

@import url(../../css/generic.css); EUR-Lex - 61996C0141 - EL

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

/

## 61996C0141

?????????? ??? ??????? ??????????? Léger ??? 27?? ????? 1997. - Finanzamt Osnabrück-Land  
???? Bernhard Langhorst. - ?????? ??? ?? ?????? ?????????????????? ??????????:  
Bundesfinanzhof - ??????. - ????? ?????????????? ????? - ???????? ??? ?????? 21, ??????  
1, ??????? ?', ??? 22, ?????????? 3, ??????? ?', ??? ?????? ?????? 77/388/??? - ??????  
????????? ?? ??????? ??? ?????? ????? ?????????? - ?????????? ?????????? ??????? ??? ??  
????????? ??? ?? ??????????? ??? ??? ?????? ??? ?????? ?? ?????????? ?????????? ??? ???. -  
?????? C-141/96.

?????? ??? ?????????? ??? ?????????? 1997 ?????? I-05073

### ?????????? ??? ??????? ???????????

1 ?? Bundesfinanzhof ????? ??? ?????????o ??? ??????? ?? ????????, ??? ?????? ???,  
?????? ?? ??? ??????? ??? «????????????????», ??? ??????? ??? ? ??????? ???  
?????? ? ? ??????? ??? ?????? ?????? ?????? ? ?????? ?? ??????? ???  
?????????? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????????? ?? ???????.

2 ??????????? ??? ?????? ??? ??????? ?????????????? ??? ??????????? ?? ??? ??????? ???  
??????????, ???' ??????? ??? ?????????? ????? ?????????? ??? ?????? ?????????????? ???  
(?? ????: ???), ? ?????? ??? ??????? ?????? ??? ?? ?????????? ?????????? ?????? ???  
?? ?????? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ??  
????????? ??? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?? ?????? (1).

3 ???????, ??? ?????? ?? ?????????????? ?? ?? ?????????????? ??? ?????? ???????  
?????????? ??? ??? ??????? ??? ???????, ??? ??? ???????, ?????????????? ???  
????? ?? ?????????????? ??? ?????????????? ?????? ??? ?? ??? ?????????????? ???  
?????????? ??? ?????? ??? ?????? ?????????? ???, ?????? ?????? ?????????? ??? ?????? ???  
?????????? ??? ?????? ??? (?? ????: ??? ???) (2) ?????????? ?? ?????????? ???  
????????? ???.

? - ?????????? ??? ?????? ???????

? - ?? ?????????? ??? ?????????? ?????? ??? ?????? ????????????

4 ? B. Langhorst, ?????????? ??? ?????? ?????, ?????? ??? ????? ?????????? ???  
????????????? ?? 1985, ??? ?????? ??? ?????????? ??? ???????????????, ??? ???????,  
?????? ?? ?? ?????????? ??? ??? ?????? 24, ?????????? 4, ???  
Umsatzsteuergesetz ??? 1980 (??? ????: UStG) (3), ?? ??????????, ???' ?????????? ???  
?????? ?????????? ??? ?????? ?????, ?? ?????????? ?????? 7 %, ??? ??? ?????????? ???  
13 % ??? ?????????? ?? ?????? 24, ?????????? 1, ?????? ?????, ??? ?? ??? ?????.

5 ?? ?????????? ??? ?????? ? Langhorst ??? ?????????? ??????? ??? ???????,  
????????? ??? ?????????? ??? ?????? ???, ??? ?????????? ?????????? ?????????? ???  
????? ?????????? ???, ???, ? ?????? ??? ?????????? ??? ?? ??? ?????????? ??? 13  
%. ???????, ? ?????????? ??? ?????? ????? ?? ?????????? ?????? ?????????? ??? ?? ???  
??? ??? ??? ?????????? ??? ?????????? ???.

6 ???????, ? Langhorst ??????? ?????? ??? Finanzgericht, ?? ?????? ??????? ??????  
?? ??? ?????? ?????? ?? ??? ????. ?? Finanzamt ?????? ??????? ??????? ???  
Bundesfinanzhof.

? - ? ?????? ????????

