

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

JULIANE KOKOTT

??? 1?? ??????? 2007 1(1)

?????? C-363/05

**JP Morgan Fleming Claverhouse Investment Trust plc**

**The Association of Investment Trust Companies**

????

**Commissioners of HM Revenue and Customs**

(?????? ??? VAT and Duties Tribunal, London, ??? ??? ?????? ?????????????? ????????????)

«?????? ?????????????? ??? – ??????? ??? ?????????????? ??????????? ??????????? ???  
????????? ?????????? ?????????? – ?????? ??? ?????????? ??????????, ??? ?????????? ???  
?? ?????? ??? – ?????????? ?????????? ?????????? ??????»

I – ????????

1. ??????? ?? ??? ????? ?????? ??? ??? ????? ?????????????? ?????? 77/388/??? (???  
????: ??? ??????) (2), ? ?????????? ?????????? ?????????? ?????????????? ??? ??????  
????????????? ????. ?? ??????????, ?? ??? ?????? ??? Abbey National (3) –? ???  
?????? ?????????? ??????? ?????????? ??? VAT and Duties Tribunal ??? ??????? ??? ??  
?????? ?????????????? ??????????–, ?????????? ??? ?????????????? ?????????? ? ???????  
?? ?????????????? ?????????? ??? ?????? ??? ?????? ?????????????? ?????????? ??  
????????????? ??? ????? ?????????????? ?????? ?? ?????????? ?????????????? ??? ???????  
????? ?????????? ?? ?????????????? ??????????.

2. ? ??????? Abbey National ??????? ?????????????? ?????????? ??????? ??? ??  
????? ??? trust (Authorised Unit Trusts – AUT) ??? ??????? ?????????? ?? ???????????  
????? (Open-ended Investment Companies – OEIC). ??? ?????? ?????????? ?????????? ??  
?????? ??? ?????? ? ?????? ?????? ??? ?????? ?????????? ?????????? ????????,  
????????????? ??? ??? Investment Trust Companies (ITC). ?? ?????????? ??????????  
????????? ??? ?????? ?????? ?????? ?????????? ?????? ???', ?????, ??? ?? ??? ??  
????????? ??? ?????????? ?????? ?????? ?????????????? ?? ??? ?? ?????? ??? ?????? ??  
????????? ??? ?????????? ?????? ?????? ?????????????? ??? ?????? ?????? ??????????.

3. ? ?????????? ??? ?????? ?? ?????????? ??? ITC ?????????? ??? ??????? ??? ?  
????????? ??????????, ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??????????  
????????? (????????? ??????????), ??? ?????? ??????. ??? ?????? ?????????? ?????????? ??  
????? ?????? ?????? ??? ??? ITC. ?? ITC ??? ?????????????? ??? ??? ??????

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

II – ?? ?????????? ????????

? – ?? ?????????? ???????

4. ?? ????? 13, B, ??? ????? ??????? ??????? ?? ????:

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

[...]

) ?? ?????????? ????????:

[...]

6. ?? ?????????? ??? ?????????? ?????????? , ??? ?????????? ??? ?? ??? ?????? ??? [...]»

5. ? ?????? 85/611/??? ??? ??????????, ??? 20?? ?????????? 1985, ??? ??? ??????????  
??? ??????????, ?????????? ??? ?????????? ?????????? ?????????? ?? ?????????? ??? ??????????  
????????? ?????????? ?????????? ?? ?????????? ?????? (?????) (4), ?????????? ???  
????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ?????????? ??? ??????  
????????? ??? ?????????? ???, ??????? ?? ??? ?????? 1, ?????????? 2, ??????? ??????????,  
??? ??????, ??? ?? ?????????? ??????, ??? ?????? ?? ???????, ??? ?????? ?? ???????, ??? ???  
????? ??? ??????, ?????????????? ? ?????????? ?????? ??? ???????, ?? ?????????? ?????? ??????????  
????????? ??? ?????????? ??????. ??????????, ?? ?????????? ?????? ?????? ??????????  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? (????? 2, ?????????? 1, ???  
?????????, ??? ?????? 85/611).

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

6. ??? ?????? ??????? ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????????????  
????????? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??  
Items 9 ??? 10, Group 5, Schedule 9 ??? Value Added Tax Act 1994 (????? ??? 1994 ??? ???  
???? ?????????????? ???). ? ?????? ?????? ??? ?? AUT, ?????????? ??????????  
????????? (Item 9) ??? ??? ??? ??? OEIC, ?????????? ?????????? (Item 10), ??? ??? ??? ??? ???  
ITC.

7. ?? ?????????? ??? ?????? ??? 1994 ??? ??? ??? ?????????????? ????, ???  
????????????? ??? ?????? ?????????? ??? Collective Investment Schemes ??? ?????? XVII ???  
Financial Services and Markets Act 2000 (????? ??? 2000 ??? ??? ??????????????????  
????????? ??? ??????, ??? ????: FSMA). ? FSMA ?????? ??? ?????? 85/611 ??? ??????  
????? ????. ?? ITC ??? ?????? ??? Collective Investment Schemes ??? ??? ?????? ???  
FSMA. ?? ?????? ?? ??? AUT ??? ??? OEIC, ?? ITC ??? ?????????? ?????? ??? ???  
Financial Service Authority (FSA), ?? ?????????? ?????????, ??? ?????????? ??? ???  
????????? ??? ?? Listing Authority (????????????????? ??? ?????? ?????????? ??? ??? ??????????).

8. ?? ?????? 842 ??? Income and Corporation Taxes Act ??? 1988 ?????? ???.  
????????????? ?? ???? ??????????? ?? ???? ?????????? ?? ITC, ??? ???? ?????? ?? ???? ??????????  
???? ???? ??????????? ?? ???? ??????. ????? ???? ?????? ?????????? ?? ???? ?????? ???.  
ITC ?????????? ?? ???? ?????? ?? ???? ?????? ?? ???? ?????? ?????????? ?? Companies Act ???  
1985.

