

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

ELEANOR SHARPSTON

?? 8?? ?????? 2007 1(1)

?????? C-434/05

Stichting Regionaal Opleidingen Centrum Noord-Kennemerland/West-Friesland (Horizon College)

????

Staatssecretaris van Financiën

[?????? ??? Hoge Raad (???? ???) ??? ?? ?????? ?????????????? ??????????]

?????? C-445/05

Werner Haderer

????

Finanzamt Wilmersdorf

[?????? ??? Bundesfinanzhof (?????????) ??? ?? ?????? ?????????????? ??????????]

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

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

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

? ??? ??????

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

4. ??????? ?? ?? ?????? 4, ?????????? 1, ?? ?????????? ????? ?? ????? ?????? ??????
«?????, ??? ????? ??????????», ?????????? ??????????, ?????? ???, ?????? ??? ??????
4, ?????????? 2, ?????????? ????? ?? ?????????? ????? ?? ?????????? ?????????? (4).

5. ??? ?? ?????? 6, ?????????? 1, ?? ?????? ?????????? ?????? «????? ??? ???? ???? ???
????????? ?????????? [...]» (5). ???????, ??? ?????????? ?????????? ?????????????? ???
??? ??????????, ??? ??? ?? ?????? 9, ?????????? 2, ?????????? ?? ??? ?, ??? ??????????
????? ??? ?????? ?????????? ??????????, ?????????? ??? ?? ?????????? ??? ?????????? ???
????????????? ?????????????? ??? ?? ?????????? ?????????? ?????????? ?????????????? ???
(6).

6. ??????, ?? ?????? 13, ? («????????? ?????????? ?????????????? ?????? ???
?????????») (7) ???????, ?????? ????:

«1. [...] ?? ?????? ??? ?????????? [...]:

[...]

?) ??? ?????? ??? ??????? ? ??? ???, ?? ??????? ? ?????????????? ???????????, ???
????????????? ??????????, ?????????? ? ?????????????? ?????? ??? ??? ??????
????????????? ?? ??? ?????? ?????????? ?????????? ??? ?????????? ??????, ??? ??????????????????
??? ?????????? ?????? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ??
????????????? ??? ?? ?????????????? ?????? ?????? ?????????? ?????? ?????? ?????? ??????????
??????.

?) ?? ?????????? ?????????? ??? ?????????????? ??? ?????????????? ??? ?? ???
????????? ??? ?????? ? ?????????????? ??????????.

??) ?? ?????? ?????????? ??? ?????????????? ? ?????????? ?????? ??? ?? ???
????????????? ??? ?????? ?????????? ??, ??, ?? (8) ??? ?? ?????????????? ??? ?? ???
????????? ??????.

[...]

2. ?) ?? ?????? ??? ??????? ? ?? ??????, ??????? ??? ??? ?????? ??? ? ?????????? ??
??????????, ??? ?????? ?????????? ?????????? ???????, ??? ??? ??? ??? ?????????? ???
????????????? ??? ?????? ?????? 1, ??????? ??, ??, [??], ???, ??? ??? ??? (9) ??????????
??? ??? ?????? ??? ? ?????????????? ??? ??? ?????? ??????????????:

- ?? ?? ?????? ?????????? ??? ?????? ?? ?????? ?? ?????? ?? ?????????? ?????????? ???
??????, ?? ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ?????????? ?? ???????????,
????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ?? ???????????,

- ? ?????????? ??? ?????????? ?????? ?? ?????? ?? ?????????? ?????????? ?????? ???, ???
????????? ??? ??? ?????, ??? ??? ?? ???, ??? ??? ?????? ?????????, ?????? ? ??????
????????? ??? ?? ?????????? ??? ?????????????? ??? ?????? ?????? ?????????? ???????????,

- ?? ?????? ??? ?????? ?????????? [?? ?? ??? ?????? ??????????] ?????? ?? ?????? ??????????
??? ??? ?????????? ?????? ?? ??? ?????????? ?????????? ?????????? ?????????? ?????? ?,
????????????? ??? ?????? ??? ??? ?????? ??? ?????? ?????????? ?????????? ?????? ???, ?? ????
?????? ?? ?????? ?????????? ??? ?????????????? ??? ?????? ?????? ?????? ??? ??????????
????????????? ?? ?????? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ???????????,

- ?? ?????????? ??? ?????? ?? ?????????? ??????? ?????????????? ??? ?????????????? ??
????? ??? ?????????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????????? ???.