7 ?? ?????? ?????????? ?????? ??? ?? Finanzgericht ?????????? ??? ?? ?????? ??? ??,  
????? ??? ?? ???????, ??? ?????, ?? ?????? ??? ?????? ?????????? ??? Finanzamt, ???'  
????????? ??? ?????? 14, ?????????? 2, ??? ?????, ??? UStG. ? ?????????? 2 ??? ??????  
????? ?????? ?? ???:

«?? ? ?????????? ?????? ???, ?? ?????????? ??? ???????, ?? ?????????? ??? ?????????? ?? ???????  
?????? ? ?? ?????? ???????, ??? ?? ?????????? ??? ??????? ??? ?????? ??? ?????????? ???????  
?? ??????? ???, ?????????? ?? ?????????? ??? ??????? ??? ?????? ??? ?????????? ????. ?? ???????  
?? ??? ?????? ???, ??? ???????, ?? ??????? ?? ?????? 17, ?????????? 1.»

8 ? UStG ???????, ??? ??????? ???????????, ?? ??????? ?????????? ???  
?????????. ???, ??? ?????? ?? 14, ?????????? 5, ?????????? ?? ????:

«??? ??????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????????? ??  
????????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????. ??? ?????? ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ?? ??????????  
??????????:

1. ? ?????? ??? ?????? ?????????? (????????? ??? ?????????? ??? ??????????)  
?????? ?? ??? ?? ???????, ???' ?????????? ??? ?????????? 1 ??? ??????? ??? ??  
????????? ??????? ?? ?????????? ?? ??? ???????,

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

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

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

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

???????????? ???? ??? ?????? ??? ?????? ??? ?????????????? ?' ????.».

9 ?? Bundesfinanzhof ?????? ??????? ??? ?????? ??? ?????????? 14, ?????????? 2, ???

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

? - ?? ?????????????? ?????????? ??? ?? ?????????? ?????????? ??? ?????????? ??????????

10 ??? ????????, ?? Bundesfinanzhof ?????? ??? ?? ?????????? ?? ?????????? ??? ??

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

«1) ?????????? ??? ?? ?????? 22, ?????????? 3, ????????, ??? ?????? ????????

77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????????? ???

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

????????? ??? ?? ?????? ??? ?????? 14, ?????????? 5, ??? Umsatzsteuergesetz (????? ???

????? ?????? ??????) ??? 1980 ?? ?????????? ? ??? ?????? ??? ?????? ??? ?????? ???

????????? (????? 21, ?????? 1, ??????? ??, ??? ?????? 77/388/??);

2) ?? ?????????? ?????????? ?????????? ??? ?????? ??????, ?????????? ??? ??

21, ?????? 1, ??????? ??, ??? ?????? 77/388/??? ?????? ? ?????? ?????????? ???

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

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

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

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

????????? ???, ???????, ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???;

3) ?????? ? ?????????? ?????????? ?????????? ?? ??????????, ??? ??? ?????????? ???

????????? ?????????? ??????????, ?? ?????? 21, ?????? 1, ??????? ??, ??? ?????? 77/388/??,

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

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

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

11 ?? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ??? ?? ???

????????? ??? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? (6).

12 ?? ?????? 21, ?????? 1, ??? ?????? ?????? ?????????? ?? ?????? ??? ?????????? ??? ??

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

?????????:

«?) ??? ??? ?????????? ????, ? ?????? ?????????? ??? ?????????? ???, ??? ?????????? ????

??? ?????????? ??? ?????? 9, ?????????? 2, ?????? ?, ??? ?????????? ???, ??? ?????????? ???

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

(...)

) [??] ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? ???

????????? ??? ?????? ??? ?????? ???».

13 ?? ?????? 22 ??? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ?????????? ???

????????? ??? ??? ?????? ?????????? ?????? ? ?????????? 3 ??? ?????? ?????? ????

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

?????????:

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

(...)

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

? - ??? ??? ?????????? ??? ?????????? ??????

14 ?? ?? ??????????? ??????????, ?? *Bundesfinanzhof* ????, ???' ??????, ??  
????????????? ?? ?????????? ??????:

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

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

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

? - ??? ??? ?????? ?????????????? ??????????: ? ?????????? ??? ??????????, ??? ???  
????? ??? ??? ?????? ??????, ?????????? ?????????? ?????????? ??? ??? ??? ?????????? ???  
? ????????

15 ?? ?????????? ??? ?????????? ? ??????? ?????????? ??? ??????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ??? ??????? ??? ??? ???  
????????????? ?? ??????? ??? ??? ?????? ??? ?? ?????????? ?????????? ??? ??? ??? ???.

