??????? ? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ??  
?????????? ?? ?? ?? ?? ?? «?????????? ?? ???????» ?? ?? ?????? ??????? ?? ?? ??, ?? ??  
?? ?? ??????????? ?? ?? ?? ?? 11, ?, ?????????? 1, ?? ?? ?????????? ?? ?? ?? ??????????.

11 ?? ??????? ??????? ??????? ?? ??????????? ?? ??? ?????? ?? ??? ?????? ?? ?????? ??????? ?? ???????????  
????? Finance Act ??? ??????? ??????? ?? ??? ?? ??? ?????, ??? ??????? ?? ?????  
??????????, ??????????? ? ??????????? ?? ??? ??????? ?????? ?????? ?? ?????? ?? ?????? ???????????  
?????????? ???????????, ??? ??????? ?? ??? ??????? ?????? ???????????, ??? ?? ??? ?? ???,  
???? ?????? ? ?????????? ??????????? ?? ??????. ??? ?? ??? ?????? ?? ?????????? ???????  
?????????? ?? ??????????, ?? ?????? ?? ?????????? ?????????? ?? ??????? ?? ?????????? ???????????,  
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? ????? ??????? ?????????? ?? ?????? ??? ????? ?????????? ??? ?????? ?? ???????  
???????????, ??? ?????? ??? ??????????: 1) ???????, 2) ??????????, 3) ????, 4) ????? ?  
?????? ?? ??????? ?? 5) ?????? ??? ????? ??? ???????????????? ??? ????????. ??  
???? ???????????, ? ?????? ??? ????? ?????????? ??? ?????? ?????????????? ??? ??????????? ???  
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????????? ??? ?????????? 4, ?????? ??? ?????????? «?????? ? ??????? ?? ?????????? ???  
?????» (5). ??? ?????????? ??? ?? ?????? ?????? ?????? ??? ??? ?????????? ??? ??????????  
????????? ??? ??????, ??? ?????????? ??????? ?? ?????????? ??? ?? ????????, ??????? ?? ???  
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12 ?? ?????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?? ? ???????????  
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????? ?????????? ???, ??? ?????? ?? ?????????? ? ?????? ?????? ??????????. ??? ??????  
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????? ?????? ?????????? ?????? «?????»: ?? ??? ?????? ???' ?????? ?????? ??? ??  
????? ?? ??????????, ??? ?? ?????????? ?????? ?????? ??????????, ??? ?????????? ??? ??????  
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ?? ??? ?????? ??????  
?? ?????? ?????? ??? ?????? ???, ? ?????????? ?????????? ?????? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????: ? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ??  
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13 ? ?????? ?????? ?????????????? ??? ??? ?????????? ??? Goldsmiths, ? ?????? ??? ??  
????????? ?????????? ??? ??? ?????????? ??? ?????????? ??????????, ?? ?????? ??????????  
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??? ?????? ??? ?????????? ?????????? ??????, ? ??? ?????? ?????????? ?????????? ?????? ???  
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??? ?? ?????? ?????????? ??? ?????????????? ??? ??? ?????? ?????????? ?????????? ?????????? ???  
????? ?? ?????? ?????????? ???, ?????? ?? ?????? ?????????? ?? ??????????, ?? ?????? ??? ??  
????????? ??? ??? ?????????????? ??????; ??? ?????????? ??? ?? ?????? ??? ?????? ??? ??  
???????????, ??? ?????????? ??????, ??????????, ??? ??? ?????? ??? ?????? ??? ??????  
??????. ??? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??  
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??? ?? ??? ?????? ??? ??????, ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
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14 ??? ?????? ?? ?????? ?????????, ? ?????? ??? ?????????? ?????????????? ??? ??????????,  
??? ??? ?????? ???, ??? ?? ?????????? ??? ?????????? ??? Goldsmiths ?????????? ???  
????????? ??? ? ?????????? ?????? ??? ??????, ??? ?? ?????? ??? ?????? ??? ??????????  
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?? ?????????? ?????? ??? ?????? ?????????? ??????, ?????????? ??? ?????? ??? ?????? ??  
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15 ? ?????? ?? ?????????? ?????????? ?????? ?????? ??? ??????: ?????? ??? ??  
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????? - ?, ??????????, ? ?????? - ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??  
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????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ???, ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???, ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???, ??? ?????? ???  
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?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
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????????? ?????? ??? ?? ???????, ?? ??????? ??? ?? ?????? ???, ??? «????????? ??  
????????????», ??????? ?? ??? ??????????? ?? ?????? ??? ?????????? ??? ???????????  
?????? - ??? ??????? ?????? ? ??????????? ?? ?????????? ?????????? ??? ??????? 11, ?,  
????????? 1, ??????? ?????? ??? ?????? (7). ? ?? ??????? ??? ?????? ?????? ??? ??????  
?? ?????? ?????? ??? ?????? ?? ??????????? ??????????????, ?? ?????? ?????? ???????????  
????????? ??? ?????? ??? ??????. ?? ?????? ?????? ?? ?????????? ??? ? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ???????????, ??? ???????????????, ??? ??? ?????????????? ???  
????????? ??? ?????? ????. ?? ?????????? ??? ???????????, ??? ??? ?????? ???, ??? ????  
????????????? ??? ? ?????? ?????? ?????????? ?????????? ?????? ?????? ?????? - ????  
????????? ??? ?????? ??? ?????? ?? ?????????????? - ??? ? ?????? ?? ?? ?????? ??? ??????  
????????? ??? ??????????? ?????????? ??? ??? ?? ?????? ?? ?? ?????????? ?? ?? ???  
????????????? ??? ?????? ?????? ?????????? (8).

