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PHILIPPE LÉGER

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?????? C-72/05

**Hausgemeinschaft Jörg und Stefanie Wollny**

????

**Finanzamt Landshut**

[?????? ??? Finanzgericht München (???????) ??? ??? ?????? ?????????????? ???????]

«????? ??????? ??? – ??? 6, ?????????? 2, ??????? ?? – ??? 11, ?, ?????????? 1,  
????????? ?? – ??? ?????? ????? ?????????????? ??? ??? ?????????? ??? ?????? ??????  
????????????? ?? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????????? ??? – ?????????? ????? ??  
????????? ??? ?????? ?????????? ?? ?????????? ?????? – ?????????????? ??? ?????? ??????????  
??? ?????? – ?????? ??? “????? ??? ??????” ??? ?????? ?????????? ? ?????????????? ???  
??? ?????????? ?????? ??? ?????? ?????????»

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

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

3. ??????, ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ??  
????????? ?????? ???, ? ?????????????? ??? ?????? ?????? ??? ??? ?????? ?????? ???  
????? ??? ?????? ?????? ??????. ??? ?????? ?????? ???, ? ??? ?????? 77/388/?? (2)  
????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????????????? ??? ?????? ???  
??? ??? ??? ?????? ? ?????????????? ??? ?????? ??? ??????.

4. ??????, ? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ?? ?????? ??? ?????? ??? ??  
????????????? ??? ?????? ??? ??? ???.

5. ??? ??? ?????? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ??  
????????? ??? ??? ??? ???' ?????? ??? ?????? ?????????? ?? Finanzgericht München (???????)

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

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

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

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

| - ?????? ???????

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## 1.      ????? ???????

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

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

9.     ?? ?????? 2, ?????? 1, ??? ?????? ??????? ?????? ??? ?????????? ??? ???? ??  
«????????? ?????? ??? ?? ?????? ?????????? ??? ?????????????????? ?? ?????????? ??? ???? ??  
??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ???  
?????».

10. ?? ?????? 6, ?????????? 2, ????? ??????, ?????????? ?, ??? ?? ????? ???????,  
????????? ??? ????? ?????? ?????????? ?? ?????????? ?????? «?? ?????????????? ????, ??  
????? ??????? ???????????, ??? ??? ????? ?????? ??? ??????????? ??? ?????? ??? ? ???  
?????????? ??? ? ???????????, ??? ?????? ?????? ??? ??? ???????????, ?????? ?? ???  
?????????? ??? ?????? ??? ? ?????? [??]».

11. «????????????? 11, ?????????????? 1, ??????????? ?, ??? ?????????????? ?????????? ??? ?????????????? ???  
????????????? ??? ??? ??????????????, ?????????????? ??? ?????????? ? ??? ?????????????? ??? ??? ?????????? ??? ??????????  
??? ??? ?????????? ?????????????? ??????????. ? ?? ??? ?????????? ?????????? ??? ??? ?????????? ??? ?????????? ???  
«???? ??? ?????????? ??? ?????????????? ??? ?????????? 6, ?????????????? 2, ?? ??? ??? ?????????? ???  
????????????? ??? ??? ?????????????? ??? ??? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ».»

12. ?? ?????? 17, ??????????? 2, ??? ?????? ?????? ??????????:

«???? ?? ??????? ??? ?? ?????? ? ?? ?????????? ?????????????????? ??? ?? ?????????????????? ???  
????????????????? ??????? ??, ? ?????????????? ??? ?? ?????????????? ?? ?????????? ??? ??  
????, ??? ?? ?????????? ????:

?) ??? ??????????? ? ?????????????? ??? ?????????????????? ?????? ??? ?????, ??? ???  
????????????? ? ?????????? ?? ??? ???????????, ?????? ??? ??? ?????????? ??? ???

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

[...]»

13. ?? ??? 20 ??? ????? ?????? ??? ?????????????? ??? ?????????????? ???  
????????? ??????. ?????????? ??? ? ?????? ?????????????? ?????? ?????????? ??  
????????????? ?????, ??????, ??? ?????? ?????? ? ?????????? ??? ?????????? ???  
????????? ?? ?????????? ? ?????????????? ??? ???, ??????, ???, ??? ??? ??????  
??? ???????, ?????? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??? ??????  
??? ?????? ???.

14. ??? ?? ????? 20 ?????? ??????:

«[...]

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

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

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

3. ?? ?????????? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ??  
????? ?????????? ?????????? ??? ?? ??? ?????????????? ??? ??? ?????????? ??? ?????? ???,  
??? ?????????? ?????????????? ???, ?????? ??? ??? ?????? ?????????? ?????????????? ??  
????????? ?????? ??? ?????? ? ?????????? ??? ?? ??? ?????? ?????????? ?????, ??? ??  
????????? ??? ??? ?????? ? ?????????? ??? ?? ??? ?????? ?????????? ?????, ?? ?? ??????????  
?? ??????????????, ??? ?????????? ??? ?? ??? ?????? ?????????? ????? ?????????????? ??  
????????????? ?????? ??? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??  
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15. ?? ?????? 3, ?????????? 9?, ?????? 1, ??? ?????? ??? ?????? ??? ?????? ?????? ??????  
Umsatzsteuergesetz (3) ?????????? ??? ?????? ??? ?????? ?? ?????? ?????? ?? ??????, ???  
????????? ???, ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??  
????????? ???, ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??  
????? ??? ?????????? ?? ?????????? ??? ?????? ???.

16. ? ????? ?????????? ?????? ??? ?????? ??? ?????????????? ???' ???? ?? ????? 3,  
?????????? 9a, ?????? 1 ?????????????? ??? ?????? 10 ??? UStG. ?? ???? ?????? 10 ???  
????? ??????, ???? ?????? ?????? ??? 30? ?????? 2004, ?????????? ??? ?????? ?????????? ???  
????? ?????? ?????? ??? ?????? ?????? ?????? «? ?????? ??? ?????? ?????????? ???  
????????? ??? ???? ?????? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ???  
????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ???  
????? ?????? ?????? ?????? ?????? ?????? ?????? »..

17. ?? ?????? 10 ??? ????? UStG ??? ?????? ??? 1? ?????? 2004 ??? UStG ??????:

«4. ?????? ?????????? ??? ?????? ??????????

[...]

2. [...] ??? ?? ??? ?????? ??? ?????? ??? ?????????????? ??? ?? ?????????? ??? ?? ???  
???????, ???? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ????  
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????  
????? ??? ?????? ???????. ?? ?????? ??? 500 ?????????? ??? ?????? ?????? ?????? ???  
????????? ??? ?????????? ??? ?? ??? ?????? ??? ?????? ?????? ?????? ?????????? ???  
????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? 15a.