16 ?? ?????????? ??????? ?? ?????????????? ??? ??? ??? ?????????? ??? ???  
?????????????, ?????????????? ???, ??????????, ??? ??? ??? ?????????? ??? ??? ??? ??? ???  
????????? ??? ??? ??? ??? ?????????? ?? ?????????? ?????? (7).

17 ? ??? ?????? ??? ?????? ??? ?????????? ??????? ??? ??? «?????????» ? ??? ??????????  
«????????? ?????? ??? ??????????», ??? ?????????? ??? ?????????????? ?????? 21, ??????  
1, ??????? ?, ??? 22, ?????????? 3, ??????? ??. ? ?? ??? ?????? ??????, ??????? ??????????  
?? ?????????? ?????????? ?????? ?? ?? ?????????? ??? ?? ?????????? ??????, ??  
??????, ?? ??????? (8), ?????????? ??? ??? ??? ?? ??? ??? ?????????? ??? ??????????  
?????? ?? ?? ??? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????????? (9).

18 ? ?????????? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ???  
????????? ?? ?????????? ?????? 14, ?????????? 5, ??? UStG, ?? ??? ?????? ?????????? ??  
????????? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??????.

19 ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?? ??? ?????? ??? ?????????? ??? ???  
????????? ?????????? ??? ?????? ??? (10). ??? ??? ??? ?????? ??????????, ?? ??????????

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

20 ??? ???? ???? Jeunehomme ???., ?? ???????????, ?????????????? ?????? ??? ??????????  
?? ???? 22, ?????????? 8, ?? ???? ?????, ?? ???? ?????? ??? ?????? ??? ???? «??  
????? ?? ???? ?????? ?????????????? ??????????, ?? ???? ?????????????? ??? ?????? ???  
????? ??? ??? ?????? ?????????????? ?????? ??? ??? ?????? ??? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? (11).

21 ??? ???? Reisdorf, ?? ?????????? ?????? ?? ???? ?????? ??? ?????? «?? ???? ??  
"?????" ??? ??? ?? ????????, ??? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
?? ??? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? (...)» (12).

22 ??????, ?? ?????????? ??????? ?? ?????????? ??? ???? ?????? ??? ?????????? ???  
????? ?? ???? ?????? «?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ??? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ??? ???  
????? ??? ??? ??? ?????????? ???» (13).

23 ? ?????? ????, ??? ???????????, ?????? ??? ???? ???? ?????? ???, ??? ??? ???  
??, ?? ???????????, ?? ???????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

24 ??? ???? ???? ???? ?????????? ???, ?? ?????? ?????????? ??????????, ???  
?????, ?? ?????? 21, ?????? 1, ??????? ??, ?? ?????? ??????. ? ?????? ??? ??????  
?? ?????? ??? ?????? ?????? ???????, ?????????? ??? ???? ?????? ??? ?????? ???  
??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? 21, ?????? 1, ??????? ??, ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

25 ??????, ??? ???? ?? ???????????, ?? ???? ?????? ???, ?? ?????? ?????????? ?? ????  
????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?????? ??? ?????? ???  
????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ?? ?????? ??? ?? ??, ?????????? ?? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ???, ??? ???? ?????????? ??? ?????? ??? ?????? ???  
?? ?????????? ? ?? ??????.

26 ?? ?? ???? ?????????????? ??????? ???????, ???, ?? ?????????????? ?? ?? ???? ??  
??????, ?? ?????? ?? ??????? ?? ??????? ?? ?????? ?????????? ??? ?? ?????? 22, ??????????  
3, ??????? ??, ?? ?????? ???????, ?? ??????? ?? ?????????? ??? ?????? ?????? ??? ??  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

27 ?????? ??? ?????????? ??????? ??? ?????????? ??? ?????????????? ?????? 22, ?????????? 3,  
????????? ??, ?? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ???  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
????????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
????????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
????????? ???, ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

28 ??????, ??? ?????? ?? ??? ?????? ???, ??? ????? ?????? ?????????? ???????????.  
???????, ??? ??? ?????? ??? ?????????? ??? ?????????? ?????? ???' ????? ?? ??????  
????? ? ?????? ??? ????? ?????? ? ?????????? ??? ?? ?????? ??? (14).

