

Conclusions

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

RUIZ-JARABO COLOMER

??? 13?? ??????????? 2004(1)

?????? C-68/03

Staatssecretaris van Financiën

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D. Lipjes

[?????? ??? Hoge Raad der Nederlanden (????? ?????) ??? ?? ?????? ???????????????
?????????]

????? ??????? ??? – ??????????? ?????????? ??? ??????? ??????? ??? ??????? ??? – ??????
????????? – ?????????? ?????????????????? ?? ?????????????????? ?????? ?????? – ?????? ???
????? – ?????????? ??? ??????? 28?, ?, ?????????? 3

1. ?? Hoge Raad (?????????? ????????????) ??? ??? ?????? ?????? ??????????? ??? ??????????? ???
?????????? ??? ?????? ?????? ?????? 28?, ?, ?????????? 3, ??? ?????? ??????? ???
????? ?????????????? ??? (2) (??? ????: ??? ?????).

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

3. ?? Hoge Raad ??? ?? ? ?? ??? ?????? ?????????????? ???, ??? ?????? ??????
????? ??? ??????????, ? ?????? ?????????????? ??? ?????????? ??? ?????????? ?????? ??
????????? ?? ??? ?????????????? ??? (??? ????: ???). ?? ?????????? ??????????
?????????, ??? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ???
????????? ???.

I – ?? ?????????? ?????? ???????

4. ? ??? ?????? ?????? ??? ??? ?????? ?????? ?????? ?????????????? ?????? ??????????? ?? ???????????
????? ??? ?? ?????? ?????????? (3) ??? ?????????????? ?? ?????? ?????? ??????????, ??? ??? ?? ??
????????? ??? ?????? ??? ?????????????? ???, ??? ?????? ??? ??????????, ??? ??? ?? ??
????????????? ??? ??????????, ??? ?????? ??? ?????? ?????? ?????????? ??????????,
????????????? ??? ??? ?????????????? ??? ?????? ?????????? ?????????????? (????? 2,
????????? 1, ??? 4, ?????????? 1 ??? 2).

5. ????? ??? ??????????? ?????? ??? ?????? ?????? ??? ?????????? ?????? ?????????? ?????? ??????????
????? ??????????, ??? ??? ?????????? ?????????? ??? ?????????, ??? ?????? ?????????? ? ???
????? ?????????? ?? ??? ??? ?????? ??? ?????? ?????????? ??? ?????????? ? ??? ?????????? ??
????????? ??? ?????????? (????? 8, ?????????? 1) (4).

6. ??? ?????? ??? ??????????, ??? ??? ?????????????? ??? ?????????????? ??????????????

?????????? ?????????? ? ??? ????? ?????????????? ?????????????????? ??? ?????????????? ???
????????? ? ? ?????? ??? ?????? ?????????????? ??? ??? ??? ?????? ?????????? ???
?????????. ?????????? ?? ??????, ?????????? ?????? ??? ?????? ??? ?????????? ? ??????????
????????? ??? (????? 9, ?????????? 1).

7. ??????????, ??? ?????????? ?????????? (5) ?????????? ?? ?????? ?????????????? ???
????? ??? ?????-????????? ? ??- ??? ?????????? ?????, ? ?????? ?????????? ??? ? ???
???? ?????????????? ? ?????????? ?????? ????? ?????????????? ?????? ??? ?????? ???
?????????. ??? ?????????? ?????, ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ??? ??????
????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ? ??? ??????
????????? ??? (????? 9, ?????????? 2, ?????????? ?). ?? ??? ?????? ??? ?
????????????? ??? ?????? ?????? ?????? ?????? (????? 9, ?????????? 2, ?????????? ?,
????????? ?????? ??????) (6).