[...]»

18. ?? ?????? 15a ??? UStG ?????? ??? ?????????? ??? ??????????. ??? ?????????? ???  
1, ?? ?? ??? ?????? ??????:

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

II – ?????????? ??????????

19. ??? ?? ?????????? ??? 2003, ? ?????? ?????????????? ?????????? ?????????? ??????????  
????? (Hausgemeinschaft (4), ??? ????: ?????? ?????????????? ?????????? ?  
?????????????), ??? ??? ?????? ??? ??? ??? Jörg ??? Stefanie Wollny, ?????????? ???  
?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 20,33 % ??? ??????  
????????? ??? ?? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????? ?????????? ??? ?????? ?????? ?????? ???, ???, ??? ?????? ??? ??????  
79,67 %, ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ??????  
????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? (5).

20. ?????????????? ?????????? ??? ??? ??? ?????????? ??? 2003 ?????? ??? ??? ???  
????? ??? ?????????? ??? ?????? 2004, ? ?????????? ?????????????? ?????????? ??????  
????????? ?? ??? ??? ??? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????.

21. ??? ??? ?????????? ??? ?????? ?????????? ??? ??? ??? ?????????? ??? ??????  
???????????????, ? ?? ??? ??? ?????????? ?????????? ??? ?????? ???, ???????? ?? ?? ??????????  
????????? ?? ??? ??? ?????? ?????? (Einkommensteuergesetz), ? ????????  
????????? ??? ?????? ?????? ?????? ????. ????????, ?????? ??? ??? ???? ??????????  
????? ?????????? ?? ?????? ??? ?????? ??? ?????? ?? 1/12? ??? 2 % ??? ?????? ?????????? ???  
????????? ?? ?????????????? ??? ?????????? ?????? ??? ?????? ??? ??????.

22. ?? Finanzamt Landshut ?????????? ??? ? ?? ??? ?????? ?????? ?????????? ?????? ??????? ??  
????????????? ?? ??????? ?? ?? ?????????? ??? ?????????? ?????????????? ??? ?????????? ??  
?? ?? ??????????, ??? ?????????? ??? ?? ?????? 15 ?? UStG, ??????? ?? ?? ?????? 20  
?? ?????? ??????. ????????, ?????????? ??? ?????????? ??? ?????????????? ??? ?????????? ??  
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????  
?? 1/12? ??? 10 % ??? ??????? ?? ?? ?????? ??? ?????? ??????????.

23. ?????????? ??? ?? Finanzamt Landshut ?????????? ??? ?????????? ??? ??????????  
????????????? ??? ?????????? ??? ?? ?????????? ?????????? ?????????? ??? ?????? ??? ??????  
????????? ??????? ?? ?? ?????????? ??? ?????????? ?????????? ?????????? ???, ?? ?? ???  
????????? ?????????? ?????????? ?????????? ?????? ??? Finanzgericht München.

### III – ?? ?????????? ??????

24. ?? Finanzgericht München ?????? ??? ? ??????? ??? ?????? ??? ?????????? ??? ??????????????  
????????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??  
????????????? ??? ?? ?????? 11, ?????????? 1, ?????????? ??, ??? ?????? ?????? ???  
????????????? ??? ?????? ??? «????? ??? ??????». ?????????? ?????????? ?????????? ?? ??  
????? ??? ?????? ?? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ?????????? ??????.

25. ??????, ?? ??? ?????? ??? Enkler (6) , ?? ?????????? ?????? ??? ? ??? ??????????  
?????, ??????? ?? ?? ??????? ???, ?????? ?? ?????????????? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?? ??? ?? ?????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????,  
? ?? ?????? ??? ?????? ?????? ?????????? ? ?????????? ???, ??? ?????? ??? ?????? ??????  
????????? ??? ???» (7).

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

27. ? ?????? ??? ?? ?????????? ?? ?????????? ??? ??? ?????? ??? ?????? «?????», ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ?????????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???.

28. ???????, ??? ?????? ?????? ??? ? ?????? ??? ?????? 6, ?????????? 2, ??????? ??,  
??? ????? ?????? ??? ?? ?????????? ??? ??? ?????????? ?????? ??? ?????? ??????????  
????? ??? ?? ?????????? ??? ?????? ?????????? ??? ??? ?????????? ?????? ??? ?? ???  
????? ?????????? (8). ??? ? ? ? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ???  
??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ??  
??? ?????????? ??? ?????????? ??? ??????, ??? ?????? ?????? ??? ??????????  
?? ??? ?????????? ??? ?? ?????? ??? ??????????.

30. ??????, ?? ????, ?????? ?? ??????????? ?? ?????????????? ?? ???? ?? ?????????????? ?????? ??????????? ??,  
????? ?? ?????? ?????? ?? ??????????? ?? ?????????? ??????????????, ?? ?????? ??????????? ??  
????????????? ?????????????? ?? ?????????????? ?????? ??? (9). ?? ??? ?????? ??????????? ??  
?????????, ??? ? ??? ?????????? ?? ????? ?????????? ?????? ?? ?????? ??? ???? ?????? ?????????? ??  
????????, ?????? ?????? ???, ? ?????????? ?????? ??? ?????? ??? ???? ?????? ??????????, ??????  
??? ????, ???, ??? ???? ?????? ??? ?????? ??? ?????? ??? ???? ?????? ?????? ??? ??????.  
????????, ??? ?????? ?????????? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? 6,  
????????? 2, ??????? ??, ??? ?????? ??????.

32. ???????, ?????????????? ??? ??????? ??? Finanzgericht München ?????????????  
???, ?? ?? ????? Seeling (10), ?? ?????????? ?????????????? ?? ?????????????? ???  
?????? ?????????????? ???, ??????? ? ?????????????? ??? ?????? 20, ?????????? 2, ?? ?????  
?????? ??????? ?????????? ?????????????? ??? ?????? ?? ?????????????? ??? ?????? ???  
????????????? ?? ?????????????? ???, ??? ?????? ?????????? ?????????? ???  
????????? ??????? ??? ?????????? (11).