29 ?????????? ???, ??? ??????????????, ? ?????? ??? ?????????? ?????? ?????? ??? ??????????  
??? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? (15), ???  
????????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ?? ??????????  
??? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ?? ?????? ??? ??????????, ????  
?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? (16)  
??? ?????? ? ?????????? ??? ?????? ??? ?????????? ?? ??????????, ??????????, ??  
????????? ???.

30 ????????, ??' ?????? ??? ????????, ?????? ??? ?????? ??? ?????????????? ??????????  
?????? ??? ????????, ?????? ??? ?????? ??? ?????????? ??? ?????????? ???, ??? ??????  
?? ?????? ??? ?????, ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ????. ?? ??????????  
????????? ??? ?????? ?? ?????????? ?????????????? ??? ?????????? ?????????????? ???  
????????? ??? ??????????????, ?????? ?????? ?? ?????? ?????????? ?? ?????????? ?? ?? ??????????  
?????????, ?? ?? ?????????????? ??? ?? ?????????? ?? ?????????? ?? ?????????????? ???.  
????, ?? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????, ??????????  
??? ?????? ???, ??? ????????, ?? ?????? ???, ? ?????????? ?????? ?????? ???.

31 ????? - ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ?????????? ??? ?  
???????? - ??? ? ??????????????, ??? ?????????? ??? ?? ?????? 14, ?????????? 5, ???  
UStG, ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ??????????????  
????????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?? ??????????????.

32 ?? ????? 14, ?????????? 5, ?????? 3, ?????????? ?? ?????????? ??? ?????????? ???  
????????? ?? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?? ??????????, ???, ????  
????, «? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ???  
?????????» ??? «? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???».

33 ? ?????????? ??? ?????????????? ??? ?????? ?????? ?????????? ?????????????? ??? ?? ??? ??????????  
?? ?????? 14, ?????????? 5, ??? ?????? ?? ?????? 2 ?????????? ??? ?? ??????????  
???? ?????? ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ???????????.  
????????? ??? ?????? ?? ?????????? ???, ?????? ?? ?? ?????? 4 ??? ?????????? ???,  
«????????? ??? ?????????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ??????????  
?????????????» ??? ??? ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????? ??? «? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???' ???».

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

? - ??? ??? ?????????? ?????????????? ??????????

35 ?? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ??? ?? ?????????????? ??????.

36 ?????? ?? ??? ??????, ?? ?? ?????? ?????? ??? ?????????? ??? ?????????????? ?????? ??? ??????????  
?? ?????????? ??? ??????????, ?? Bundesfinanzhof ??? ?? ?? ?????????? ??  
????????????? ?? ?? ?????? ??? ?????????? ??? ?????????????? ?????????, ?????? ?? ??????????

? ???????????, ??? ?????????? ?????????? ?????????? ?????????? ??? ???? ?????????? ??? ????  
? ??? ?????????? ?????????? ?? ?????????? ? ???? ????? ?????????????? ?? ?? ??????? ?? ??????  
????????? ??? ??? ??? ??? ???????????, ??? ??? ?????? ??? ?????? 21, ?????? 1, ????????  
??, ??? ??? ????? ??????. ??? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????  
?????????? ??????? ?????????? ??? ? ?????????????? ?????? ??? ??? ??? ???????????  
??? ???????, ??? ??? ?????????? ?? ??? ??? ?? ?????????? ???, ?? ??? ??? ??????? ??  
????????.

37 ??????? ?? ??? ???????, ?? ?????????????? ??????? ?????? ?????? ?? ??? ??????? ??  
?????? ??? ??? ??? - ?????? ??? ??? ?????????? ?? ?????????? ?????????? ?? ??????? ??  
?????????? ??? ??? ??????????? ??? - ??? ??? ?????? ??????, ?? ?????? ???????, ??  
????????? ? ????????????