III – ?? ??????????? ?? ??????????? ?? ?? ?? ??????????? ?? ???????????

9. ?? ITC ?????? ??????????? ??????????? ??????????? ?? ??????? ??????????, ?? ??????  
????? ?????????? ?? ?????????????? ?? ??????????? ?? ?????????? ?????????? ?? ?????????  
???????????. ?? ?????????? ?????? ??????? ?? ?????????? ?? ??????????. ?? ?????????? ?? ???  
AUT ??? OEIC, ? ??????? ?? ??????? ?????????? ?????????? ?????????????? (?? ??? ??????????  
?????????? ?????????? ?????????). ?? ?????????? ?? ?????? ?????? ?????? ??? ?????? ???  
????????? ?? ?????????, ????? ?????????? ?????? ?????? ?????? ?????? ?????????? ???????????.  
?? ?????????? ?????????? ??????, ???????, ?? ?????????? ?? ?????????? ??? ?????? ???  
?????????????. ? ?????????????? ?????? ?? ?????????? ?????????????? ??? ??? ?????? ???  
?? ??????, ??? ? ??? ?? ?????????????? ?????? ITC ??????? ??? ??????????,  
???? ?? ??? ?????? ?????????? ?????????? ?????????? ?? ??????.

10. ? JP Morgan Fleming Claverhouse Investment Trust plc ????? ITC. ??????? ?????????  
????????????? ??????? ?? ?? ?????????? ??? ?? ?????? ??????, ??? ?????? JP Morgan  
Fleming Asset Management (UK) Limited, ??? ?? ?????? ?????? ?????????? ????. ??????????  
???? ?? ?????? ?????? ??? ?? ?? ?????? ?????????? ??? ?? ?????????? ??? ?? ??????????  
????? ?? VAT and Duties Tribunal, ?? ?????? ?????? ??? ??????????, ?? ?????? ?? ??????????  
19?? ?????????? 2005, ?? ?????? ??????, ?????? ??? ?????? ??????????  
?????????:

«1) ?????????? ? ????? “????????? ??????????” ??? ?????? 13, ?, ?????????? ?, ?????? 6, ???  
????? ??????? ??? ?? ????? ?????????????? ?????? ??? ????? ?????????????? ??????????  
????????? ?????????? ??? ?????? ?? ITC;

2) ?????????? ?????????? ?????????? ??? ?????? ??????, ? ?????? ??? ?????? 13, ?,  
????????? ?, ?????? 6 “????? ?????????? ??? ?? ?????? ???”;

?) ?????????? ??? ?????? ??? ???? ?????? ??? ?????????? “????????? ?????????” ?????? ???  
????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????????? ??? ???  
????????????? ??? ??? ??????????, ?

?) ?????????? ??? ?? ?????? ??? ?????????? ?? ?? ?????????????????? ??? ?????????????? ??? ?????? ???  
????????????? ??? ?? ?????? ??? ?????????? ?? ?? ?????? ??? “????????? ??? ??????????” ??? ??  
????????? ??? ?????? ?? ?????? ??? ?????? ??? ??????????????;

3)    ?? ?? ??????? ?? ?? ??????? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ??  
????????????? ?? ?? “????????? ??????” ?????????? ?? ?? ????????, ?? ?? ????? ?? ??  
????? ?? ?? ?????????? ?? ?? ????????????, ?? ?? ????????????, ?? ?? ??????? ?? ??  
?????????? ?? ?? ??????????? ?? ?? ??????????? ?? ?? ??????? ?? ?? ??????????? ?? ??  
?????????? ?? ?? ??????????? ?? ?? ??????????? ?? ?? ??????? ?? ?? ??????????? ?? ??;

IV - ?????? ??????

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

11. ?? ??? ? ? ?????? 13, ?, ????????, ??, ?????? 6, ??? ?????? ??????? ???? ??????  
?????????? ???? ?????? ??? ?????????????? ?????????? ?????????? ??? ?????????? ??????????  
????????? . ? ?????????? ??? ????? ?????????????? ??? ?????????? ??? ?????????? ??????????????  
????? ?? «?????????» ??? ?? «????????? ??????».

12. ??? ?????? ?? ?????????? ?? ??? ?????? Abbey National, ? ?????????????? ??? ??  
????????? ??????????, ??? ?? ?????? ??? ?????????? ??? ??????????????, ??????????  
????? ??? ?????????? ??????. ??? ?? ?????? ??????????, ?? ?????????????? ??? ?????? 13  
??? ?????? ?????? ?????????? ?????????? ?????????? ?????? ??? ?????????? ?????????? ???  
????? ?? ?????? ?????????? ?????? ?? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ???  
????? ?????????? ??? ?? ??? ?? ?????? ??? ??? (5).

13. ?????? ?? ?? ??? ?????? ?????????? ??? ?????? ?????????? ??????????, ??????????, ??? ?????? ???  
?? ?????????????? ?????????? ?? ?????? ?????????? ??????????. ?? ??????????, ??? ??????  
Abbey National, ?????????? ?????? ?? ???:

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

14. ??? ? ?????????? ?????? ?? ?????????? ?? ?????????? ?? ??????????????. ?? ?????????? ?????????? ??  
????????????? ??? ?? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????????? ?? ??? ???????,  
????????? ???, ??? ?????? ??????, ??? ?????? ?????? ?????? ??????????.