33. ??????? ??????? ?? ?????????? ?????, ?? Finanzgericht München ?????????? ??  
????????? ?? ?????????? ?? ?????????????? ?? ?????????? ?? ?????????? ?? ?????????????? ??  
????????????? ?? ??????????:

«???? ??????? ?? ?????????? ? ?????? “???? ??? ?????” ??? ?????? 11, ?, ?????????? 1,  
????????? ??, ??? [????? ??????]· ?????????????? ?? ??? ?????? ??? ?????? ??? ??????  
????????????? ??? ??? ?????????? ??? ?????????????? ??? ?????????? ?????????? ???  
????????????? ?????? ??? ??? ???' ?????????? ?????? ??? ??? ?????? ??? ???  
????????????? ??? (????? ??? ?????????? ??????) ??? ?????? ?????????? ??? ??????  
??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ?? ??? ?????? ?????? ??????  
???/? ???' ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????  
??? ??????, ?????????????? ?? ?????? ??? ?????? ?????? ?????? ?????????? ???  
?????????..»

## IV – ???????

34. ?????????? ??? ? ??? ??????? ?????? ?????????????????? ??? ?????????????????? ??? ????  
????????????????? ??? ????? ?????? ?? ??????? ?????? ??? ?????? ??????????????, ??? ??????????????  
????? ??? ?????????? ?? ??????? ??? ?? ?????? ??? ?????????????? ??? ?????? ?????? ???  
????? ??? ??? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ?? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????????? ?????????????? ??? (12). ??? ??????,  
????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?? ?????????? ??????????????  
??? ??? ?????? ??? ?????????????? ???, ??? ??? ?? ?????? ?????????? ??? ???, ?????? ?  
????????? ??? ??? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

35. ?????????????????? ??? ?????????????? ????? ??? ????? ???? ???? ???? ???? (13).

36. ????? ???? ?????????????? ????. ???? ????? ?????????????? ?????????????? ?????? ??? ?????????? ???  
????????????????? ??? ???? ??????????, ????. ???? ????? ??????, ??? ???? ?????????? ??? ???? , ??? ???? ?  
????????? ????. ???? ?? ??????? ?? ?????????? ????. ????? ?????????? ????. ?????????????? ????. ???? ?? ?  
????????? ?? ?????????? ????. ???? ????. ????. ????? ?????? ????. ????? ?????????? ????. ???? ???? ????  
??? ??. ?????. ???? ?, ????. ?????. ???? ?? ??. ???? ?????????? ????. ???? ?????????? ????. ???? ???? ????  
??? ?????????? ????. ???? ?. ???? ?????????? ????. ???? ?????????? (14).

38.    ?? ?? ???????, ????. ?????????????? ????. ????. ????. ?????????? ???. ?????????? ???. ?????????? ???.  
????. ?????? ???. ?????????? ???. ????. ????. ?????????? ???. ?????? ???. ?????? ???. ?????? ???. ?????? ???.  
????????? ???. ?????? ???. ?????????? ???. ????. ?????????? ???. ?????? ???. ????. ?????????? ???. ?????? ???.  
????? ???. ????. ????. ?????? ???. ????. ?????? ???. ?????? ???. ?????????? ???. ????. ????. ?????? ???.

39. ??????, ??? ?????? ?, ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???? ???????????????????  
??? ??? ?????????? ??? ??????, ? ?????????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ????  
????? ??? ?????? ?????? ???????????, ?????????? ?? ?????? ?????? ??? ??? ??? ??? ?????????? ?'  
????? ?? ??????????????. ? ?????????? ??? ?????? ?????? ?????? ??? ?????? 6, ?????????? 2, ???  
????? ??????, ??? ?????? ??? ? ?? ??? ?????? ?????????????? ?????????????? ??? ??????  
????????? ?? ?????? ?????? ??? ???' ???? ??? ?????? ??? ?????? ???? ? ?????? ?????? ??? ??????  
????????? ??? ?????? ???.

40. ?????? ?' ?????? ?? ?????????????? ?????????? ??? ?????????? ?????????? ?? ?????? ???  
????????????? ??' ???? ?????? ???????? ?????????? ?? ?????????? ?? ??? ?????? ???????? ??? ??,  
????? 11, ?, ?????????? 1, ????????, ??, ??? ?????? ???????? ?????????? ?????????? ?? ?? ???  
????????? ??? ?????? ???????? «?? ???? ??? ?????? ??? ?????????????? ??? ??? ?????????? ???  
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? »..

42. ?????, ?? ?? ??????????????? ??? ???????, ?? ??????? ?????????????? ?????? ???' ?????? ??  
??????, ?? ??????? ?? ?????? 11, ?, ??????????? 1, ????????? ??, ??? ?????? ??????? ??????? ??  
?????????? ?? ???? ?????? ?? ??????????? ?????? ??? ?????? ??? ?????? ?????????? ??????? ??  
?????? ? ??? ?????????? ??, ??? ??? ?????????? ?????????????? ?????? ?????? ??????? ??  
???????? ?? ?????????? ?????????? ?? ?????? ??? ?????????????? ??? ??? ?????? ??? ?????????? ??  
??? ??????????? ?? ??????? ?? ?????? ??? ?????? ?????? ? ???????????, ??????????????? ??  
????? ??? ?????????? ?? ?????? ?????????? ?????????????? ??? ?????????? ?? ??? ??? ???????,  
????? ?????????? ?? ??????? ?? ?????? 20 ??? ?????? ???????.

44. ?????????? ??? ?????? ?? ?????????????????? ?????? ?????????? ?? ??? ???? ??? ??? ???  
????????????? ??????? ??? ??? ?????????????? ?????? ??? ???? ?????????? ??????????????.  
??? ??? ??? ??? ??? ??????? ?? ?????? ?????? ?????? ???? ?????? ???? ?????? ?, ?  
?????????? ?? ??? ?? ?????????????? ???????, ?? ??????????, ??? 2 % ??? ??????  
?????????? ?? ??? ??? ??? ?????????? ?? ?????????????? ??? ?????????? ???????, ???  
????? ? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? ??????  
???. ??? ?????????? ??????????, ? ??? ?????????? ??? ?????? ?? ??? ??? ??? ?? ?? 10 % ????  
?? ??????, ??? ?????? ??? ??? ?????? ??? ?????????? ?????????????? ??? ?????????? ??????  
?? ??? ??? ??? ?????? ??????????, ??????? ?? ??? ?????????? ??????, ??? ??? ??? ???.

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

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

48. ? ?????????????? ?????????????? ??? ?? ??? ???? ??? ?????? ??? ?????????????? ??? ???  
11, ?, ?????????? 1, ??????? ??, ??? ????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ??????  
?????????????, ????? ?? ?? ?????????? ?????, ??? ?????? ?????????? ?????????? ??? ?????? ???  
????? ?? ?? ?????????? ??????????????, ??? ?????????????? ?????? ?? ??? ?????? ?? ?????? ???  
????????? ??????.