38 ??? ??? ??? ???, ?????? ?? ?????? ?????? ??? ?????? ?????? ??????. ??? ?? ??????? ??  
????????? ??? ??????????? ?????????? ??? ? ?????? ??? ?? ?????? ?? Bundesfinanzhof  
?????? ?? ??????????? ?????? ??? ?????? ?? ??? ?????? ?????? ?????? ?? ?????????? ?? ??????? ??  
?? ??? 14, ?????????? 2, ?????? ???, ??? UStG ??????, ?????????????? ??? ??  
????????? ??? ??????, ?? ?????????? ?????????? ?????????? ??? ?????? ??? ??? ??? ???  
????????? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???.  
????????? ??? ?????????? ??? ??? ?????? ??? ?????? 21, ?????? 1, ??????? ??, ???  
????? ??????? ??? ?????????? ?????????? ??? ?????????????? ??? ?????????? 14, ?????????? 2,  
????? ???, ??? ?????????? ??????????. ?? ??? ?????? ?????????? ??? ?????? ?? ?????? ?????? ??  
??? ?????????? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??, ???  
????? ??? ??????, ?? ??? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ?? ???????, ?? ??? ??? ?????? ?? ?????? ??? ?????????? ?????????? ??? ?????? ???  
????????? ??? ??????? ?? ?????????? ??? ?????????????? ??? ?????????? ??? ?????? ???.

39 ???????, ??? ?? ?????????? ?????????? ??????? «????????? ?? ??? ?? ??? ?? ??? ??  
?????? ?? ??????? ??? ?????????? ??? ??? ?????? (...) ?????????????? ??? (...): ??  
????????? (????????? ??? ?????? ??????), ?????? ?????????? ?? ??????????  
?????????? ? ? ?????????? (????????? ??? ??????), ?????????? ??? ??? ?????????? ??  
?? ??????? ??? ?????????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ???  
?????????, ??? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
?? ??????? ??????? ??? ??? ??? ???» (17).

40 ?? Bundesfinanzhof ?????????? ??? «????????????? ?????? (...) ??? ?? ?? ?? ?? ??  
????????? 2, ??? ???, ??? UStG ??? 1980 ??? ??????? ?? ??? ??? ??????????»  
(18), ??? ?????????? ??? ??? ?????? «????? ??? ?????????? ??? ??? ?????????? ???  
[????????] ?????????? ?? ?????????? ?? ??? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??? ??? ?????? ???» (19).

41 ?? ??? ???, ??? ?? ?????????? ?????????? ?? ?????????? ?? ?????????? ??? ?? ?? ?? ??  
????????????? ??? ?????????? ?? ??? ??? ?????? ?????????? ?? ?????????? ?? ?????????? ???  
????????????? ??? ??? ??? ?????????? ?? ?????? ??? ?????????? ?????? ??? ??????????????  
????? ??? ??? ?????? ?????????? ??? ??? ?????????? ?????? ??? ?????? ??? ??? ???  
????? ??? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ???  
????????? ?? ?????????? ??? ??? ??? ???.

42 ??????, ??? ??? ?????????? ??? ??? ??? ?? ?????????? ??? ?????? ??? ??' ??? ??  
?????? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ??????? ?? ?????? ??? ?????? 21,  
?????? 1, ??????? ??, ??? ??? ?????? ??????, ?????????? ??? ??? ??? ??? ?????? ??? ??????  
???? ??????? ?????? ??? ???.

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

43 ? ?????????????? ? ?????? ?????????? ?? ?????????? ?????? ???????, ???' ????, ???  
????????? ??? ???, ??? ??? ?????????? ??? ???, ??????? ?? ??????? ??? ?????????? ???  
????????? ??? ????. ??????? ?? ?? ?????????? ??? ??? ?????? ?????? ?????? (20),  
???? ?????????? ??? ????????????????, ? ?????????? ?????????? ?????????? ?????????????? ??  
????????? ?? ?????????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ????????????, ??? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ???.

44 ??????, ? ???????? ?? ??????? ?? ?????? ?????????? ??, ??? ???????? ?????? -  
??????? ?????????? ? ??? - ?? ??? ??? ??? ??? ?????????? ??? ?????????? ??????????  
?? ?????????? ??? ?????????? ????. ??? ?????????? ???, ?? ?????? ??? ?? ??????????  
????? ?????????? ??? ?????????? ??? ?????? ??? ??????????.

45 ??????, ? USG ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??????  
?? ???????? ?? ??? ??? ??? ??? ?????? ???????, ???????, ?????? ?? ???  
????? ?????? ??????? ??? ?????? ?? ?????? ?????? ??????, ??? ? ?????? ?????? ?????  
????? ?????? ??? ?????????? ??? ??? ???, ??? ?? ?????????? ?, ?????? ?????? ?????? ???  
????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ?????????? ?????? ??????.