15. ?? ??? ? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??? ? ?????? ?????????? ???,  
?? ?????????? ??? ?????? ?????????????? ???????????, ??? ?????????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ???????, ?? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??????. ?????? ?????????? ?? ?????????? ?????????? ?????????????? ??  
????????? ??? ?????? ??? ?????? ??????. ?????? ?????????? ?? ?????????? ?????????? ???, ??? ??????  
????? ?? ?????????? ?? ?????? ??? ?????????? ?????? ?????????? ?? ?????????? ?? ?????????? ??? ??????  
????????????? ??? ?????, ?????? ?? ?????? 13, ?, ?????????? 1, ?????????? ??, ??? ??????  
??????. ? ?????????? ??? ?????? ?????????? ?????????? ?? ?????????? ?????????? ?????????? ???  
?????????, ??? ?? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ??????????  
????? ?????? ??? ?????? ?????? (7).

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

17. ? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??????????????, ??????, ??? ?? ??????????  
????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? (8). ??????????  
????? ?? ?????????????? ?? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????  
13, ?, ????????, ??, ?????? 6, ??? ?????? ??????, ?????????? ?? ?????? ??? ?????? ??? ??????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????. ?? ?????? ??? ?????? ??? ??????, ??? ??????, ?? ?????? ??? ?????? ??? ?????? ??? ??????

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

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

18. ?? ?? ?????? ?????????????? ??????? ?????????? ?? ?????????????? ??? ?????  
????????????? ?????????????? ???????, ??? ? ITC, ????? ?????? ?? ??????????  
«????????? ??????», ??????? ?? ?? ????? 13, ?, ??????? ?, ?????? 6, ??? ?????? ??????.

19. ?? ??? ?????? Abbey National, ? ?????? ???????? ??? ?? ?????? ?????? ?????  
????? ??? ?????? ???????, ?? ?????????? ?????????? ??? ? ?????? ??? ??????????  
????????? ?????????? ?????? ?????????????? ??? ?????? ?????? ?????? ??? ??????????  
??? ?????????? ?????????? ?????????? ??? ?????? ?????????? ??????, ? trust, ??? ??? ??  
????? ??? ?????? ?????????? ?????? (10).

20. ??????, ?? ?????????? ?????????? ??? ?????????? ?????????? ?????????????? ???,  
?? ?????? ?????? ?????? ? ?????? trust, ???, ???????, ?????? ??? ?????????? ???  
??? ?????? ?????? ?????????? ?? ?????? ??? ?????????? ?????????????? ??????????,,  
?? ?????? ?????????? ?? ?????????? ?????? ?????? ??????, ???' ????, ?? ??????  
????????????????, ?????? ??? ?????? ?????? ?????? ?????? (11). ?????? ??? ??  
????????????? ?????????? ?? ?????????? ?????? ?????????????? ?????????? ??????????,,  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ?????? ??????????,,  
(12). ??? ?????? ?? ?????????? ?? ??? ?????? Abbey National, ?? ??? ?????? ??? ??  
????? ??? ?????????? ?? ?????????? ?? ?????? ?????? ??? ?????? ??? ?? ??????????  
????????? ??? ?????????? ?? ?????????? ?????? ?????????? ?? ?????????? ??? ??  
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????????? ??? (13).

21. ?? ITC ?????? ????????, ?????? ?????? ?????? ?? ??? ?????? ??????  
????????????? ?, ?? ?????? ??? ?????? ?????? ?? ???????????. ?????? ??? ??????????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?, ?????? ??? ??  
????? ??? ?????? ?? ?????????? ?, ?. ?? OIEC, ??? ?????????? ?????? ?????? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? 13, ?, ??????? ?, ?????? 6, ??? ??????  
??????.

22. ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ? ?????? 85/611 ??? ???  
????????? ?? ?????????? ?????????? ?????? ????. ?? ??? ?????? Abbey National ??  
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ?????????? ???  
????? ?????????? ?????? ???, ???????, ??????, ?? ?????? ??? ?????????? ??? ??????  
85/611. ? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 85/611 ??? ??? ??????????  
????????? ??? ?????? ??? ?????? ??? (14). ??? ?????? ?, ?? ?????? 85/611 ??? ??? ??????  
????????? ?????????? ?????? ?? ?? ?????? ?????? ?????????? ?????? ?? ??????????  
????? ?? ?? ????? 13, ?, ??????? ?, ?????? 6, ??? ?????? ??????.

23. ??????, ? ?????????? ??? ?????????? ?????????? ?????? ??? ?? ???  
????????? ??? ?????? 85/611 ??? ?????? ?? ?????? ??? ?????? ?? ?????????? ??? ??  
??? ?????? ??? ?????? ??????., ???????, ? ?????? ?????? ?????????? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ???  
????????? ?????????? ??? ?????? ?????? (15).

24. ?????????????????????????????????, ?????????, ?? ?????? ? ?????????? ??? ? ??????  
«????????? ?????????» ??? ?????? 13, ?, ?????????? ?, ?????? 6, ??? ?????? ?????????? ?????? ??  
????????? ??? ??? ?????????????? ?????????? ??????, ??? ?????? ?? ITC.

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

25. ?? ?? ??????? ??? ?? ?????? ?????????????? ????????, ??? ?????? ?? ???????????  
??????????, ?????????? ?? ?????????????? ? ?????? ??? ?????????? ??? ?????? ?????? ???  
????? ??? ?????????? ??? ?????????? ???????????, ??? ?????? ? ?????????? ??? ?????? ???,  
????????? ?????????? ?????????? ??? ??????, ??? ?????? ?? ?? ?????? 13, ?, ????????, ?,  
????? 6, ??? ?????? ??????.

26. ?? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ??????. ??????? ?? ???  
????? ???????, ?? ?????? ??? ?????? ?? ?????????? ?????????? ?????????? ?????????? ?????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????????? ??? ???  
????? ?????????????? ???, ??????? ?? ?? ?????? 13, ?, ????????, ?, ?????? 6, ??? ??????  
????????? ??? ?? ?????????? ??? ?????? ??? ??????????. ??????? ?? ?? ?????????? ??????, ?  
????????? ??? ??? ?????????? ??????????, ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??????  
??? ?? ?????? ???, ?????????????? ??? ?????? ?????????????? ??????.