49. ?????????????????? ??????? ???? ? ?????? ??? «??????» ?????????????? ??? ? ??????????????  
????? ???? ?????????? ??????? ??? ?????????????? ????. ???' ????, ? ?????????????? ???  
????????? ??????? ?????? ??? ?????????? ?????? ? ?????????? ???????, ??? ?????? ??????  
?? ??????? ?? ?????? ??? ?????? ?????? ?????? ?????????????????? ??? ??? ??? ??? ??? ??????.  
????????, ?????????? ?????? ??? ?????????? ???, ?? ?? ??????, ?????? ??? ?????? ???  
????? 11, ?, ?????????? 1, ??????? ??, ??? ?????? ?????? ???? ??? ?? ???? ???  
????? ??? ??????. ????, ??? ? ?????? ??? ?????? ?????? ?????????? ???? ??? ??  
????????????? ??? ?? ????? 20 ??? ?????? ??????, ??????? ?????????? ???? ??? ??  
????????? ??????????????.

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

51. ????????????, ? ?????????? ?????????? ??? ? ?????????? ??? ?????????? ??????????  
????????????? ??? ??? ?????????? ??? ?? ?????, 11, ?, ?????????? 1, ?????????? ?, ???  
????? ??????? ??? ?????????? ??? ? ?????????? ?????????? ?????????? ?????.

52. ?????????????? ??? ??? ? ??????? ??? ?????????????? ??????? ?? ?? ?????????? ?  
?????? ?? «????? ??? ?????».. ?? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??????????  
????????????? ??? ?????? ??? ?????????? ??? ?????? ??????. ?????????????? ??? ? ??????  
?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ???  
??? ?????? ? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????? ??? ??????????.

53. ??????? ??? ??????? ??????, ? ?????? «?????» ??????? ?? ??????? ?? ??????????? ??  
?????? ??????? ? ??????????? ??? ???????, ????? ??, ???????????, ?? ?????????? ?????? ??  
??????????, ??? ?????? ??? ??????????? ?????????? ?? ??????? ???. ???????, ?? ???  
????????? ??? ?????? ?? ??????? ?? ??????????? ?? ?????? ?? ??????? ?????????? ??  
?????????? ?? ?????? ?? ??????? ?? ??????????? ?? ??????????????? ?? ??????????? ?????? ???'  
?? ?? ??????? ?? ??????????? ??????????????? ?? ??????????? ?? ?? ?? ?? ???????????, ???????  
?? ?? ?? ?? ?????? ?? ??????????? ?? ??????????? ?? ??????????? ?? ??????????? ???????????.

54. ?????????? ??? ?????????? ??????????????, ?????????????? ??? ?????????????? ?????.  
????????? ??? ?? ?????????? ?????????? ??? ?? ?????????? ??? ?????????? ??????????, ?  
????????? ?????????? ??? ? ?????????? ??? ?????????? ?????? ? ?????????? ??? ?????????? ???  
????????? ?? ??????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ?? ??? ??? ??????????. ??????, ??????? ?? ?? ??? ????? ?????????? ??????, ???  
????????? ?????? ?????????? ?????????? ??? ?????? ??? ?? ??????????, ??? ?????????? ??? ?????? 6,  
????????? 2, ??????? ??, ?? ?????? 20, ?????????? 2, ??? ?????? ??????. ????????, ?  
?????? ??? ?????????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??? ?????????? ???

??? Seeling.

55. ??????, ?????? ?? ???? ?????????????? ? ??????? ?????????????? ???  
????????? ??? ??????? ?????? ??? ?????????? ??? ?????? ??? ?? ?????????????? ???  
??? ??????? ??????? ??? ?????????????? ??????? ?? ??? ????? ??????????????, ??? ?????? ???  
?? ??????? ??? ?????????????? ??????? ??????? ?????? ??? ?????????????? ????????. ???????,  
?? ?? ??? ?????????????? ?????????????? ?? ?????????????? ???????, ?????????? ??? ?? ??? ?????? ???????  
??? ???. ??????? ?? ??? ???????, ??? ? ??????? ??????? ?? ?????? ???' ????????  
????????????? ?????????? ??????????, ??????? ?????????????? ??? ??????????????  
???? ???. ???????, ?? ?? ??? ?????????????? ??????? ?????????????? ??? ? ??? ?????? ?????????? ??  
???? ?? ???????, ??????????, ?? ?????????????? ??? ??????? ?????????????? ??? ? ??? ?????? ?????????? ??

56.     ???? ??? ??????, ? ?????? ??? ??????, ???? ????????, ???? ? ?????????? ???? ? ?????????? ???? ???? ?  
????????? ??? ??????? ??????????, ???? ??? ?????????? ???? ?? ?????? 11, ?, ?????????? 1,  
????????? ??, ??? ?????? ??????? ?? ?? ?????????? ?? ??? ?????? ??? ?????? ?????? ?????? ?  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ???  
????????????? ??? ??? ?????????? ?????? ??? ???' ??? ?? ?????????? ??? ??????????  
????????????? ??? ?????????? ?? ??? ??? ?????????, ???? ?????????? ???' ?????????? ???  
????? 20 ??? ????? ??????.

57. ????? ???? ??? ?????????? ??? ?????? ??? ??? ?????? ?????????? ??? ?????? ???, ?????????? ?? ?????????????? ?? ????????????, ??? ?????? ??? ?????? ?????????? ??? ?????????????? ?? ?????? ??? ?????? 20, ?????????? 2, ??? ?????? ?????????? ??? ??? ?????? 6, ?????????? 2. ?????????? ??, ??? ??????????????.

58. ?????????????????? ? ?????????????? ??? ? ??????????, ??? ?????????? ??? ????  
??????, ??????? ??? ? ?? ?????????? ??? ?????????? ??? ??????? ?????????? ???  
????????? ?????????????? ??? ?????????? ??? ?????? 20, ?????????? 2, ??? ????  
??????? ??? ??????? ??? ?????? 6, ?????????? 2, ??????? ??, ??? ?????.

59. ???????, ?? ??? 20 ??? ????? ?????? ??????, ??? ?? ?????????????? ???  
????????????? ?? ??? ?????? ??? ?? ?????????????? ?????? ?? ??? ?????? ??????,  
??? ?????????? ??? ?????? ??? ?????? ? ?????????????? ?????? ?? ?????????? ???  
??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?? ??? ?????????? ???  
????????????? ??????. ?' ??? ?? ?????????? ??????, ? ?? ??? ??????????  
???? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ?????? ???  
????? ??? ?????? ? ?????????? ??? ?? ??? ?????? ?????? ?????? ???' ?????? ??? ??????  
????? ??? ?????????????? ??? ?????????? ?????? ??????.