46 ??????, ?? ?????? ??? ????? ?????? ?????????? ?????????? ??? ?????????? ?????? ??  
????????? ?????????? ?? ????? ?????? ???????, ?????????? ?????????? ?????????? ?? ??????????  
?? ??? ????????????, ??? ?????? ?????????? ??? ?????????? ?????????? ?????????? ??  
??? ?????????????? ????. ???????, ??????? ?? ?? ?????? 21, ?????? 1, ??????? ??, ??  
????? ?????? ??? ?????????? ??? ??? ???, ??? ?? ?????????? ?, ?? ?????????? ??? ??  
????????? ??? ?????????? ???, ?????????? ?????????? ??? ??? ??? ?????? ?????? ???  
??? ?????????? ??? ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? (21).

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

48 ?? ?????? ??????? ?? ?????? ???, ?????????? ? ?????????? ??? ?????? 22,  
????????? 3, ??????? ??, ??? ?????? ??????? ??? ?????????? ??? ?????? ?? ?????? ???  
????????????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??????????????,  
?????????, ?? ?????? ??? ?????????? ??? ?????? 21 ??? ?????????????? ?????? ??????  
??? ??? ??? ?????? ??? ?????? ? ??? ??????.

49 ??? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ??????????. ?  
?????? ???, ?????? ?????????????? ?????? ??? ?????? ??? ???, ?????? ??? ???  
????????? ??? ???, ?? ?????? ??? ?????????? ??? ??? ??? ?????????? ?????? ???  
????????? ??? ???????????. ?????????? ?? ??? ?????????? ?????????? ??? ??? ?? ??????  
??? ?????????? ?????????? ??? ?????? ? ?????????????? ?? ?????????? ?????????? ?????? (22).

50 ?????????????? ?????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??????????. ?? ??? ??????????  
????????? ?????????? ?????? ??? ? ????????????????, ? ?????? ??? ?? ?????????? ?? ??  
????????? ??? ?? ?????????? ?? ?????????? ???, ??? ??? ?????? ?????????? ?????????? ???' ????,  
?????? ?? ??? ?????? ?????? ??? ?????? ?????? ?? ?????? ??? ?????????? ?? ?????? ??? ???.  
????????, ? ?????????????? ?????? ??? ?????? ??? ?????? ?????????? ?? ??????????, ?? ??????  
????????? ?? ?????????? ?????? ?????????? ??????????.

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

52 ??????? ?? ?????? ?????? ???, ??????? ?? ?????????? ????, ??? ?????????????? ? ??? ?????????????? ?? ???? ??????????????

54 ??????????? ??????, ??? ??????????? ?? ??????????? ?? ??????? ?? ?? ??? ?? ???? ?? ??  
?? ?????????? ?????????????? ?????? ??? ?????????? ?? ?????????? ?????? ?? ??????? ?? ?????? ??  
?? ?? ?????? ?? ?????????????? ?????? ?????? ?????? ?? ?????????? ?? ?????? ?????? ??  
?????????? ?????? ?????? ???????, ?????? ?????? ??? «(...) ? ?????? ??? ???????????  
???? ?????? ?????????????? ??? ?????? ?????? ?????????????? ??????, ?????? ?????? ?????? ???  
?????????? ?? ?????????????? ?????????? ??? ?? ?????? ?????????? ??  
??????????» (23).

55 ?? ????????????, ?????????????? ?? ???? ?????????????? ?? ???? ??????????????, ??????, ????, ???  
?? ????, ??? ????? ?? ???, ?? ?????? ??????? ??????? ??????? ??????? ??????? ??????? ??  
?????????????? ?? ??????????? ?? ??????? ??????? ?? ??????? ??????? ?? ?????, ????? ?? ?? ?? ????? ??????????  
?????? ?? ?????????? ??????????????? ?? ??? ?????????????? ?? ??? ?????????????, ?? ??? ??????????????  
?? ?????? ?????? ?? ?? ??????????? ?? ??? ?????????????? ?? ??? ?????????????? ?? ????? ?????????? ?? ?????? (24).  
????????, ?? ?? ??? ????? ?? ??? ???????????, ? ?????? ??? ?????????????? ?? ??? ??????????????  
????? ?????? ?? ??????????? ?? ??????? ?? ??? ????? ???????, ???? ??? ?? ??????????? ?? ??????  
?? ??????????????? ??????? ??