16 ??????????, ??? ???? ????? ??????? ?????? ?? ?????????????? ?? ?????? ?????? ?????? ?  
?????????? ???????, ??? ??? ?????? ? ?????? ?????????? ?? ?????????????? ??????????????, ???  
?? ??????? ?? ??????? ??????? ?? ?????? ?? ?????????? ?? ?????? ???????????, ?? ?????? ??????  
?? ??????????? ??????????? ?? ?????? ?? ?????? ??????.

?????? ???? ?????? ??????? ?????? ? ??????????? ???? ?????????????? ?????????????? . ?  
?????????? ?????? ??? ??????????? ?????? ??????? ???????, ??? ??????????????  
???????????, ??? ?????? ??? ?????????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ???  
????? ?????????? ?? ??? ?????? ??? ??? ?????? ?????? ??? ?????? ???????, ??? ?????? ?????? ??????  
??? ??????????. ? ??????? ??? ?????? ?????? ?????? ?? ??? ?????????????? ?? ?????????? ??????????  
????????? ??????? ??? ?????? ?????? ?????? ?????????????? ??? ?????????? ??????????????  
??? ?????? ??????? ??? ?????, ?? ?????? ?????????????? ??? ?????? 11. ??? ?????? ?, ?  
????????? ??? ??? ?????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ????: ?? ??????  
????? ??? ?????????? ?? ??? 11, ?, ?????????? 1, ??? ?????? ??????, ??? ?????? (???)  
????????? ??) ??? ??? ?????????? ??? ?????? ?????? «??? ??? ?????????? ?????? ??? ???  
????????? ???????, ??? ??? ?????????? ?????? ?????? ?????? ???, ?? ??? ??,  
????????? ??????? ??? ?????? ???????????, ??? ?????? ?????? ? ?????????? ?? ?????? ??? ??  
????????? ?????? ? ?????????? ? ? ?????? ??? ?????? ?????? ??? ?????? ??? ??, ??? ?????? ?  
????????? ??????» (? ?????????? ??? ??).

17 ??' ?????? ??????? ???. ??? ???. ? ??????????? ?????? ???. ??? ???. ?????? ??????????????. ?????? ???.  
??????????????, ????. ????. ????. ???, ????. ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????. ????. ????. ????. ????.  
?????. ????. ????. ??????????? ??????? ???. ????. ????. ?????? ?????? ????. ?????? ?????? ????. ?????? ?????? ?????? ??????  
?????. ??????. ????. ????. ??????????? ???. ????. ????. ????. ?????? ?????? ?????? ?????? ???. ???. ????. ???????????  
???, ??????? ???. ????. ?????? ???????????, ????. ????. ?????? ?????? ?????? ?????? ????. ?????? ?????? ?????? ??????  
????. ??????? ???. ??????????? ???. ????. ????. ?????? ????. ???'. ?????? ???. ?????? ?????? ????. ????. ????.  
?????. ????. ??????????? ???. ????. ????. ?????? ?????? ?????? ????. ?????? ?????? ?????? ?????? (9).

18 ?????????? ??? ?????? ??? ?????????????? ??????? ??????, ? ?????? ??????????????  
????????????? ??? ?????? ?????? ?? ?????????? ??????. ?? ????? ??????????, ? ?????? ???  
????????? ?????????????? - ??? ?????????? ?????????????? ?????????????? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? - ?????? ?? ?? ??????  
????? ??? ?????? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ?????? (10). ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??????????????,  
?????? ?? ??? ??? ?????? ??? ?????? ?????????? Profant (11). ?? ??? ?? ??? ?????????? ???  
????? ??? ? ?????????? ??? ?????? ?????? ?? ?????????????? ?? ??? ??? ??? ??? ??????????  
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? 14 ??? ?????  
?????? «??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?????????? ???  
?? ?????? ?????? ?????????? ?? ?????? ??? ?????? ?????????????? ??????? ?????? ?????????? ?????? ?  
????????? ?????????????? ??? ?????? ??? ???» (????? 25). ??? ???????, ?? ??? ??????  
K?hne, ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??????

? ?????? ??? ?? ??????????????? ?????? ?????? ??? ?????????????? ???????????????  
????? ?? ?????? 6, ??????????? 2, ??????? ?????? (12). ??????????, ?? ??????????,  
????????????? ??? ?? ??? ????? ?????????? ??? ?????????? ?????????????? ??? ?? ?????? 27 ???  
??????, ??????, ?? ??? ?????? ?????????? ??? ??????, ??? ?? ?????? ??? ?????? ???  
????????????? ??? «?? ?????? [?????] ?????? ?????? ?????????? ??? ?? ?????? ??? ?????????? ???  
????, ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ??????  
11» (13).