27. ??? ?????? ??? ??????, ???' ????, ?? ?????????? ??? ?????? ?????? ?????? ???  
????????? ?????????? (special investment fund) ??? ?????????? ?????? ?????? ??? ??????  
????????, ??? ?????????? ??? ? ??????????. ?? ??????? ??? ??? ?????????? ??????  
????????????? ??? ?? ?????? ?????? ??? ?????????? ?????????? ?????? ??????????, ???????,  
????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ??? ?????? ???  
?????????. ??????????, ?? ?????? ??? ?????, ?????????? ?? ?????????? ?????? ??????????, ??  
????????? ??? ?????????? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??????????, ??? ??????  
????????? ?????????? ??? ?????? ?????????? ??????. ??? ?????? ??? ?????? ??????????, ???'  
?????, ?? ?????????? ??? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??????????, ??? ??????  
????? ?? ?????? ??? ?????? ??? ?????????? ?????????? ??????????, ??? ?????? ??????????  
????? ???, ?? ?????????? ?????? (16).

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

29. ??? ?? ?????? ??? ?????????? ??? ???????????, ?? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ?? ?? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????? (17).

30. ?????? ??? ?????????? ??? ?????? 13, ?, ????????, ?, ?????? 6, ??? ??????  
????????? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??????, ?????? ??????, ?  
????????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ?????? ?? ?????? ?????????? ?? ???  
????? ??????, ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?? ?????????? ??  
????????? ?????? ???' ??? ?? ??????????, ?? ?????? ?????????? ?? ?????? ?? ?????????? ??  
????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????????? ?????? ?????? ??  
????? ?? ?? ?????????? ??? ?????????? (18). ??? ?????? ?????? ??? ?????? ??????????, ?  
????????? ?? ?????????? ?????????? ??? ?????? ?????? ?????? ??????????, ??? ????  
????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??

? ?????????? ?? ??????? ??? ?????????? ?' ??? ??? ????? ?????? ??????. ????????, ????  
??? ?????????? ??? ?????????? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ??????  
????? (19).

31. ??? ??? ?????? ?????? ? ?????????? ??? ?????????? ??????????, ?? ?????????????? ???  
?????? 13 ??? ?????? ??????? ?????? ?? ?????????????? ?????, ?????????? ??? ??????????  
????????????? ??? ?? ?????? ????? ?????? ?? ??? ?????? ??? ?????????????? ?? ??? ?????? ???  
????????? ??? ?????????????? ?? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? (20).  
?????????, ? ?????????? ??? ??? ?????? ?????????????? ????? ?? ??? ?????? ?????????? ?????? ??  
????? ?????? ?? ??? ?????? ?????????????? ??? ?????? ?????????? ?????? ?????? ?????? (21). ??? ??  
?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?? ?????????? ?????? ?????? ??? ?? ??? ??????  
??? ?????????? ??????????, ? ?????????? ??? ?????? ?????????????? ??? ?????????? ??? ?????? (22).  
????????? ?? ?????????? ??? ?????? ??? ?????????????? ??? ?????????? ?????????? ??? ?????????? ??  
????????? ??????.

32. ??? ??????, ???, ?? ?????????? ??? ??? ?????????? ?? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????????? ??? ?????? 85/611, ??? ??? ?? ?? ?????? ?????????? ???  
????? ??? ?????? ?????? ?????? ?????? ?????????????? ??? ?????? (23). ??????????  
??? ? ?????? ?????? ?????????????? ?? ?????? ??????, ??? ??? ?????? ??? ?????????? ???  
?????????, ??? ?????? ?????????? ?????????? ?? ?????? ?????? ?????? ?????????? ?????????? ???,  
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ???  
??? ??? ?????????? ??? ?????????? ??? ??????????.

33. ?? ??? ?????? ??? ?????? ?? ?????????? ??? ??? ?????????? ?????? ?????? ?????? ??????????  
?????????, ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? 85/611, ??? ??? ??? ??  
??? ??????????, ??? ??? ?????? ???, ? ??? ?????? ??? ?????????? ??????????.

34. ? ??? ??? ?????????? ?????????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????????? ??? (24), ???  
????? ?? ????: «? ??? ?????? ??? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???  
??? ??? ?????????? ??????????????, ??? ? ??? ?????? ?????????????? ??? ?????? ??? ??? ?? ??? ??????  
????????? ??? ??? ??? ?????? ?????????? ??? ?????????????? ??? ??? ?????? ??? ?????? ??? ??????????  
??? ??????, ??? ?????? ??? ??? ?????? ?????? ?????????? [...]»

35. ?? ?????????? ??? ?????? ?????? ??? ??? ?????? ?????????? ?? ?????????? ?????????????? ??  
????? ?? ?? ?????? ??? ?????? ?????????? ??? ?????????????? ???, ? ??? ?????? ??? ??????????  
????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
(25). ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

36. ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??? ??? ?????????? ???  
??? ?????? ? ??? ?????? ??? ?????????? ???, ??? ?????? ?? ?????????? ??? ??? ???  
????????? ??? ?????????? ??? (26). ?? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ???  
?? ?????????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ??????.

37. ?? ?????????? ??? ?????? ??? ?????? ???: «? ??? ??? ?????????? ??????????????  
????????? ?? ?? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????» (27).

38. ?? ?????? ?????????? ?? ?????? ?????? ?????????? ??? ?????????? ?? ?????? ??? ??  
????? ? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? «? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

??? ??? ?? » (28). ????? ?? ?????????? ?????????? ?????????????? ?????????????? ??? ? ??????????  
??? ?????????? ? ??? ?????????? ?????????? ??? ? ?????? ????? ??? ??? ????? ?????  
?????? ?? ?????????????? ??? ?? ?????? ?????? ??? ??? ?????????? ?? ?? ?????????? ? ?  
?????? ?????????? ??? ??? (29).