8. ? ?????? 91/680 ?????????? ??? ?????? ?????? ?????? XVI?, ??????????????
«????????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???»,
????????? ??? ?????? ?????? ?????? ?????????????, ??? ?????? ?????????? ??? ??????????
????? ??? ?????? ?????? ??? 1?? ?????????? 1993, ??? ?????????? ??? ??????????
????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ??????????????
????? (7).

9. ?????? ?? ? ?????????? ??? ??????????, ?????????? ?? ??? ? ? ?????????? ??????
«????????????? ?????? ??????» ??? ?????????????? ?????? ??? ?????? ???
????????? ??? ?????? ??????, ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????? ??? ?????? ??????, ??? ? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? (????? 28?, ?????????? 1, ?????????? ?, ?????? ??????).
10. ? ?? ??? ?????????? ??? ?????? ?????? ?? ? ?????? ??? ?????? ??? ??????
????? ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ?????? ??? ? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? (????? 28?, ?????????? 3, ?????? ??????).

11. ??? ? ?????????? ??? ?????????????? ???, ?????? ??? ???? ?????????? ???,
????????? ??? ???? (????? 28?, ? ??? ?).

12. ? ?????? 28?, ?, ?????? ?? ?????? ?????? ??? ?????? ?? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? . ? ???
????? ?????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????. ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???,
????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???.
?????????, ??? ??? ?????? ?????? ???, ?? ? ?????? ??? ?????? ??? ?????? ??? ??? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ???, ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ?????? ??? (????????? 1 ??? 2).

13. ? ?????????? 3 ??? ???? ?????? ?????? ?? ???:
«????? ?????????? ??? ???? 9, ?????????? 1, ? ??? ?????? ?????? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? 1 ??? 2 ??? ??? ??? 9, ??????????
2, ?????? ???, ?????? ???? ?????? ?????? ?????? ??? ?????? ???.
?????????, ??? ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????
??? ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
?????, ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 8 -?? ??? 28?, ??? ?, ???
????? ?????? ?????? ?????? ??? ?????? ??? ?????? 6a ??? Wet OB 1968, ???

22. ??????? ??????? ??? ??? ?????????????????? ??? ?????? ?? ?????????? ???
????????????? ??? ???????????, ?? ?????????? ?????? ?? ??? ?????????? ??????????
??????????, ???' ??? 104, ?????????? 4, ??? ?????????? ??????????.

IV – ??????? ??? ?????????????? ??????????

? – ? – ? ?????? ??? ?????????????? ?????? ??? ?????????? ??????????????????

23. ? ??????? ??? ?????????? ?????????????????? ??????????????, ???????, ??? ?????? ???
????? ??? ?????????? ?????????????? ??? ?????????? ?, ??????????, ??? ?????? ???
????????????? ??? ??? ??? ?????? ?????? ??? ?????????? ?????? (10). ?????????? ??? ???
??? ???????, ?????????? ?????, ??? ??????????, ? ?????????? ? ? ?????? ??????. ?
????? ?????? ?????? ?????? ??? ?????? «????????????? ??? ?????» ??? ?????? ?????? ???
?? ??????? ??? ?????????????? ??? ?????????????? ?????????????? ?????????? ?? ??????????????
????? ??? ??? ??? ?????????????? ??? ?????????????? ?????????? ?????? (11).

24. ?? ?????? ?????????? ?????????????? ??? ??? ?????????????? ??? ?????????????? ??? ??????????
????? ?????????? ??? ??????, ??? ?????????? ??? ?????????????? ??? ?????????????? ???
????? 9, ?????????? 2, ????????, ??? ?????????????????? ??? ?????????????? ?????????????? ??????
????????????? ?? ??? ???.

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

26. ?????, ? ?????????????? ??? ??? ?????? ??? ?????????????? ?????? ??? ??? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?? ??? ???
?????????, ??? ?? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ???
?????????????, ?? ??? ??? ?????????????? ?????????? ?? ?????? ??? ?? ?????? ??? ?????????? ???
??? ?????????????? ?? ??? ?????? ??????.