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

20 ?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ? ?????? ??? ??????????????  
????????? ??? ?? ?????? ??? ?????????? ?? ?????? ?? ?????? ??? ?? ?????????? ??? ?? ??????  
? ?????????? ??? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?? ??????, ??? ?????? ??  
????????? ??? ??????, ??? ?????? ?????? ?????? ?????? ?????????????? ?? ?????????? ??????????  
??? ?????????????? ?? ?????????? ?? ??????, ??? ?????? ?????????????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

21 ??? ??' ???, ??? ??????? ? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????; ???  
????????? ?? ?????????? ?? ?????? Aardappelenbewaarplaats, «? ?????? ??????????  
????? ?????????? (...) , ??? ?? ?? ?????? ?????? ?????? ?????????????? ?? ?????????? ??????  
?? ? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ??????????  
????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????» (14). ?? ?? ??????????  
????? «?????????», ? ?????? ??????, ??? ?????? ???, ??? ?? ?????? 11, ?, ?????????? 1,  
????????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? Natural Yours Cosmetics.  
????? ?????? ??? ?????? ?? ?????????? ?????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? marketing ??? ?????? ? ?????????? , ??? ?????? ?????? ??? ?????? ??? ?????? ? ?????? ???  
??? ??? ?????? ?????? ??? ?????? (15).

22 ?? ?????? ??? ?? ?????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??????????,  
????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????????? ?????????? ???  
????????? ??? ?????? ??? ?????? ???' ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?? ??? ?????? ?????? (16). ?????????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ? ?????? ???  
?? ?????????? , ?????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
????? ?? ?????????? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???,  
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ???, ??? ?????? ??? ? ?????? ???, ?????? ?????? ?????? ??????» (17).

23 ?????? ?????? ? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????? ?????? , ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ??????  
????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? 22 ???  
?????.. ?????????? , ??? ?????? 3, ?????? ??, ??? ?????? ?????? ??? ?????? ??? ???  
????????? ??? «????? ? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???

? ???????????, ??? ??? ?????????? ?????? ??? ??? ??????? ???????????, ??? ??????  
????????????? ??? ??? ????? ?????????? ??? ???, ?? ??? ??? ?? ?????????? ???  
????????? ??? ?????? ». ???????, «??? ?????????? ??? ??? ????? ?????? ?? ??????????  
????? ??? ????? ?????????? ?????????? ??? ?? ?????? ???». ??? ?? ?????????? ??? ??  
????????? ??? ?????????? ??? ?????????? ??????????, ??? ?????????? ??? ????? ??????????  
???? ? Goldsmiths, ??? ??? ? RR? ??? ?? ?????? ??? ?? ?????? ?????????????? ????.

24 ? ?????????? ??? ??????? ?????????? ???????????, ?????????? ?? ?????????????? ??  
???? ??? ?????? ?? ??? ??? ??????????, ??? ? ?????? ?????????? ?????????? ????  
????????? ??? ????? ?????????? ??? ?????????? ??? ?????????? ?????? ?? ?????? ??' ?, ?? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? (18).

25 ??? ???? ?????????? ???, ? ??? ???? ?????? ?? ?? ?????????? ??????? ????  
????????????? ???, ??? ?????? ?????????? ?????????? ?? ?? ?????? ?????? ?????????? ??????  
?? ???????, ??? ?????? ?????????? ??? «?????? ? ???? ?????? ??? ?? ?????? ?? ?????????? ?,  
????? ?????????? ??? ??? ??? ?????????? ?????????? ??????????, ?? ?????????? ? ?? ??????????  
????? ?????? ??? ?????????? ??? ?????????? ?????????, ?? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????????? ?????????? ?????????? ?????????? ???  
????????? » (? ?????????? ???).

26 ??? ???? ???, ? ??????? ?????? ??? ?????? ?? ?????????? ?? ?????????? ?? ?? ??? ???  
?? ?????????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?????????? ????  
????????? . ??? ?????? ?? ?? ??????? ?? ?????? ??? ?? ??????????, ?????????? ???  
????? ??? ??????? ??? ?????????? ?????, ?????????? ??? ?????? ??? ?????????? ???, ?  
????? ??????? ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?  
????????? ?????? ??? ?????? ??? ?????????, ?? ??? ?????? Johnston ?????????????? ??? «?  
???? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ?? ??? ??? ??? ?????????? ???  
????????? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? (19).

27 ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????????? ??? ??  
?????????. ??? ??? ?? ?? ?????????? ??? ?????? ??? ?????????? ?????????????? ?? ?? ???  
????????? ?????????? ?????????? ?????????? ?????? ?????????? ? ?????????????? ??' ?, ?? ??  
????????? ???????, ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ??  
????? ?????????? ?????? (20). ? ?????? ??? ?????????? ?? ?? ?????? ??? ?????????? ???  
????????? ?????????? ???, ?????? ??? ?????????, ??????- ?????????, ? ??????????  
????????????? ??? ?????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ?????? ???  
????????? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ???????, ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ???????.

28 ? ?????? ???, ??? ??? ?????? ???, ?????? ??? ?????? ???, ?????? ?????????? ?? ?? ??? ???  
????????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ?? ?? ?????????? ??? ?  
????????? ?? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ? ?????????? ??  
????????? ??????. ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??? ?????????? ???  
????????? ?????????? ?????????? ?????, ??? ?? ?????????? ??? ?????? ?????????? ?? ??  
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???  
????????? ?????????? ??? ?????? ?????? (21).