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

????????? ??? ?????? ??? ?????????????? ?? ?????????????? ?????? ??????? ? ? ? ?????? ???  
?????? ? ??? ??????????? ???, ???? ??? ?????? ?????????? ?????? ?????? ??????? ? ? ???? 6,  
?????????? 2, ??? ????? ??????. ? ?????????? ?????? ??? ?????? ?????? ??? ??????  
???????????, ???? ??? ???????, ???? ?????? ?????????? ?? ?????????? ??????. ????  
?????? ?????? ??? ?????????? ??????????, ? ?????????? ?????? ??? ?????? ?????? ??? ??? ??  
?? ??????? ?????? ? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ??????  
?????????? ???? ??? ?????????? ??????? ???.

63.    ??? ?????? ?? ??????? ??? ?????????? ?????????? ? ?????????? ?? ???? ??????? ??? ??????,  
???? ?????????? ??? ???? ?????? ?????????? ? ?????????? ?????????? ?????????? ??? ?????????? ???  
????? 20 ??? ?????? ??????. ??? ? ?????? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ???, ???' ?????????? ??? ?????? ?????? ? ?????? ? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
11, ?, ?????????? 1, ????????, ?, ??? ?????? ??????.

65. ??? ?? ??????????? ?????? ?????????? ??????, a contrario, ??? ?? ???? ?? ??????? ??????? ?????? ??? ?? ?????? ???????, ??? ?????? ?????? ??????? ??????? a posteriori ??????????????. ???????, ?' ?????? ?? ??????????? ???????, ?????????? ??????? ?? ?????????? ???????.

66. ??????????? ??????? ?? ??????????????? ????? ?????? ???????, ? ??????????  
?????????? ?? ? ?????????? ?? ?????????? ????? ?????????? ?????????? ?? ? ????? ?????????  
??? ??? ?? ? ???????????????, ??? ?????????? ???????, ??? ?? ?????????? ???????????  
???? ?????????? ??????? ?? ?????? ?? ?????? ?? ?????????? ?? ??? ?? ?? ?????????? ???  
????????? ?????????????? ?? ?????? ?? ?????? ?????? ?? ??? ?? ???, ??? ?????????? ??? ?? ??????  
????? ??????? ?? ?????? 20, ?????????? 2, ??? ?????? ???????.

67. ?????? ??? ?????? ??? ? ?????????????????? ??? ?????? ??? ?????????????? ??? ?????? ??  
????? ????, ??? ?????? ??? ??? ?????? ??????. ??????, ?? ?????? 11, ?, ?????????? 1,  
????????? ??, ??? ?????? ??????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????  
??? ??????? ????. ???????, ? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ??  
?? ??????? ??? ??????? ?????????????? ??? ?????????? ?????? ?? ??? ??? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? 6, ?????????? 2, ??? ?????? ??????. ??????, ???  
????????? ?????????? ??? ?????? ?????? ?????????? ?? ??? ?????? ?????????? ????  
????????????? ??? ??? ?? ??? ?????? ?????? ?????? ?????????? ???.

69. ???' ??? ???, ???, ??? ?? ?????? ?????? ??? ?????? 6, ??????????? 2, ?????? ?????? ??  
????????? ??? ?????????? ????????????. ? ??? «?????» ??????? ?? ????? ???????,  
???????? ??? ??????? ?????? ??? ?????? ?????? ??? ??????????? (17). ????????, ? ??? ??????  
????? ??? ??????? «?? ??? ?? ?????? ??? ?????? ??? ??????????? ??? ??? ?????????? ??? ???  
??? ??? ??????? ??? ?????? ??????» ?????? ??????? ?????? ??? ?????? (18). ??????  
???? ?? ??????, ??? ?? ????? ???, ?? ??????? ?? ?????? ??? ?????? ??? ?????? ??? ??????? ???  
????? ??????? ??? ?? ?????????? ?????? ? ?????????? ??? ??????? ??????????. ???????,  
???? ? ?????? ?????? ?? ?????? ?? ???????????, ?????? ??? ?? ?????????? ???, ?? ??????  
??? ??????? ?????? ?? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??  
????? ??????.

70. ??????????, ?? ??????? ??? ? ?????????????? ??? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????  
?????? ??? ?????????????? ??? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ???  
????????? ?? ?????????? ??????, ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????????? ??? ?????? ???  
????? ?????? ??? ?????????????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????????????? ??????????.

71.    ??? ????? ??? ?????????? ??? ??? ??? ?????????????? ??? ??? ??? ?????????? ?? ? ? ?????? 6,  
?????????? 2, ??? ????? ??? ?????? ?????? ?????? ?????? ?? ?????????? ??? ??? ? ?????? ? ??????????  
?????????? ?? ?????????????????? ???' ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ??????.  
?????????, ??? ?????? ??????????, ? ??????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ???  
???? ?????????????? ?????? ??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ?????????? (19).  
????????? ??? ?? ??? ?? ?????????? ? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
??? ??? ??? ?????? ?????? ?????????? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ??????  
??? ??? ??? ?????? ?????? ??? ?????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??? ???  
????????? ???????, ?????????????? ??? ?????? ??? ?????????? ?????????????? ??? ?????????? ?? ???? ??

73. ?????????? ??? ??????? ?????? ??? ?????? ??????? ?????? ?? ?????? ??? ?????? ?  
????????? ??? ??????? 11, ?, ?????????? 1, ??????? ??, ??? ????? ??????? ?????? ????  
????????? ?? ?? ?????????? ??????. ?? ??? ?????, ?????????? ?? ?????????? ??? ?? ??????  
???? ????????, ??? ?????? ??? ??????? ?????? ??? ????????, ?????????? ??????????  
????????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ??? ??? ??? ??? ??? ??  
?? ?????????? ??? ?????? ??? ?????????? ??? ??????? ??? ?????????? ???????, ??? ??  
????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???????.

74. ?????? ??? ??????? ??? ?? ?????? ????? ?????????? ??? ?????? ?????? ?????????? ??????????.

75. ?????????????????? ???, ???????? ??? ???? ????? ?????????? ??? ?????? ?????? (22), ??  
?????? 11, ?, ?????????? 1, ??????? ?, ?? ?????????? ??? ?????? ?????? ?????? ?????? ??????  
??? ?????????????? ??? ??????? ??? ??? ?????????????? ??? . ????????, ? ?????? «????? ???  
?????? ??? ?????????? ??? ??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ???  
?????????» ??????? ??????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ???