39. ?? ?????????? ??? ?????? ?????? ??? ?????? ?????????????? ??????, ??? ??? ??? ??  
????????? ??? ?????????????? ??? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ??? ??  
????????? ??? ?????????? ??? ??? ?????? ?????? ?? ?????????????? ?????????? ???, ??  
?????? ??? ?????????? ??? ?????? 37 ???????, ?????? ?????? ??? ?????? ?? ?????? ?? ?????  
?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ??????????????, ??? ??????????????  
????????? ??? ?????? ??????. ??????????, ? ??? ??? ??? ?????????? ??????????????  
?????????, ??? ??? ???, ??? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??? ??? ???,  
?????? ?? ?????????????? ??? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
?????????????.

40. ?? ?????? ?????? ?????? ???, ?? ??? ???? ??? ?????? ??? ?????? ???  
????????? ??? ???????????, ? ??? ??? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??? ?????????? ?????? ?????? ?????? ?????????? ??? ?????? ?? ?????? ?? ??????????  
?? ? ?????????? ?????? ?????? ?????? ?????? ?????????? ???????????, ??? ??????  
????????????? ???, ?????? ?????? ???, ?????? ?????????? ??? Venture Capital Trusts.

41. ??? ??? ??? ?????? ?????????? ? ????????, ?????????? ??? ?????????? ??????????????  
????????? ??? ?? ??? ??? ?????? ?????? ? ?????????? ?????????? ?????????? ??????????  
?????, ??? ?? ITC, ??? ?????? ??? ?????? 13, ?, ????????, ??, ?????? 6, ??? ???  
?????. ? ?????????? ?????????? ??? ?????? ?????????? ?????? ??? ?? ?????? ??? ?????? ??? ??  
???? ?????????? ??? ??? ??? ?????? ??? ?????????? ?????????? ?????????? ?????????? ??????????  
?????.

42. ? ?????????? ??? ?????? ?????? ?????????? ???????????, ?????? ????, ???, ?????? ??? ??  
????? ?????? ?????????? ?????????? ?????????? ?????????? ??????????, ? ?????????? ?????? ??????????  
????????? ??? ?? ??????, ?? ??? ?????? ??????, ?????? ???????, ?????? ?????? ???  
????????? ?????????? ??? ITC ????, ??? ??????, ??? ???????????.

43. ??? ??? ?????? ?? ?????? ????. ? ??? ???? ??? ?????????? ?????????????? ???  
????????? ?? ?????????????? ????????, ??? ?????? ?????????? ?????????? ??? ??? ??,  
????????? ? ?????????? ????????, ?????? ?????????? ?????? ?? ??? ??? ?? ?? . ??? ?? ???  
????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????  
????????? ?? ?????? ?????????? ?? ?????????? ??? ?????????? ?????????? ?????????? ?? ??????????  
?????????, ? ?????????? ?? ?????????? ?????? ??? ?????? ?????????? . ??? ?????? ??????  
????????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ??????????  
???? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???, ?? . ???  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
?????????.

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

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

45. ?? ?????? ???????????, ?? ?? ??????? ??? ?????? ?????? ???????????, ??????????? ?? ITC,  
???? ??????? ?? AUT ?? OEIC, ?????? ?????? ?????? ??????????? ?? ??????????? ?? ???????????  
?????????? ?? ??? ????? ??????????? ??? ???????, ?? ??? ?????? ???, ?? ??????????? ??  
?????????????? ??????. ?????? ???, ??? ?? ?????? ??????????? ??????????? ???????  
?????? ?? ??????????? ?????? ?????? ??????????? ?? ?????? ??????????? ??????????? ??  
????????? ??? ?? ?????? ?????? ??? ?? ??????????? ?? ?????? ??????????? ??? ??? ?? ????. ??  
????????? ?????? ??????????? ?????????? ??? ?? ?????? ??????????? ??????????. ??? ??????????  
?????? ?? ITC ?????? ??????????? ??? ??????????????? ??? ?????????? ?????? ???????????  
????????? ??? ?????????? ??????????? ?????????? (AUT, OEIC). ??? ???????, ?? ????.  
??? ? ??? ?????? ??????????? ?? ??????????? ??? ?????? ??????????????? ???.

46. ????? ??????????? ?? ??????? ?? ?????????? ?????? ?? ?? ??????????? ?????  
?????????? ?? ?????????? ?? ?????????? ?? ??? ?????? ???, ?????? ?????? ?? ?? ??????????? ??  
????? ?? ??????????. ? ??????? ??????????, ?????? ???, ?? ?? ??????????? ??  
????????? ?? ??????????????? ??? ?????????? ?? ?????? ?????? ?????? ??? ?????? ???  
?????????. ??? ? ?????? ?????????? ??? ?? ?????? ??????????? ?? ?????? ??? ?????? ??  
????????????? ??? ?????????? ??????????? ??? ??????????, ?? ???????, ?? ?????? ???, ??  
???? ?????????????? ??? ?? ?????? ?????????? ??????????? ??? ?????????, ?? ???????.

47. ?? ??? 13, B, ????????, ??, ?????? 6, ??? ?????? ???????, ?????????????? ???  
????? ?? ??????? ??????? ?? ??????? ?? ??? ?????? ???, ??????? ?? ?? ??? ?????????? ??  
?????????? ?? ??????? ?? ??? ?????? ?? ?????? ?? ??????????? ?? ?????? ??????????? ??  
????????? ??????????. ? ?????? ?? ?????? ??????????? ?? ?????? ?????????? ??  
????? ???, ?? ?????? ?? ?????? ?????????? ?? ?????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??????????, ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???  
?????????.