27. ?? ??????????, ?? ?????????? ??? ?????????????? ?????????????? ??? ?????? ???
?????:

- 1) ??????? ? ??? ??? (?????? ?????? ??? ?????? 9, ?????????? 1) (12),
- 2) ????? ?????????? ? ??? (????? 9, ?????????? 2, ????????, ??, ??????????
?????????),
- 3) ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ? ?????????????? (????? 28?, ?,
????????? 1, 2 ?? 3, ?????? ??????), ?
- 4) ? ?????? ??? ?????? ?????????? ?????? ??? ?????????????? ??? ?????? ??? ??????????

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

? – ? – ? ?????????? ?????? ?????? 28? ??? ?????? ??????

29. ? ??? ?????? ?????? ??? ?????? ?????????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?????? 28?- ?????? ?????? ?????? ?????? ?????? ??????, ?? ?????? ??????????
?? ??? ?????? ??? ?????????? ?????, ??????????, ?? ?????????? ?????? ?????? ?????? ??????
??? ??? ?????? ?????????? ?????? ??????. ?????? ?? ??? ?????, ?? ??? ?????? ??????
????????? ??? ?? ?????? ?????????? ??????, ?????? ??? ?????? ?????? ?????? ??? ??????
????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ?????? ?????? ?????????? - ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

31. ? ?????????? ??????? ?? ?????? ?? ?????? ?? ?????? 91/680 ?????????? ?? ?????? ?? ?????? ??
???????.

32. ? ?????????? ????. ?????????? ??????? ?????????? ?????????? ?????????? ?? ???? ?????????????? ???
????????? ??? ?????????????? ??? ?????????????? ?????????? ??? ?????????? ?????????? ??? 1??
????????? 1993, ????, ?????????? ??? ??? 31 ?????????? 1992 ??? ?????????? ??
????????? ?????????????? ??? ??? ?????????? ??? ?????? ??? ?????????????? ??? (13),
????? ?????????? ???????, ??? ??? ????? ?????????? ? ?????? ??? ?????????? ??? ?????????? ???
????? ??? ?????????? (14). ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
??????, ?????????? ??? ??? ?????????? ?????????? ???, ?????????? ??? ??????????
????? («????????????? ?????? ??????»), ?????????? ??? ??? ?????? ??? ??????????
????????? ?? ??? ?????????? ??? ?????????????? ?????? ??? ?????? ??? ?????? ???.