56 ????? ??? ??????? Genius Holding, ??? ?????????????? ?????????? ??? ?????????????? ???  
????????? ??? ?????????????? ? ??? ????? ??? ?????? ??? ?????????? ?????????? ??? ??????????????  
????????, ?????????????? ??? ????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????. ?? ???  
????????? ??? ????? ?? ?????, ??' ?????????? ??? ?????????? ??????????, ??? ????? ??? ?????? ???  
????????? ??? ??? ??? ??? ???????? ??? ?????? (25).

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

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

59 ? ?????? ??? ?????????? ?????? ?? ??????????, ????, ?????? ?? ?????????? ??? ?????????? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ???  
????????? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ? ?????????? ??? ??????.

60 ???????, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ?? ??? ?????? Genius  
Holding, ??? ?????????? ??? ?????? ??? ?????? ?? ?????? «?? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??? ?????? ?? ??? ??????  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
?????» (26). ?? ??? ?????? ???, ? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??  
????????? ??? ?????? ?????????? ???' ?????? ?? ??? ??????????, ??? ?????? ?? ?????? ?? ?????? ??  
????????? ??? ? ?????????? ??? ?????? ?????? ??? ?????????? ?? ?????????? ??????????????.

61 ?????? ??????, ? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ??????????????  
?? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????? ??????. ? ?????? Genius Holding ?????????? ??? ?????? ?????? ??? ?????? 17,  
????????? 2, ??????? ?, ??? ?????? ??????, ?? ?????? ?????? ?? ?????? ?????? ??? ?????? ??????  
(27). ??? ?????? ??????, ? ?????? ??? ?????? ?????? ?????? ?????????? ?????? ?? ?????? 21,  
????? 1, ??????? ?, ??? ?????? ??????. ??????, ? ?????? ??? ?????? ?????? ?????????? ???  
????? ?????? ??? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????????? ???  
????. ??????, ??? ?? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ???  
????? ? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ? ?????????? ??? ?????? ??? ??????  
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??  
????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

62 ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ???????, ?????????? ? ?????? ???  
????? ?????????? ??? ??????.

??????

63 ?????? ??? ?????????? ???, ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ??????????  
????????? ?? ???:

«1) ?? ????? 22, ?????????? 3, ??????? ?, ??? ?????? ?????? 77/388/??? ??? ??????????,  
?? 17?? ??? 1977, ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????????? ??  
????? ?????? ?????? ?????? - ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? ???, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? "???????" ??? ?????? ???

? ??????????" ?????????? ?????????? ?????????????? ??? ??? ?????????? ??? ?????? ????  
?????????, ??? ??? ?? ?? ??? ?????? ?????? ?? ??????? ?? ?????????? ??? ?????????? ????  
????? ??? ?? ?????????? ??? ?????? ?? ?????????????? ??? ?????? ??? ?????????? ???  
????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ?? ??? ???.

2) ?? ????? 21, ?????? 1, ??????? ?, ??? ?????????????? ??? ?????? ??????? ?????????? ??  
????????? ?? ?????? ?? ?????? ?????????? ?????????? ?????????? ??? ?????????? ???  
????? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???, ??? ??  
????????? ?????????? ??? ?????? ??? ?????????? ???, ?? ?? ?????? ?? ?????? ??????????  
?? ??? ????? ?????????? ??? ?? ?????????? ?? ??? ?????? ??? ?????? ?????????? ??? ??  
????, ??? ??????????, ??? ??????..»

(1) - ??? ??????????, ? ?????????? ??? ?????????? ?????????? ??????, ??? ??? ??'  
????????????? ?????????, ??? ? ?????????? ??? ?????????????? ?????????? ??? ??? ??  
??? ??? ??? ?????? ??? ???, ?? 1973, ??? ??? ?????????? ???, ???' ????, ??? ??  
????????? ?????????.

(2) - ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ??? 1977, ??? ?????????????? ???  
????????? ??? ?????? ???, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? - ???  
????? ??? ?????????????? ????: ?????????? ?????????? ??? (?? ????. ??? 09/001, ?. 49).