?????? ? ?? ??????? ???? ?????? ?????? (23).

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

77. ???????, ?????? ?? ?????????? ?? ?????? ??? ? ?????? ?????? ?????????????? ??? ? ?????.  
????????? ??? ??, ?? ?????????? ?? ?? ?????? ??? ?????? ?????? ?????????????? ???  
?????????, ??? ?????? ?????? ??? ?????? ?????? ??? ?????? 6, ?????????? 2, ??? ???  
????? ??? ???? ??? ?????? ?????? ?????? ?????? ??????.

78. ??? ?? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? 6, ?????????? 2, ????.  
??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ?????? ??????.

79. ? ?????????????? ??? ?????? ?????? ??? ? ???? ?????? ??? ? ???? ?????? ??? ? ???? ?????.  
?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ? ???? ?, ??????????  
?? ?????????? ???, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????????? ?? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??  
?????.

80. ??? ?????? ??? ? ?????????????? ?????? Seeling, ?????? ?? ?????????? ??? ??????  
????..

81. ?????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ?????? ? ?????? ???, ??  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? (24).

82. ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ? ???? ???, ??  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

83. ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ? ???? ?????? ??? ? ???? ?????.  
????????? Seeling, ? ?????? ?????? ?????? ?????? ??? ? ???? ?????? ??? ? ???? ?????.  
????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????.  
????????? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?  
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

84. ? ?????????? ?????????? ?????? ??? ?????? ?????? ?? ?????????? ?? ?????? 13, ?, ?????????? ??,  
??? ?????? ??????, ??????? ??? ?????? ? ?????? ?????? ?????? ?????????? ?????????? ???' ?????? ???,  
????? ?????? ??? ?????? ?????? ?????? ?? ?????????? ?????? ??? ?????????? ???  
????????????? ?????? ????. ?????????? ???, ??? ?????? ??? ?? ?????? 6, ?????????? 2, ??????  
??????, ?????????? ??, ??? ?????? ?????? ?????????? ?? ?????????? ?????? ?????? ???  
????????????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ???  
????????????? ?????? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
??????, ?????????? ?? ?????? ???' ?????? ?????? ?????? ?????? ?????? ?????? 13, ?,  
?????? ??, ??? ?? ?????? ?????? ?????? ?????? ??????.

85. ??? ?????? ??? ?????????? ???, ?????????? ??? ? ?????????? ?????????? ???  
????????????? ?? ?????????? ?????? ?????? ?????? ?????????? ?? ?????????? ??? ??????????  
?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????.

86. ??? ?????????????? ?????? Seeling, ?? ?????????? ?????????? ?? ?????????? ???  
????????? ?????? ?????? ??????, ??? ?????????? ?????? ?????? ?????? 13, B, ?????????? ??,  
??? ?????? ??????. ?????? ??? ? ?????????? ???, ??? ??? ?????? ?????? ???  
????????? ??? ?????? ?????, ?????????? ?????? ?????? ?????? ??? ? ?????????? ?????? ?????? ???  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ?????? ?????? ?????? (25).

87. ?? ??? ?????? ?? ???????, ?? ?????????? ?????? ???, ?????????? ?? ??????? ???  
????????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ???  
????????? ??? ???, ?? ?? ??????, ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
?? ??? ?????? ??? ?????? ?????? ?????????? ???, ?????? ?? ??? ?????? ?????? ???  
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? 2, ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? 20,  
????????? 2, ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????  
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????, ?????? ?????? ?????? ?????? ??????  
????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??????  
????? 13, B, ?????? ??, ??? ?????? ??????.

88. ??? ?????? ??? ? ?????????? ?????????? ??? ? ?????????? ??? ?????????? ?????????? ???  
????? ???, ?? ??? ?????????? ??? ?????? ??? Seeling, ?? ?????????? ?????? ???  
????? ?? ??? ?????? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 6,  
????? ??? 2, ??? ?????? ??????.

89. ??? ?????????? ??? ?????? ??? ? ?????????? ?????? ??? ?????? ?????? ?????? ???  
??? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???, ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????? ???, ?????? ???, ?? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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

91. ??????? ??? ?????????? ??????, ??? ?????? ?????????????????? ?? ?????????? ??? ? ???????  
??? ?????????? ?????????????? ?? ?????????? ?? ?????????????? ?? ?????????? ?????????? ?????  
????????? ?????????????? ?? ?????????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????????????? ??? ??????????, ?????? ?????????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? 6,  
????????? 2, ??? ?????? ??????.

92. ????? ??????? ????? ?? ?????????? ??????? ?? ?????????? ??? ? ?????????? ??????????,  
????????????? ??? ??????? ?????????? ??????? ?? ?????? ?????? ?????? ?????? ?????? ??????  
????????????? ??? ????????, ?????????? ?????? ?????? ?????? ?? ?????????????? ??????  
?????????????. ????????, ? ?? ??? ????? ?????????? ?????? ???, ?? ?????????? ??? ?  
????????????? ?????????? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ?? ?????? ??? ??  
????? ??? ????????, ?? ?????? ?????? ???? ? ?????????? ??? ?? ?????????? ?????? ??? ??  
????? ??? ?????? ??????? ??????. ????????, ? ?????? ?????????? ?????? ?? ?????????? ??????  
????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????????? ?????? ?????? ??????.

93. ??????? ?????????????? ??? ??????? ?????? ? ?????????????? ??? ?????? ?????? ?????????? ?????  
????????? ??????? ??????????????????, ?????? ? ?????????????? ?? ?????????????? ?????? ?????? ?????  
?? ?????? ?? ?????????? ??????????. ??????, ??? ? ?????????? ?? ??? ????? ?????????? ??? ???  
????? ??? ?????????????????? ??? ?????????? ?????? ?????? ??? ?? ?????? ?????? ??????.  
??, ??? ???? ?? ?????? ??? ??????, ? ?????????? ??? ?????? ??? ?????????????? ??? ???  
????????? ??????? ?? ?????????????? ?????? ??? ??????????, ?????? ?? ?????????? ??? ?  
????????????? ?????? ??? ?????????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??  
?????????????. ??? ?????? ??? ?????????? ?????? ??? ?????????? ?????????? ??? ??????????.

94.     ????' ??? ?????, ??? ??????? ???? ???? ???? ???? ?????? ?????????? ??? ?????????? ?????? ??  
????? ??? ?????????? ?? ???? ?????? ??? ?????? ?????? ?????????? ?????????? ?? ???? ??? ??????  
??? ?????? 6, ?????????? 2, ??? ????? ??????.