29 ?? ?????????? ???, ??? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ?????????? ??  
????????? ????????. ? ??? ?????? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ??  
????????? ????????, ??? ? ??? ??? ?????? ?????? ?????????, ??? ?????? ?????????? ????  
????????? ???????, ??? ?????? ??? ?????? ??? ?????? ?????? ?????????, ??? ?????? ??????????  
????????? ??? ?????????? ??? ?????? ?????????? ?????????? (22). ?????????, ? ???????  
Goldsmiths ?????????? ?????????? ?????????? ???, ?????? ?????? ??? ?????????? ??? ??????????  
???? ?????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ???

????????????? ??????????? ??? ????? ?????????????????? ?????? ?? ?????? ?? ?????? ???  
????????????????? ?????????? ??? ?????????????????? ??????????, ??? ??? ?????? ???? ???  
?? ?????????????? ??????????. ? ??????? ??? ?????????????? ??????? ?? ?????????? ???' ??,  
?? ??? ?????? ??????? ?????????? ??????? ??? ?????? ?? ?????????? ?? ??? ?????? ?????? ?????  
?? ??? ?? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ?????: ?? ??????????  
????????????? ??????????? ?? ?????????? ?????? ? ?????????? ?? ?????????? ??? ????????????  
??? ??????? ?? ?? ?????????? ??? ? ?????????? ???????????????, ?????????????? ?? ?????????? ???  
????????????? ?????? ??????????, ?? ?????????? ?? ?????? ?????? ?????? ??????. ???  
????????????? ?????, ??? ?????????? ??? ????? ?????????????? ?????????? ??? ??????  
????????? Cruz Vila?a, ? ?????????? ?? ?????? ???????, ??? ?????? ??? ? ??????  
????????? ?? ?????????? ???????, ??? ??? ?????????????? ??? ?????????????? ??? (23). ?  
????????? ?????? ??? ??? ?????????? ??? ?????? ?????????????? ?. ? ?????????? ???  
????????????? ??????????, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????, ??  
????????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????????? (????????? ?  
????? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????????? ???) ???, ??? ???????????,  
????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? (24). ???????,  
????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????????? ????, ????????????  
??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? (25).

30 ?????????? ??? ??????? ?????????????? ?????????????? ?????????????? ?????????? ??? ??????  
??? ??????, ??? ?????????????? ??? ????? 11, ?, ?????????? 1, ?????????? ?. ? ?????? ???  
????? ??? ??? ????? ?????????? ??? ????? ??????, ??? ??? ?????????? ?????? ??? ??? ??????  
?????????, ?????????? ??????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ??? ?  
????????? ?? ?????? ??? ?????????? ??? ?????? ???, ?? ??? ?????? Naturally Yours  
Cosmetics ?????? ?????? ?????????? ??? ?????? ??????: ?????????? ??? ?? ??????? ??  
????? ??????, ??? ?????? ??????, ?? ?????????? ?? ?????? ?????????? ?????? ????. ???  
???????, ?? ?????? ?? ?????, ??? ? ??? ?????? ?????? ?? ?????????? ?? ?????????? ?? ???,  
????????????? ??????????, ??? ?????????? ?????, ??? ??? ?????????? ??????. ?? ??  
????????? ??? ?????? ?????? ?? ?????????? ??? ?? ??? ?????? ?????????? ?????? ??  
????????????? ??? ?????? ??? ?????? ??????. ?????????? ?? ?????????? ?????????? ?????? ??  
?????????, ??? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ?? ???  
????????????? ????. ? ?????????? ??? ?? ??? ?????? ?????? ??? ?? ??? ?????? ??  
????? ???, ???????, ?? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????????

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

??????, ?? ?????? ??? ?????? ?????? ?? ?????????????? ??? ?? ?????????? ??? ???????, ?? ???  
??? ?????????? ??? ?????????????? ? ??? ??????????????, ??? ?? ?????? 27 ?????? ??? ?????  
??? ?? ?????? ??? ?????? ?? ?????????? ?? ??? ? ?? ?????????? ?????? ???, ??????  
?????? ??? ??????????. ?????????? ?????? ??? ?? ??? ??? ????? ?????????? ?????? ???  
?? ??????? ?? ?????? ??? ?? ?????????????? ??? ?? ?????????? ?? ?????????? ??? ?????? ???  
?? ?????????? ??? ?? ?????? (26).