48. ??? ?????? ???, ?? ?????? ??? ?????? ?????? ?????????? ?????? ?????????? ???????????  
????????? ??? ?????? ??????????? ?????????? ??? ?????????? ??? ?????? ?????????? ???  
????? 85/611- ?????? ??????????? ?????? ? ?????????? ??? ?????????? ?????????? ?????????? ????.  
????? ?????? ?????????? ?????????? ???????, ??????????, ?? ?????????????? ??? ???  
????????, ?????? ?? ?????????????? ??? ?? ?????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

49. ?? ??? ?????, ??? ?????????? ??????????, ?? ?????? ?????????? ???  
???? ITC ?????? ?????????? ??? AUT ?? OIEC ?????? ?? ?????????????? ??? ??  
????? ??????????. ?????? ?? ??? ?????? ??????????, ?????? ?????? ?? ?????????? ???  
????????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???.

50. ??? ?????? ??? ?? ?????? ??????????? ??????? ???????, ???????, ?? ??? ?  
????????? ??? ?? ?????? 13, ?, ????????, ??, ?????? 6, ??? ?????? ??????? ??????? ??? ??????  
????? ?? ?????? ?? ?????????? ?? ?????? ?????? ?????????? ??? ?????? ?? ?????????? ??  
????????? ??? ??????. ??? ?????? ?????? ??? ?????????? ???, ?? ?????? ??? ?????? ???  
????? ?? ?????? ??? ?????? ?????? ??? ?????????? ???, ?? ?????? ??? ?????? ??? ?????? ???  
?????????????, ? ?????? ?????????? ??? ?????? ?????????? ???, ?????? ?????? ??? ?????? ???  
?????, ??? ?? ?????? ???, ???????, ?????????????? ??? ?????? ??? ?????? ???.  
?????????.

51. ????? ?????????? ???, ??? ???? ?????? ??? ?????????? ??????????? ??? ??????????  
????????? ??? ?????????? ?????????????? ??? ???? ?????? ??? ?????? 13, ?, ?????????? ??,  
?????? 6, ??? ????? ??????, ??? ?????? ?????? ?????????????? ??? ?????? ??? ??????????  
????????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ?????? ??????????  
?????????, ?????????? ?? ??????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ???  
??? ??????????????.

52. ??????, ?????? ?? ?????????? ???, ?? ??? ???? ?????????? ?????? ?? ??????????  
???? ?????? ??????????, ??? ?????? ?????????? ??????????, ?????????????? ??? ?????? ????????,  
????? ?? ?????? ?????????? ???, ?????? ?????? ?????????? ?????????? ?????? ??????????,  
????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ??????, ? ?????? ?????? ?? ?????? ???  
????? ?? ?????????????? ?????????? ??? ?? ?????? ?????????? ?? ?????? ?????????? ?????? ???  
????? (30).

53. ?? ??? 13, ?, ?????????? ??, ?????? 6, ??? ?????? ?????? ?????????? ?????? ???  
????? ??? ?????? ?????????????? ??? ?????? ?????????????? ?????? ?? ?????????????? ???  
????? ???, ??????, ?? ?????? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????? ???.

54. ??? ???? ?????????? ??? ?????? ??? ???? ?????? ??? ?????? ?????????? ??????????  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??????????, ? ?????????? ??? ??????  
????????? ??? ??????. ??? ???? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?? ??????????  
?????????, ? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????, ?????????????? ???  
????? 13, ?, ?????????? ??, ?????? 6, ??? ?????? ??????, ??? ?????????? ??? ??? ??? ???  
????????????? ???, ?????? ??????????????, ?????? ?????????????? ?????? ??????????, ??? ?  
????????????? ?? ??????, ??????, ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????? (31). ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????????  
?????????????, ? ?????????????? ?????? ?? ?????????? ??? ???? ?????? ??????????  
????????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ???  
?????????????, ?????? ?? ?? ?????? ??????, ??? ??????.

55. ??? ?????????? ???, ?? ?????? ?????? ??? ?????? ?? ?????????? ?? ??????????????  
?? ?????? ??? ??? ?????? ?????????? ?????????? ?????????????? ??? ?????? ??????????  
????????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? 13, ?, ?????????? ??, ??????  
6, ??? ?????? ?????? (32). ??? ?????? ???, ?? ?????? ?????? ??? ?????? ?? ?????? ?? ??????????  
????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????????? ??????????  
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? (33).

56. ??? ?????? ?????????????? ?????? ??????, ??????, ?? ?????? ? ?????????? ??? ??  
????? 13, ?, ?????? ??, ?????? 6, ??? ?????? ?????? ?????????? ??? ?????? ?????????? ???  
????, ?????? ?? ?? ?????? ??????, ??? ??????????, ??? ?????????? ??? ?????? ?????? ??  
????????? ??????????????, ??? ?????????????? ??? ?????? ?????? ??? ?????? ?????? ???  
????????? ??? ??????.

V – ??????

57. ?????? ??? ??????, ?????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ??????????????  
????????? ??? VAT and Duties Tribunal ?? ???:

1) ? ????? «????????? ??????» ??? ?????? 13, ?, ?????? ??, ?????? 6, ??? ??????  
????????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????????? ???  
????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? – ????

????????? ?????? ?????????????????? ??????: ?????????????? ?????????????? ????, ?????? ?? ??????????  
?? ?????????????? ?????????????? ????????, ????, ????, ??? Investment Trust Companies.

2)    ?? ?????? 13, ?, ?????????? ??, ?????? 6, ??? ?????? ???????? ??????? ?? ???? ?????? ??  
?????? ?? ?????????? ?? ?????????? ??????? ?? ??????? ? ?????????? ?????????? ?????????? ??  
?????. ????. ????. ?????? ?? ?????????? ??????, ?? ?????? ????. ?????????? ?? ?????? ?? ??????  
???. ????. ?????? ?? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????????? ???????????????, ?  
????? ?????????? ???. ????. ?????????? ??, ????. ?????? ???. ?????????? ???. ??????, ????. ????.  
????????? ??, ???????, ?????????????? ?????? ???. ?????????? ???. ?????????? ???.