????? ??? ??????? ???? ?? ?????? 28?, ?, ?????????? 3, ??? ?????? ??????? ?????? ??????
????????????? ??? ?????????????? ??? ?? ????, ??? ???, ??? ??? ?????? ?????? ??????
????????? ??? ? ?????? ?????????????? ??? ?? ??? ?????? ?????. ??? ?????? ?????? ??? ?
????? ??? ?????? ?????? ?????? ?????????? ???, ??????, ??? ?????? ?????? ?? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????, ??? ?????? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
41. ?? ? ? ?????????? ?????????? ??? ?????? ??? ?????? ???, ? ?????????? ??? ????
????? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?? Hoge Raad ??????????
?? ? ? ?????? ??? ?????? ??? ? ? ?????????? ??? ?????? ??? ?????? ?????? ??? ???? ?????????? ??
????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?? ??? ?????? ?????????? ??? ??????
????? ??? ?????? ?????? ?????????? ??? ?????, ?????? ? ?????????? ?????? ?????? ??? ??????
????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????
????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????
????? ?????? ??? ?????? ?????? ?????? . ? ???????, ???, ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ?????? ??? ?? ??? ?????? 28?, ?, ?????????? 3, ??? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????, ?? ?????,
????, ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????????? ??? ?????? «????? ?????? ??????» ??? ??????????????
?-?-? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
28?, ?, ?????????? 3
42. ??????, ?? ?????? 28?, ?, ?????????? 3, ??? ?????? ?????? ?????? ?????????? ???
????????????? ??? ?????? ?????? ??? ?? ?????? ???, ? ?????????? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ????. ?????? ?? ??? ?????????? ??? ??????
????, ? ?????????? 3 ?????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????
????? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? 1, 3 ??? 5
??? ?????? 28?, ? ?????? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ??? ?????? 28?.
43. ?????? ?? ??? ?????????? ???, ?????? ??? ?????????? ?????? ?????? ??? ?????? ??? ??????
??? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????
????? ??? ??? ?????? (18).
44. ? ?????? ?????? ??? ?????? ??? ?????? 28? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ? ??? ? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
????????????? ??? ?????? 8, ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????
??? Hoge Raad (19).
45. ???' ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????
????? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? - ??????, ?????????? ??? ??????
????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ????
????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ?????? ??? ?????? ??? ?????? (20), ??? ?????? ???
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
V - ??????
46. ?????? ??? ?????? ??? ?????? ??????, ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?? Hoge Raad ?? ???:
«1)? ??? 28?, ?, ?????????? 3, ??? ?????? ?????? 77/388/?? ?? ???????, ??? 17??
????? 1977, ??? ?????????? ??? ?????? ??? ?????? ???, ??? ?????? ?? ??? ??????
????? ?????? ?????? - ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ???, ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????
????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
2)? ??? ?????? ???, ? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ??????
?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 28? ??? ?????? ???

? ??????? ??????????. ??? ?????????? ??? ?? ?????? ?????????? ?????? ??? ?????? ???? ???????
91/680 («[...] ? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???
????????????? ??? ?????? ?????? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ???
?????????, ????, ??? ??????, ??? ?????? ?? ?????? ??? ?????????? ??????, ??? ?????????? ??? ?????? ???
??? ????, ? ??? ?????? ??? ?????????? ??? ?????????? ??????, ??? ?????????? ??? ?????? ??? ??????
????????????? ??? ?????? ??? ?????? ?????????? ??? ?????? «????? ??? ?????????? ??? ?????? ??? ??????
????? 67/227/??? ??? ??????????, ??? 11?? ?????? 1967, ??? ???? ?????????? ??? (?? ??. ??.
09/001, ?. 3), ?? ?????? ?????????? ??? «????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????? 14 – ? ?????, ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? 91/680 ?????????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
15 – ?. L.M. Pérez Herrero, ?. ?, ?. 48.
16 – ?? ?? 17, ?????????? 2, ??????? ??, ??? ?????? ??????, ??? ?????????? ??? ?????? ???
??? ?????? 91/680, ?????? ??? ? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ??? ???,
????? ?? ?? ?????? 28?, ?????????? 1, ??????? ??, ?????? ?????????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???.
17 – ?? ? ?????????? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ???, ? ?????????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ???
????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
18 – ?????? ?? ?????? ???, ??? ?????????? ??? ?????? ??? ?????? ???, ?? ?????????? ?? ??????
?? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? .
19 – ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? .
20 – ?. ??? ?????? ??? 23? ?????? 1986, 283/84, Trans Tirreno Express/Ufficio
Provinciale IVA (?????? 1986, ?. 231, ?????? 14 ?? 15), ??? 26? ?????????? 1996, C-
327/94, Dudda (?????? 1996, ?. ?-4595, ????? 20), ??? 6? ?????? 1997, C-167/95, Pouwels
en Scheres (?????? 1997, ?. ?-1195, ????? 10), ??? 25? ?????? 2001, C-429/97,
?????? ??? ?????? (?????? 2001, ?. 651, ????? 41), ??? 15? ?????? 2001, C-108/00,
SPI (?????? 2001, ?. ?-2361, ????? 15) ??? ??? 5? ?????? 2003, C-430/01, Design Concept
(?? ?????? ?????????? ??? ?????? ??? ?????? ??? 22).