??????, ??? ?????? ?? ?????? ?? ???????????, ? ??? ?????? ?? ?????? ?????? ?????? ???????  
????????? ??????????. ?? ??????????? ????? «??? ?????? (...) ?? ?????????????? ???????  
??? ?? ?????? ??? ?????? ??? ?? ??? ??? ?????????? ?? ??? 11, ??? ?????? ???  
??? ?????? ??? ?????? ?????????? ??????» ??? ??? ?????????? ??? ?????? ??? ??????????  
????? (27). ??? ?????? ??? ?? ?????? ?? ??? ?????? ??? ??????????????. ?????? ??' ???, ?? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ?????????????? ???  
????????? ??? ?????? ?????????? ?? ?????????? ?? ??? ??????, ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ??????????, ??? ??? ?????? ?????? ??? ?????????? ?????? (28). ????????:  
????? ??? ?? ?????? ??? ?????? ?????????? ?? ??? ??? ?????? ?????? ??? ?????????? ???, ??????  
????????? ??? ?????? ?? ?????? ?????? ??? ?????? 11, ??? ?????? ??? ?? ??????????  
??? ?? ?????????? ??? ??????????????. ?? ?????????? ?????????? ??? ??????????????  
????????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ???  
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ???, ??????  
??? ?????????? ??? ?????? - ??? ??? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????????? - ? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ??????  
????????? ??? ?????????? ??? ?????? ?? ?????? ?????????????? ?? ???.

33 ???????, ? ?????? ?????????? ?????????? ???????, ?? ?????? ???????????  
??? ?? ?????????????? ??? ?????? ?? ?????? «??? ?? ?????????? ?????????? ??  
?????????, ?????????? ??? ??????», ??? ?? ?????????? ??? ?????? ??? ?????? ??  
????????? «??? ?????? ??????????» ??? ?? ?????? ??? ?????????? ??? ?????????? (30). ? ??  
????? ??? ?????? ??? ?????? ??? ?????? ??' ?????. ?? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??? ?? ?????? ???, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???.  
????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

34 ?? ?????? ???????, ? ?????? ?????? ?????? ??? ?????? ?? ?????? ?? ?????? «????? ???  
?????????» ?????????? ??? ?? ?????? ?????? ??? ?????? 11, ?, ?????????? 1, ??  
??????, ?????? ??? ?????? ??? ?????????? ?? ?????? ?????????, ?? ?????? ??? ??????  
????????? ??? ?????? ??? ?????????? ? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ? ?????? ??? ?????????? ?????????? ?????? ?? ??? ?????????? ???  
????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ??????, ? ?????? ?????????? ??? ?? ?????????? ??? ?????? ??? ??????????  
?? ?????????? (31).

35 ??? ?????????? ??? ??????? ??????????. ??? ??? ??' ?????????? ???????? ?  
????????? ??? ?????????? ??? ??????? ?????????? ?????? ??? ?? ?????????? ??  
????????? ?? ??????? ?????????? ??? ??????? ?????? ???, ?????? ?????????? ??? ? ??  
?????? ?? ?????? ??????? ??? ?????? ??? ?????????? ??? ?????????? ?? ?????? ??? ??  
????????? ?? ?????? ??????? ??? ?????? ??? ?????????? ??? ?????????? ?? ?????? ??? ??  
???? ?????????? ?? ??????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??  
????????????? ??? ?? «???? ?????» ?????????? ??? ?? ?????????????? ??? ?? ??  
????????? ??? ??????????.

36 ????? ?? ?? ?????????? ??? ?? ?????? ?? ?????? ????. ? ?????????? ???  
????????????? ??? ?? ?????????? ??? ?????????? ??? ?? ?????? 177 ?????????? ??? ??????????: ?  
????????? ?????????? ??? ?????????? ??????, ?????? ?????? ??? ?????????? ??????????????  
??????????, ?????????? ??? ?????????? ?? ?????? ??? ?? ?????????? ??? ?? ?????????? ???  
?????????, ??? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????????? ????. ?  
????????? ??? ?????????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??  
????????? ??? ?????? (32).

????? ?????? ?? ?????????? ????. ?? ?????????? ?????????? ?? ?????????? ?? ?????????????? ???  
????????? ??? ?? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??  
????????? ??? ?? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ?????? ???  
????? ?????? ?????? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?? ?????????? ???  
????????? ?????? ?????????? ??????, ?????? ??? ?? ?????? ??? ?????????? ??? ?? ?????????? ???  
????????? ?????? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ???  
????????????? ??? ?? ?????????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ???  
????????? (33).

??? ??????????, ?? ??? ?????? ?????? Bosman, ?? ?????????? ?????????? ??? ??  
????????? ??? ?? ?????????? ??? ?? ?????????? - ?????????? ??? ?????????? ?????????? ???  
????? ??? ?????????? ??? ?????????? ? ?????? ??? ?????? ?????????? ?????? ??? ??  
????????? ?????????? - ???? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ???  
????????????? ?? ?? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?? ?????? ???  
????????????? ??? ?? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?? ?????? ???.  
(34).

37 ?? ?????????? ??? ?? ?????????? ?? ?????????? ? ?????????? ?? ?????????? ??  
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????????? ???  
?? ??????????, ???' ????, ? ?????? ??? ?????? ??? ?????????? ?????????? ?????? ???  
????????????? ??? ?????? ?????????? ??? (35). ??? ??????, ??? ?? ?????? ???, ??????????  
?? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
?? ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???  
????????? ??? ?????? (36).

38 ?????, ??? ?????, ??? ??? ?????? ??? ?? ?????? ??? ?????????? ?????? ???, ??? ??????  
????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? - ??????????????,  
????????????? ??? ?????, ??? ?????????? - ??? ?????? ??? ?????? ??? ?????????? ??? ?? ???  
????? ?? ?????????? ?????????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ???  
????? ??? ?????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??  
????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??