3)    ?? ?????? 13, ?, ????????, ?, ?????? 6, ??? ?????? ??????? ?????????? ??????  
????????? ?????? ????, ?????? ?? ???? ??????, ??? ????????, ??? ????????, ??? ?????? ??  
????? ??? ?????????? ??????????????, ??? ?????????????? ??? ?????????? ??? ??????????  
?? ??? ????? ?????????????? ??????

1 = ?????? ?? ????????????: ? ??????????.

2 – ????? ?????? 77/388/??? ??? ???????????, ??? 17?? ????? 1977, ????? ?????????????? ???  
?????????? ??? ?????? ?????? ??? ??????? ?? ?????? ?????? ?????? ?????? – ?????  
????????? ?????? ?????????????? ?????: ?????????? ?????????? ????? (?? ????. ??? 09/001, ?. 49). ? ?????? ??? ??????????? ??? 1?? ?????????? 2007 ??? ?????????????? ??? ???  
?????? 2006/112/?? ??? ???????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ???  
?????? ?????? ?????????????? ??? (?? L 347, ?. 1).

3 – ??????? ??? 4?? ????? 2006, C-169/04, Abbey National ??? Inscape Investment Fund  
?????? 2006, ?. I-4027).

4 – ?? L 375, ?. 3. ? ??????? ????. ?????????????? ?????????? ?? ?? ???? ?????? 2005/1/??. ??  
?????????? ?????????????? ?? ?? ??????????, ?? 9?? ?????? 2005, ?? ??????????? ?? ??  
?????? 73/239/???, 85/611/???, 91/675/???, 92/49/???, 93/6/???, ?? ??????????, ???.  
?????? ?? ??????? 94/19/??, 98/78/??, 2000/12/??, 2001/34/??, 2002/83/?? ?? 2002/87/??  
?? ?????????? ?????????? ?? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? (?? L  
79, ?. 9).

5 – ?. ?????????? ??? 12?? ??????????? 2000, C-358/97, ????????? ??? ????????????,  
(??????? 2000, ?. I-6301, ???? 51), ??? 3?? ??????? 2005, C-428/02, Fonden Marselisborg  
Lystbådehavn (?????? 2005, ?. ?-1527, ???? 27) ??? Abbey National ??? Inscape Investment  
Fund (????????????????? ??? ?????????????? 3, ????? 38).

6 – ?????? Abbey National ??? Inscape Investment Fund (????????????????? ???  
?????????? 3, ??? 39) ?? ???????? ??? ?????? ??? 28?? ?????? 1996, C-468/93,  
Gemeente Emmen (?????? 1996, ?, I-1721, ??? 25).

7 – ??., ?.?, ?? ?????? 13, A, ??????????? 1, ????????? ??, ??, ??, ??, ??, ???, ???, ??? ?????? ??????.

8 – ???. ?????? Gemeente Emmen (?????????????? ??? ??????????? 6, ???? 25), ??????? ???. 12?? ??????????? 1998, C-346/95, Blasi (?????? 1998, ?. I-481, ???? 21) ??? ???. ??????? ???. ???. 15?? ??????????? 2005, C-443/04 ??? C?444/04, Solleveld ??? van den Hout-van Eijnsbergen (?????? ???. 27?? ??????? 2006, ??????? 2006, ?. I-3617, ??????? 23).

9 – ???. ?????????? ???. 10?? ??????????? 2002, C-141/00, Kübler (?????? 2002, ?. I?6833,

???????, 55 ??.), ??? 6?? ?????????? 2003, C-45/01, Dornier (???????, 2003, ?. I-12911, ????? 69), ??? ?????????????? ??????? Solleveld ??? van den Hout-van Eijnsbergen, ??????? 35 ??? 36, ????? ??? ?????? 23 ??? 37 ?. ??? ?????????? ??? ??? ?????????? ?????.

10 – ?????????????????? ????. ?????????????? 3, ?????? 53.

11 – ???. ??????? ??? ???????? ??? ?????? ?????????? Poiares Maduro ??? 18?? ????  
2004, C-8/03, BBL (?????? 2004, ?. I-10157, ?????? 26) ????? ??? ??? ?????????? ??? ???.  
8?? ?????????? 2005, ????. ?????????????? ????. ?????????? 3 ?????? Abbey National  
??? Inscape Investment Fund, ?????? 29 ??.

13 – ??????? Abbey National ??? Inscape Investment Fund (????????????????? ???  
????????????? 3, ??? 56).

14 – ???. ??? ??????? Abbey National ??? Inscape Investment Fund (????????????????? ???  
????????????? 11, ?????? 79).

15 – ??, ??? ???? ?????????????? ?????? ??? ??????? 85/611.

16 – ????? ?????? ?? ??????????? ????? ?????? Solleveld ??? van den Hout-van Eijnsbergen  
(?????????????? ????? ??????????? 9, ????? 33) ???????? ?? ??? ?????????? ??? ?????? ?????  
?? ??????? ?? ??????????? ??????????? ????? ?????? ??? ?????? ?????????? ???  
?????????????? ??? ?????? 13, ?, ?????????? 1, ??????? ??, ??? ?????? ???????.

17 - ???. ??? ?????????????????? ????? ?????????????????? 8 ??? 9 ???????????.

18 – ???. ??????? Abbey National ??? Inscape Investment Fund (????????????????? ???  
????????????? 3, ??? 62) ??? ?? ?????? 27 ??? 68 ??? ???????? ??? ?? ?????????? ???,  
????? ??? ??? ???????? BBL (????????????????? ??? ???????????? 11, ?????? 26).

19 – ?????????? Abbey National ??? Inscape Investment Fund (????????????????? ???  
????????????? 11, ????? 28).