(3) - ??? ??? 26?? ?????????? 1979, ??? ??? ?????? ?????? ?????? (BGBl. 1979 ?, ?. 1953),  
??? ?????????? ??? ??? ??? 18?? ?????????? 1980 (BGBl. 1980 ?, ?. 1537, 1543).

(4) - ? ?????? ??? ?????? 1, ?????? 5 ?? 6, ??????? ?? ??????: «??  
????????? ??? ?????? ?? ?????????? ?? ?????????? ?????????? 5. ? ?????????? ???  
????????? ??? ??? ?????????? ??? ?????? ?? ??? ??? ?????? ??? ?????????? (...) , 6. ?? ???  
??? ??? ??? ?????????? ??? ??? ?????????? ??? (...) .»

(5) - ?????? 3 ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???.

(6) - ?????? 9 ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???.

(7) - ??? 18, ?????????? 1, ??????? ?, ??? ?????? ???.

(8) - ?? ?????? 22, ?????????? 3, ??????? ?, ?????? ?? ????: «?? ?????????? ?????? ??  
????????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ???, ??? ?????????? , ? ?????????? ???.

(9) - ?????????? ??? 22, ?????????? 3, ??????? ?.

(10) - ?????????? ??? 14?? ?????? 1988 ??? ?????????????? ?????????? 123/87 ???  
330/87, Jeunehomme ??? EGI (?????? 1988, ?. 4517), ??? ??? 5?? ?????????? 1996 ???  
?????? C-85/95, Reisdorf (?????? 1996, ?. ?-6257).

(11) - ?????????????? ??? Jeunehomme ??? EGI, ????? 16. ??????, ??? ?????? 17  
????????????? ??? ?? ?????????? ?????? ??? ??????, ??? ??? ?????? ??? ?????? ??? ? ???  
????????? ??? ?????????? , ?? ?????????? ?????? ?????? ?????? ?????????? ?????? ???  
????? ??? ?????????? ??? ??????.

(12) - ??? 31.

(13) - ?????????????????? ??????? Reisdorf, ????? 24. ?. ?????? ??? ?????????????????? ??????? Jeunehomme ??? EGI, ????? 17.

(14) - ?? ??????? ???, ?? 1977, ? ?????????? ??????? ???. ?????? - ??? ???.  
?????? ???. ??????? ?? 1980 - ??? ??????? ???. ?????????????? ???. ??????? ???.  
?????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???.  
?????? ???.

(15) - ?????? 22 ??? ?????????????? ?????????? ???.

(16) - ???. ????????, ?????????????? 8.

(17) - ??????? 7 ??? 8 ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????.

(18) - ?????? 5 ??? ?????????? ?????????????? ??? ?????????? ??? ??????????.

(19) - ?????? 9 ??? ?????????? ?????????????? ??? ?????????? ??? ??????????.

(20) - ?????? 29, 30 ??? 31 ??? ?????????????? ?????????? ???

(21) - ???. ???????, ?????? 24 ??? ??????????? ?????????.

(22) - ???. ?? ?????? 10 ??? 14 ??? ?????????? ??? ?????? ?????????? Mischo ??? ?????? C-342/87, Genius Holding, ??? ??? ?????? ?????????? ? ??????? ??? 13?? ?????????? 1989 (?????? 1989, ?. 4227).

(23) - ?????????????????? ??????? Genius Holding, ????? 13.

(24) - ?????????????????? ??????? Genius Holding, ????? 17.

(25) - ?? Bundesfinanzhof ??????? ??? ? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??????????? ??? ???????, ??? ????? ?????????? ?? ??? 14, ?????????? 2, ???  
?????, ?????????? ??? ????? «?? ? ?????????? ??? ?????????? ??? ?????? ?? ??? ????? ??????  
???? ?????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ??????» ??? ??? «?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????» (? . 7 ???  
????????? ??? ?????????? ??? ?????????? ??? ??????????). ???????, ? ??????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? «?? ?????? ??? ?????? ??? ?????? ???  
[?????????] ?????? ?? ?????????? ??? ??? ??? [?????????] ??? ???  
????? ?????? ??? [?????????] ??? ??? ?????????? ??? (...)» (? . 7 ??? ??????????  
????????? ??? ?????????? ??? ??????????), ??? ?????? ??? ?????? ?????????? ???  
??? ?????? Genius Holding.

(26) - ?????????????????? ??????? Genius Holding, ????? 18.