????????????? ??? ?? ??????? ???? ?????? ?????? ?????? ?????????????? ?????? (37).

«?? ?????? 11, ?, ?????????? 1, ??????? ??????, ??? ????? ?????? 77/388/??? ???  
??????????, ??? 17?? ??? 1977, ??? ?????????????? ??? ?????????? ??? ??????? ???,  
????????? ?? ??? ????? ?????? ?????? - ??? ????? ?????? ????? ?????????????? ????:  
????????? ?????????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??????????  
??? ?????????? ??? ?????????? ?? ???, ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?

(1) - ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ???  
????????? ??? ?????? ???, ??? ??????? ?? ??? ????? ?????? ?????? ?????? - ???  
????? ??? ????? ?????????? ????: ?????????? ?????????? ??? (?? ????. ??? 09/001, ?.  
49).

(2) - ??????? ???. ????????????, ?????? 11.

(3) - ?? ?????? 11, ?????????? 2, ??? Finance Act ??? 1990 (?????? ? ??????? ??? ???  
????????? ??? ?? ?????? ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?? ?????? 36 ??? VAT  
Act ??? 1994) ?????????? ???????? ?????????? ??? ?????????? ????. ??? ?? ?????????? 1  
??? ?????? 11 ? ?????? ??? ?? ??????: «a) ??? ?????? ??? ?????????? ??? ???? ????  
????????? ???????? ??? ?????????? ?????? ?????????? ??? ???? ?????? ??? ?????????? ???  
??? ??? ??????????, b) ?? ?????? ? ?????? ??? ?????????? ??? ???? ?????????? ?? ?????  
????????? ??? c) ??? ?????? ??? ?????? ??? ???? ??? ???? ??? ?????????? ???  
????????? ? ??????»

(4) - ?? ??????? ??? ????????????, ?????? 16.

(5) - ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ??????? ?? ??????????, ?????????? ??' ?, ?? ??? ???????, ?????????? ?????????? ?? ??????????: «cancellation», «refusal», «total or partial non-payment» ??? «price is reduced after the supply takes place». ?? ?????? ?????? ?? ?????????? ????, ? ?????????? ?????????????? ????, ????, ???' ????. 3 ??? ??? ??? ??' ????. 4 ??????????.

(6) - ????? ?????? ??? ? ?????? ??? ??????? ?????? ?????, ????, ?????? ?????? ??? ??????? ?? ?????????? ??????????? ???????, ??? ???? ?????? ??? ?????????? ??? ??????. ?? P. Farmer ??? R. Lyar, EC Tax Law (????????? 1994, ?, 128), ??????????????, ?????????????? ?? ??????? ?????? ??? ?????????? 1 ??? ?????? 11, ?, ??? «the structure of the provision suggests that on this point (????? ?????????? ?????? ? ??????? ?? ??????????) the power to derogate extends to the principle of reduction itself» (? ??????????? ???). ?????????? ?????? ??? ?????? ??? ???? ? ?????? ??? B. J. M. Terra ??? J. Kajius, A guide to the European VAT Directives (?????????? 1993, ?????? ??? ?????? 11, ?, 95): «Notwithstanding the imperative "shall", Member States are free to derogate from this rule (i.e. not to grant or to partially grant a reduction) in the case of total or partial non-payment» (? ??????????? ???).

(7) - «*Non obstante, en los casos de impago total o parcial, los Estados miembros podrán no aplicar esta regla*» (? ??????????? ????)

(8) - ???????, ??? ??????????? ?? ??????? ??????? ?? ??? ??????????? ???, ??  
?????????? ?? ??? ??? ??????? ?? ??????????? ?? ??????? «? ??? ? ?????» ??? ?? ??? ???????  
??? ????????????. ??????????? ?? ??? ??? ??????? ?? 7?? ??????? 1994 ??? ??????? C-  
420/92, Bramhill (?????? 1994, ?, ?-3191). ?? ??? ??????? ?? ??????????? ??? ??????? ???

????? ??? ???????????, ? ??? ???????????, ??? ????? ?? ??????? ?????????? ?????????????? ???  
?? ??? 7, ??????? 1, ??????? ?, ??? ?????? 79/7, ??? ?? ??? ????? ??????????  
?????????? ?? ??? ?????????????? ??? ??? Goldsmiths ??? ?????????? ??????. ??  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????? ?????????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? (?????? 20 ??? 22).

(9) - ?????? ??? 2?? ?????? 1994, C-30/93, AC-ATEL Electronics Vertriebs (?????? 1994, ?. -2305, ??? 21).

(10) - ?. ?????? ??? ??????? ??? ?????? ????????? Mayras ??? ?????? 51/76,  
Verbond van Nederlandse Ondernemingen, ??? ?? ?????? ?????????? ??????? ???  
????????? ??? 1? ?????????? 1977 (?????? 1977, ?. 57, ?????????? ??????????  
?? ??????): «?????? ?? ???, ???, ??? ?????? ??? ?????? ?????? ?????????????? ???,  
????? ?????? (...), ??? ?????? ?? ???????, ??? ?????? ?????? ?????? ?????? ???  
????????? ?? ?????????? ?????????? ???? ?????? ?? ?????????? ?? ?????????? ??????????  
????????? ??? (...), ??? ?????? ?????? ??? ??????? ??? ?????? ?? ??? ?????? ???  
??? ??????».