20 – ??., ?????? ????, ????????, ??? 20?? ????????, 2003, C-8/01, Taksatorringen (???????, 2003, ?, I-13711, ??? 36), ??? 26?? ????, 2005, C-498/03, Kingscrest ??? Montecello (???????, 2005, ?, I-4427, ??? 29), Abbey National ??? Inscape Investment Fund (?????????????? ???, ??????????? 3, ??? 60) ??? ??????? ??? 14?? ????????, 2006, C-401/05, VDP Dental Laboratory (???, ???, ????????, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, 23).

21 – ???. ?????????? Dornier (?????????????????? ???. ?????????????? 9, ????? 42) ??? Kingscrest  
??? Montecello (?????????????? ???. ?????????????? 20, ????? 29).

22- ???. ??????? ??? 11?? ??????????? 2001, C-76/99, ??????? ??? ?????? (?????? 2001, ?. ?-249, ??? 23). ??? ??????? ???, ?? ?????????? ??????????? ??? ?? ??? 13, ?, ??????? 1, ??????? ??, ??? ?????? ??????? ??? ?????????? ??????????? ??? ???????, ?????? ?????? ??? ?????????? ??? ??? ??? ??? ??? ?????? ?????????? ?? ?? ??????????? ??? ?????? ?????? ?????????? ??????? ??? ?? ?????????? ?????? ??? ?? ??????? ?? ??????? ???, ?? ?????????? ??????? ??? ?????? ?? ?????????? ?????? ???, ?? ??????? ?? ??????? ???, ?? ?????????? ??????? ??? ??????? ???, ?? ??????? ??, ?? ??????? ???.

23 – ???. ?????????? Abbey National ??? Inscape Investment Fund (?????????????????? ????.  
?????????????? 11, ?????? 38).

24 – ??????? 67/227/??? ??? ???????????, ??? 11?? ??????? 1967, ??? ???.  
??? ??????? ??? ???????, ??? ??????? ?? ??? ?????? ?????? ?????? (?? ??.  
???. 09/001, ?. 3). ? ??????? ??? ??????????? ??? 1?? ?????????? 2007 ???  
?????????????? ??? ??? ?????? 2006/112/?? ??? ???????????, ??? 28?? ?????????? 2006,  
?????? ?? ?? ????? ??????? ??? ?????????????? (?? L 347, ?. 1).

25 – ???. ????????, ?. ., ????????, ??? 14?? ?????????? 1985, 268/83, Rompelman (???????)  
1985, ?. 655, ????? 19), ??? 21?? ?????? 2000, C-110/98 ??? C?147/98, Gabalfrisa ??.  
(?????? 2000, ?. I-1577, ????? 44), ??? 27?? ?????????? 2001, C-16/00, Cibo Participations  
(?????? 2001, ?. I-6663, ????? 27), ??? ??? 26?? ????? 2005, C-465/03, Kretztechnik  
(?????? 2005, ?. I-4357, ????? 34).

26 – ??????? Solleveld ??? van den Hout-van Eijnsbergen (????????????????? ????) ?????????????  
9, ????? 35). ??., ??????, ??? ?????? Dornier (????????????????? ????) ?????????????? 9, ?????  
74), ??? ?????? ?? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??????????????.

27 – ??????? ??? 7?? ???????????? 1999, C-216/97, Gregg (?????? 1999, ?. I-4947, ????. 20). ??., ??????, ??? ?????????? ??? 29?? ??????? 2001, C?404/99, ?????????? ??? ?????????? (?????? 2001, ?. I-2667, ??? 45), Kügler (????????????????? ??? ?????????????? 9, ??? 30) ??? Abbey National ??? Inscape Investment Fund (????????????????? ??? ?????????????? 3, ??? 56).

28 – ?????????? ??? 23?? ?????????? 2003, C-109/02, ?????????? ??? ?????????? (???????)  
2003, ?. I-12691, ????? 20), ??? 17?? ?????????? 2005, C-453/02 ??? C-462/02, Linneweber  
??? ?????????? (???????) 2005, ?. I-1131, ????? 24), ??? 12?? ?????????? 2006, C-246/04,  
Turn- und Sportunion Waldburg (???????) 2006, ?. I-589, ????? 33), ??? Solleveld ??? van den  
Hout-van Eijnsbergen (????????????????? ??? ?????????? 9, ????? 39). ??? ??? ?????? ???  
12?? ??????? 1979, 126/78, Nederlandse Spoorwegen (????????? ??? 1979/??, ?. 23) ??  
?????????? ?????? ?? ??????? ??? ??? ??? ?????????? ? ??????? ?????? ?????? ???  
????? ?????????????? ?????.

29 – ??????? Linneweber ??? ?????????? (????????????????? ??? ?????????????? 28, ???? 25)  
?? ?????????? ??????????. ?? ?????????? ??? ??????????, ?????????? ?????????? ???  
?????????, ???. ?? ?????????????? ??? ??????????, ?????????? ?? ?????????? ???  
????????? ?????????? ?????????????? ??? ?????????? ?????????????? ??? ?????? (??.  
?????? Solleveld ??? van den Hout-van Eijnsbergen, ?????????????? ??? ?????????????? 9,  
?????? 40 ??.).

30 – ???. ?????????? ??? 19???. ?????????? 1982, 8/81, Becker (?????? 1982, ?. 53, ???? 25), Kügler (????????????? ??? ?????????? 9, ???? 51) ???. Linneweber ??? ??????? (????????????? ??? ?????????? 28, ???? 33).

31 – ??., ????????, ????????, Dornier (????????????????? ????) 9, ????? 81) ???  
Kübler (????????????????? ????) 9, ?????? 55 ??? 57).

32 – ??., ????????, ??????? Linneweber ??? ??????? (????????????? ??? ??????????? 28. ????? 35).

33 – ??, ?????? Linneweber ??? ??????? (?????????????? ??, ??????????? 28, ???????