95. ????????, ? ?????????????? ??? ?????? ?????????? ??? ??? ?? ??? ?????? ??? ??????????  
????????????? ??? ?????????? ??????????????, ??? ?? ?????? ???, ??? ?????? ??? ??????????????  
???? ??? ?????????? ??? ?????????????? ?????????? ?????????????? ?????? ??? ??????????  
????? ??? ?????? ??? ?????????? ??????????. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ??? ?????????????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ??????  
?????????????. ??? ? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??????????????  
???????????, ??? ?????????? ??? ?? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ? ?????????? ??? ????????, ?? ?????? ?? ??? ?????? ?????????? ???  
????? ?? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??? ??? ?????? ??? ?????????? ???  
?????.

97. ? ?? ????, ???????, ?????????????? ? ?????? ???, ?????? ???, ?????? ?????????? ???  
?????? ??????? ??, ??? ???? ????? ?????????? ??? ??????? ??, ??? ??????? ??, ??? ??????????  
?????? (26). ??????, ?? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ??????  
????? ???, ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????  
??????, ??????? ??, ??? ?????? ? ?? ?????? ?????? ?????? ?????? ?????? ?????? «?????????»  
????????????? ?????? ??? ?????? ??? ?????? ??????. ?????? ??? ?????????? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ??, ??? ?????? 20 ??? ?????? ?????? ?, ??? ?????? ??? ?????? ??? ?

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

98. ???? ???? ??? ?????? ??? ?????? 20 ??????, ??? ?????? ?????? ??? ????????,  
??? ?????? ??? ????? ?????????? ??????. ??? ???? ?? ???? ?????? 20, ?? ?????? 6, ??????????  
2, ??? 11, A, ?????????? 1, ?????? ??, ??? ?????? ?????? ?????????? ?? ??????????  
?? ??? ?????????? ??? ???? ?? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????????? ??? ???? ?? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ???  
??? ?????????? ??? ???? ?? ?????? ?????? ?????? ?????? ??????. ?????????? ???  
????????? ?????? ??? ???? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ??????  
????????? ??? ???? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??????, ???  
????????? ??? ???? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??????.

99. ??????, ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ???  
????????? ?????????? ?????????? (27). ??????????, ??? ??? ???? ??????????????  
?????????, ??? ?????? ??? ???? ?? ?????? ???? ?????? ?????? ??? ?????? ???  
????????? ??? ???? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???.

100. ?????????? ? ?????????? ??? ???? 20 ??? ?????? ?????? ?????????? ??? ????  
???? ???? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????  
??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

101. ?????? ??? ???? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? 20 ???  
????? ?????? ??? ?????? ??? ?????? 6, ?????????? 2, ??? ?????? ??????, ? ??????????????  
??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????  
????????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ???  
????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???.

102. ??????, ? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???  
?? ?????? ??? ???? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
???? ???? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ???, ??  
????????? ??? ???? ?? ?????? ?????? ??? ?????? ???.

103. ??????, ??? ???? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????, ??? ?????? ???  
?????????, ??? ???? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ??????, ??? ?????????? ???  
????????? ??? ???? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ???? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ???? ?? ?????? ??? ?????? 11, ?????????? 1, ?????? ???, ??? ???? ???  
?????.

104. ??????, ? ?????????? ??? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ???? ???  
????????? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ??? ???? ?'  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??, ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 2002 (28), ?? ????  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (29).

105. ?????? ??? ???? ?????? ???, ?????? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ???

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

106. ??? ?????? ? ??????? ? ?????????? ??????????, ? ?????????? ??? ??????? ?????????? ??? ?  
?????????, ??? ???? ?????? ???, ?? ??? ?????? ?????????????? ??????????, ?????? ?? ??????  
????? ?? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????????.

107. ??????, ??? ?????? ?? ??????, ??? ??????? ??? ?????? 11, ?, ?????????? 1, ??????????  
??, ??? ?????? ??????, ?????? ?????????? ??? ?? ????? ?????????? ????. ? ?????? ???  
«????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????» ?????????? ?? ??????, ??????????????, ??? ?????? ??? ?????? ???  
????????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???, a  
priori, ?? ?????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????.

108. ???????, ? ?????????? ??? ?????? ??? ?? ?????? ??????? ?????? ?? ??????? ?????????? ??  
????????? ?? ??? ?????? ??? ?????? 6, ?????????? 2, ??? ?????? ???????, ??? ??????????,  
????? ??? ???????, ??? ?????????? ??? ?????? ?????????????? ?????? ??? ?????????????? ???  
????? ??? ??? ??????? ??????????. ??? ?????? ??? ? ?????????? ?? ?????????????? ?? ??? ???  
????? ??? ??? ??????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???.

109. ??? ?????? ??? ??????? ???????????, ??? ?????????????? ?? ?????????? ??? ????  
??? ??? ??????????? ??? ?????????? ??? ??? ?????? ?????????? ?? ?????? ?????????? ???  
??? ??? ?? ??? ?????? ??? ??????? ??? ?? ?????? ????. ? ?????????? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????????? ??? ??????????????, ?????? ??? ?????? ???  
????????????? ??? ?? ?????? ??? ??????????.

110. ?????? ??? ?????? ??? ??????????, ?????????? ?? ?????? ??? ?????????????? ??????? ?  
????????? ??? ?? ?????? 11, ?, ?????????? 1, ?????????? ??, ??? ?????? ?????????? ??? ??  
????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?  
????????? ??? ???, ??? ?? ?????? ?????????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???, ?????????? ?????? ???  
????? ??? ?????? ?????? ??? ?????? ???, ??? ?????????????? ?? ?????????? ??? ?????? ??? ??  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??? ???, ???  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? 20 ??? ?????? ??????. ?' ??? ?? ??? ?????? ?????? ???  
?????, ???????????, ?? ??????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????????? ??? ??????.

V – ??????