(11) - ?????? ??? 3?? ?????? 1985, 249/84 (?????? 1985, ?. 3237, ?????? 23 ??? 25).  
?. ?????? ?????? ??? 6?? ?????? 1988, 127/86, Ledoux (?????? 1988, ?. 3741, ??? 11).

(12) - ?????? ??? 27?? ?????? 1989, 50/88 (?????? 1989, ?. 1925).

(13) - ?????? ??? 10?? ?????? 1984, 324/82 (?????? 1984, ?. 1861, ??? 32).

(14) - ?????? ??? 5?? ?????????? 1981, 154/80 (?????? 1981, ?. 445, ??? 12. ?  
????????? ???).

(15) - ?????? ??? 23?? ?????? 1988, 230/87 (?????? 1988, ?. 6365. ??., ??????????,  
?????? 16 ??? 17).

(16) - ?. ?????? ??? ??????? ??? ?????? ??? 24 ?????????? 1990 ? ??????  
????????? Van Gerven ??? ?????? C-126/88, Boots Company, ??? ?? ?????? ??????  
?????? ??? 27 ?????? 1990 (?????? 1990, ?. .-1235, ??? ?????????? ?. .-1252,  
????? 6): «(...) ?????????? ??? ?? ??? 11, ?, ?????????? 1, ??????? ??, ??? ???  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??????».

(17) - ?. ?????????? ??? ?????? ?????????? Cruz Vila?a ??? ?????? Naturally Yours  
Cosmetics (?????? 1988, ?. 6374, ??? 19).

(18) - ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ?? ???:  
«the United Kingdom chose to limit relief for bad debt to cases where the supply has been made  
"for a consideration in money". Its purpose, in enacting that limitation, was to remove the risk of  
fraud: an approach which reflects the 16th recital [???????: 17th] to the Sixth Directive» (??????  
24).

(19) - ?????? ??? 15?? ??? 1986, 222/84 (?????? 1986, ?. 1651, ??? 38).

(20) - ?????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????????? ??? ??? ?????? ?????? «????????? ?? ??? ?????? ?????? ?????? ??? ???

? ?????? ? ?? ?????? ???? , ??? ? ?? ?????? ???? ? ?? ?????? ???? ? ?? ?????? ???? ? ?? ?????????????? ???  
????????????? ??? ???? ?????? ?????????? ??? ? ?? ?????? ???? ? ?? ?????? ???? ? ?? ?????? ???? ? ??  
?????????» (????? 31).

(21) - ???????, ?????? ?? ?? ? ?????????? ?? ?? ?????? ?? ?? ?????????????? ?? ?? ??????  
????????????? ??? ? ?? ?????? ???? ? ?? ?????????? ?? ?? ?????? ???? ? ?? ?????????? ?? ??  
????????? ?????? C-283/95, Fischer (????? ??????????, ??.  
????????????? ??? ?????????? ??? ?????? ?????? 20?? ?????????? 1995): «The  
essential nature of the principle (of fiscal neutrality), as its very name indicates, is neutrality. Its  
force is derived from the need to ensure that economic activities are treated equally and to ensure  
that the common system of value added taxation is not distorted by irrelevant or illegitimate  
distinctions».

(22) - ?. ?????????? ??? ?????? ?????? 25: «There is no suggestion of fraud in  
the present case».

(23) - ??? ?????? ?? ?? ? ?????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ??????  
????????? - ??? ?? ?? ???? , ??? ?????????? ?? ?? ?????? ?? ?? ?????????? ?? ?? ??????????????  
?? ?? ?????? ?????? - ?????? ?? ?? ?????? ?????????? «????? ?????????????? ??  
????????? ??? ?????? ?? ?? ?????????? ?????? ?????? ?????? , ?? ?? ?????? ??????????  
????? ? ?????????? ?????????? ?????? ?? ?? ?????? , ?? ?? ?????? ?????? ?????? ??????  
????????? ?? ?????????? ?????????? ?????? ?? ?? ?????? ?????? ?????? ?????? ?? ??  
?????????» (L. Ricca: «Permuta», EdD, XXXIII, ?, 125, ?????, ????? 1).

(24) - ??? ?????? ?? ?? ? ?????????? ?? ?? ?????????? ?? ?? ?????? ?????????? ?? ?? ??????  
?? ?????? ?????? ??? ?? ??' ?????????? , ?? ?????? ?????????? ?? ?? ?????? ?? ??  
????????? ??? , ?? ?? ?????? ?? ?? ?????????? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ??  
????????? ?????????? , ?????? ?? ?? ?????????? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ??  
????????? ?????????? ?? ?? . ?????????? , ?????? ?? ?? ?????? ?? ?? «?? ??????» ??????????  
????????? ?????? ?? ?? ?????? ?????? ?? ?? ?????? ?? ?? ?????????? ?????? ??????  
????????? ?? ?? ?????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ?? ??????  
????????? ?????? ?? ?? ?????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ??  
????????? ?????? ?? ?? ?????? ?????? - ? ?????? ?????? , ?? ?????? ??????????  
????, ??? ?? ?? ?? ?????????? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
????? ??' ??? ?? ?? ?????? ?? ?? ?????? ?? ?? «?????» - ?? ??? ?? ??, ?? ??  
????????? ?? ?? «?????» ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ??  
????????? ?? ??.

(25) - ?. ?????? B. J. M. Terra ?. J. Kajius, ?. 14: «the general character of a sales tax  
demands that the equal is treated equally and the unequal in proportion unequally».

(26) - ??? ?????? ?? ?? ? ?????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ??  
????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? Jacobs ??? 30 ??????  
1991 ??? ?????? C-97/90, Lennartz, ??? ?? ?? ?????? ?????? ?????? ??? 11 ??????  
1991 (????? 1991, ?, ?-3795): «?? ?????? ?????? ?? ?? ?????? ?????? (...) ??? ?? ??  
?? ?????????? ?? ?? ?????? ?????????? ?????? ?? ?? ?????? ?????? ?? ?? ??????  
????????? ?? ?? ?????? ?? ?? ?????? ?????????? ?? ?? ?????? ?????? ?? ?? ??????  
?? ?????????? ?? ?? ?????? ?? ?? ?????? ?????????? ?? ?? ?????? ?? ?? ?????? ??????  
????????? ?? ?? ?????? ?? ?? ?????? ?????????? ?? ?? ?????? ?? ?? ?????? ??????  
????????? (...)? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
????? ?? ?? ?????? ?? ?? ?????? ??????» (????? 71).

(27) - ?. ?????? ?????? ?????? (????????????? ??? ?????? 13), ??? 29.

(28) - ?????? ??????? ?? ??????? ??????? ??? ?? ?????? ?????????? ?????????? ?????? ?????  
??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?? ?????????? ?????? ??? ?????????? ??? ????  
?????? ?? ?????? 27. ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????  
????? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ?????? ???  
????????? (????? ? ?????? ?????????? ??? ??? ? ?????????? ?????? ?????? ???). ?? ?????? ???  
????????? ??? ?????????? ??? ??? B. J. M. Terra ??? J. Kajius (??. ?????? ??? ???  
????? 27, ?. 19).

(29) - ?. ??? ?????????? 2, 3 ??? 4 ??? ?????? 27. ?? ?????????? ?????? ?????????? ???  
????????? ??? ?????? ?????? ?? ?????????? ??? ?????? ?????? ?? ??? ?????? ?????? ???,  
????????? ?? ?????? ?????? ???, ?? ?????? ?????? ?? ?????????? ?? ?????? ?? ?????? ???  
????????? ?? ?????? ?????? ???, ?? ?????? ?????? ?? ?????????? ?? ?????? ?? ?????? ???  
????????? ?? ?????? ?????? ?? ?????? ???.

(30) - ?. ?? ???? 13, ?, 14 ??? 22, ?????????? 8, ??? ??????.

(31) - ?. ?????? ?????? ?????? (????????????? ??? ?????? 13), ?????? 32.

(32) - ?????? ??? 27?? ?????? 1980, 66/79, 127/79 ??? 128/79, Salumi ?.?. (????? ???  
1980/?., ?. 627, ?????? 10).

(33) - ?????? ??? ?????? ?????????? Tesauro ??? 30?? ?????????? 1992 ??? ??????  
C-200/90, Dansk Denkavit ??? Poulsen Trading, ??? ??? ?????? ?????? ?????? ??? 31  
????? 1992 (????? 1992, ?. ?-2217, ??? ?????????? ?. ?-2231, ?????? 12)- ?. ??????  
??? ?????????? ??? ?????? ?????? ?????? ?????? ??????.

(34) - ?????? ??? 15?? ?????????? 1995, C-415/93 (????? 1995, ?. ?-4921, ?????? 143  
??? 144).

(35) - ??????, ??? ?????? ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????  
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?????? ???, ??? ?????? ? ?????? ?????? Tesauro ?? ???  
????????? ??? (?. ?????? 33), ?? ?????? ?????? ???  
«????????? ?????? ?????? ?????? ??? ?????? ?????? ??????» (????? 12).

(36) - ?? ?????? ?? ?????????? ??? ?? ??????????, ?? ?????????? ?????? ???, ???  
?????, ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? (?. ?????? 16?? 1992, C-163/90,  
Legros, ?????? 1992, ?. ?-4625, ??? 32)- ??? ?????? Cabanis-Issarte, ?? ??????????,  
????????? ??? ? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ???, ??? ?????? ???' ?????? ?????? ?? ?????? ??? ?? ?????? ???  
???? ?????? ??? ?????? ?????? ??? ?????? ?????? (????? ??? 30??  
????? 1996, C-308/93, ?????? 1996, ?. ?-2097, ?????? 46 ??? 48).

(37) - ????? ?????? ??? ??????????? ??? «??????», ?? ?????? ?? ?????????? ???  
????????????? ??? Dansk Denkavit ?? Poulsen Trading, ?? ??? ?????? ?? ??????????  
????????? ??? «? ?????? ???????? ??? ??????? ???, ??? ?????? ?????? ?????????? ???  
????????? ???????, ?? ???????? ?????? ?????? ??????? ?? ??????? ??? ??????? ???  
????????? ???» (????? 21, ? ??????????? ???).