111. ?????? ??? ?????? ??? ??????? ??????????, ?????????? ?? ?????? ??? ?????????????? ???????  
??? Finanzgericht München ? ??????? ??????:

«?? ??? 11, ?, ?????????? 1, ?????????? ??, ??? ?????? ??????? 77/388/??? ??? ??????????,  
??? 17?? ??? 1977, ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????? ???, ??? ??????????  
?? ??? ?????? ??? ?????? ??? – ??? ?????? ??? ?????? ?????? ?????????? ????: ??????????  
????????? ???, ??? ?????????? ??? ?????? ??? ?????? 95/7/?? ??? ?????????? ???, ??? 10??  
????????? 1995, ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

? ?????????????? ?? ???? ?????? ?? ?? ???? ?????? ??? ?????????? ?????????????? ?? ???? ?????? ?? ?????.  
????? ?? ???? ?, ??? ?????????? ?????? ?? ???? 20 ??? ???? ?????? 77/388,  
????? ??? ??????????????. ?' ??? ???? ?? ???? ?????? ??? ?????? ?????? ?? ???? ?????????????? ?  
????? ?????? ??? ?????????? ??? ???? ?????? ??? ?????? ?????????????? ?? ???? ?????? ??? ?????? ??? ???? ?  
????? ?????? ??? ???? ???? ???? ???? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?  
?????.»

1 – ?????? ??? ??????????: ? ??????.

2 – ?????? ??? ??????????, ??? 17?? ???? 1977, ??? ?????????????? ??? ?????????? ??? ?????.  
????? ????, ??? ?????? ?? ???? ?????? ?????? ?????? ?????? – ??? ?????? ?????? ????  
????????????? ????: ?????????? ?????????? ??? (?? L 145, ?. 1), ??? ?????????????? ??  
??? ?????? 95/7/? ?? ??????????, ??? 10?? ???? 1995 (?? L 102, ?. 18, ??? ?: ???  
?????).

3 – BGBI. 1993 I, ?. 565, ??? ?: UStG.

4 – ? ?????? ??? ?????????????? ??? ???? ?' ?????????? ?????? ??? ??  
????????? ?? ?????? ?????????? ??? ???? ?????????? ??? ???? ?????????? ???  
????????? ?????? ??? ?????? ??? ?????????? ???.

5 – ?????????? ??? ?????? ?? ???? 13, B, ??????? ??, ??? ?????? ???????, ??  
????????? ?????? ??????????????, ??? ??????????, ??? ???, ??? ???, ??? ?????? ??? 13,  
?, ??? ??????, ??? ???, ??? ?????? ??, ??? ?????? ??????, ?? ?????? ??? ?????? ??  
????? ?????????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ???  
?????.

6 – ?????? ??? 26?? ???? 1996, C-230/94 (????? 1996, ?. I-4517).

7 – ??????, ??? 36.

8 – ??., ?????? ????, ?????????? ??? Enkler, ??? 35.

9 – ?? ?????? ?????????? ?? ?????????????? ?? ?????????? ?????? ??? ?????????? ?????????? ??  
????????? ?? ???? 13, B, ??????? ??, ??? ?????? ??????, ?????? ??? ?????? ??  
????? ??? ??????????, ??? ?????? ??? ?????? ??? ?????? ??????????, ??? ?????????? ???  
??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??????????????.

10 – ?????? ??? 8?? ???? 2003 C-269/00, (????? 2003, ?. I-4101).

11 – ??????, ??? 54.

12 – ?????? ??? 4?? ???? 1995, C-291/92, Armbrecht (????? 1995, ?. I-2775, ???  
27).

13 – ?????? ??? 30?? ???? 2006, C-184/04, Uudenkaupungin kaupunki (?? ??????????????  
????? ??? ??????, ??? 24).

14 – ?????? ??? 14?? ???? 2005, C-434/03, Charles ??? Charles-Tijmens (????? 2005,  
. I-7037, ??? 23 ??? ???? ?????????? ??????????).

15 – ?? . ??? ?????????????? ?????? Seeling, ??? 41 ?????? ??? ???? ??????????????  
????????? ??????????.

16 - ?????? 24.

17 – ?. *Petit Robert, Dictionnaire de la langue française*, éd. Dictionnaires Le Robert, Paris, 1996, ?, 595.

18 – ??., ????. ?????? ???. ??????? «???? ???. ??????», ??? ??????? ???. ?????? ???????, ??? ?????? ??????, «Betrag der Ausgaben», ??? ???????-. «uitgaven», ??? ???????-. «the full cost», ??? ??????-. «udgifter», ??? ?????? ???. «spese sostenute», ??? ??????.

19 – ?????????????? ?????? Enkler, ???? 35.

20 – ??????, ??? 33.

21 – ?????? 36. ????? ??????? ??????, ??? ?????? ??? ???? ?????????? ?? ?????????? ??? ???  
 ?????????????? ??? ?????? ??????? ??? ?????, ??? ??? ?????????? ??? ???, ???  
 ?????????? ????????????????, ??? ?????????? ?????????? ??? ?????, ??? ??????????????  
 ?????????? ??? ??? ?? ?????????? ?????????? ??? ?????? ??????. ?? ?????????? ??? ???  
 ?????? ?? ?????? ??? ??? ?????? ??? ?????, ??? ?? ?????????? ??? ??? 36,  
 ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????????? ??????????  
 ?????????????? ??? ?????, ??????, ??? ??? ?????????? ?????????? ?????????? ??????????  
 ??? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????????, ?????? (????? 37).

22 – ??., ????????, ?? ?????? 4, ??????????? 3, ????????? ??, ??? ?????? ??????? ??????? ??  
??? ?????? ?? «?????? ?? ??????????», ??? ?? ?????? 13, A, ??????????? 1, ????????? ??,  
??? ?????? ??????? ???. ??? ?????? ?? «???????? ?? ?????????? ?????????? ??????????».

23 – ??., ??? ??? ?????? ????, ??? ??????? ??? 1?? ??????????? 1977, 51/76, Verbond van Nederlandse Ondernemingen (?????? ???. 1977, ?. 55, ??????? 10 ???. 11).

24 – ?????????????? ?????? Seeling, ?????? 54 ??? 55.

25 – ??????, ??????? 49 ??? 52.

26 - ??????? ?? 8?? ??????? 2000, C-400/98, Breitsohl (?????? 2000, ?, I-4321, ???? 48).

27 - ?????????????? ??????. Uudenkaupungin kaupunki. ???? 30.

28 – ?????????? (??) 1606/2002 ??? ?????????? ?????????????? ??? ??? ??????????, ???  
19?? ??????? 2002. ??? ??? ??????? ??????? ?????????? ?????????? (?? L 243. ?, 1).

29 – ??., ?.?, ????? 47 ??? 62 ??? ??????? ?????????? ?????????? ??? 16, ??????? ??????,  
??? ????? ?????????? ??? ?????????? (?) 1725/2003 ??? ??????????, ??? 29?? ??????????  
2003, ??? ??? ?????????? ?????????? ??????? ?????????? ?????????? ??????? ?? ???  
????????? 1606/2002 (?? L 261, ?, 1).