?) ?? ??????? ?????????? ??? ?? ?????????? ?????? ?????????????? ??? ?? ?????????? ???
????????????? ??? ?????????? 1, ?????????? ?, ?, ?, [?], ?, ?, ?, ??? ??? ???, ???:

- ??? ???? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ???,

- ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ?????????????? ??? ??? ?? ???
????????????? ??? ?????? ?????????????? ??? ?????? ?????????? ?????????? ?????????? ??????????????
????????? ??? ?????? ?????????????? ???.

????????? ?????????? ??? ?????? ?????????? ??? ?????? C?434/05 Horizon College

7. ??? ??? ?????? ??? ?????????? ???, ?? Stichting Regional Opleidingen Centrum Noord-Kennemerland/West Friesland (??? ????: Horizon College) ????? ?????????? ??? ??
??? ??? Alkmaar ??? ??? ?????? ????????, ???' ?????????? ??? ?????? 13, ?, ??????????
1, ????????, ??, ??? ?????? ????????, ??? ?????????? ??? ?? ?????? ?????? ??????
????????? ??? ?????????? ?????????????? ??????. ?????????????????? ?????? ????
????? ??? ?????? ??? ?????????????? ??????.

8. ??? ?? 1995 ??? 1999, ??????????, ?????????????? ?? ?????? ?????????? ???
????????? ??? ?????????? ?????? ?????????????? ?? ?????? ????????, ?????????? ??
????????????? ?? ?????????? ?????????? ?????????? ?????????? ??? ??????????????
??? ?????? ??? ?????????? ?????????? ?? ?????????? ??? ?????????? ?????????? ??????????
??? ?? ??? ?????? ?? ?????? ?????? ?????? ??? ?????????? ?????? ?????? ?????? . ? ?????? ???
????????????? ?????????????? ?? ?????????????? ??? ?? Horizon College, ?? ?????? ??????
??? ?????????? ??? ?????, ??? ?????????? ???, ??? ?? ??? ?????? ??????, ??? ?? ??? ??????????
????? ?? ?? ?????????? ???.

9. ?? ?????????? ??? ?????? ??????, ??????, ??? ? ?????? ??? ?????? ?? Horizon
College ??? ?????? ??? ?????????????? ??? ??? ?????? ?????? ?????? ??? ?? ???, ??
?? ??????, ?????? ?????? ?????? ??? ?? ??? ?????? 1995-1999.

10. ?? Horizon College ?????????? ??? ?? ?????? ?????????? ?????? ??????. ? ?????? ???
????????? ??? ?????? ??? Hoge Raad (?????? ??????), ?? ?????? ?????? ???,
??? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????????? ??????
????????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ?? ?????? ?????? ???
????????? ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ???
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???.

11. ?? Hoge Raad ?????????? ?? ? ?????????? ?????? ??? ?????? ??? «?????????»
? ??? «????? ?????? [?? ?? ???] ?????? ??????». ?? ?? ??????, ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? :

- «1) ?????? ?? ??? 13, ?, [????????? 1, ?????? ?], ??? ?????? ?????? ?? ??????????
?? ?? ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ??????????
[?????] ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ??? ??? ??? ?????? ??? ?????? ???;
- 2) ?? ??? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ? ?????? «?????
????????? ?? [?? ??????] ?????? ??????» ?? ?????????? ??? ?????? ???

????? ?? ?????????? ????? ??????? ????? ???? ? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????
??????;

3) ????? ??? ???? ?????????? ??? ???. ???? ???? ?????????? ??????? ?? ???? ???? ? ???? ???? ????
???. ?????????? ??? ???. ?????? ??? ?????????? ????? ?????????? ?????? ??? ? ????
????????? ??? ??????;»

????????????? ?????????????? ??? ?????? ?????????????? ????? ?????? C?445/05 Haderer

12. ????? ??? ?????????? ????, ? W. Haderer ?????????? ??? ?????? ??? ??
????????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ??????????
?????????. ?? 1990 ?????????? ?? ??????? ?????????????? ?????????? ??? ?????????? (10)
????????????? ??? ??????? ??? ?????????? ??? ?????????????? «????????? ?????????? ???
?????????» ??? ??????? ?????????? ??? ??????????.

14. ? W. Haderer ??? ??????? ??????? ??? ?? ?? ?? ?? ?????????? ??????. ?? ???????????
?????, ?????????? ??? ?????? ?? ??? ????? ?????????? ??????? ??????, ??? ?????????? ??????
????????? ????.

15. ? W. Haderer ?????????? ??? ?? ??? ????? ?????????? ?????????? ????, ????????????????,
??????, ??? ?? ??? ????? ?????????? ?????????????? (???, ???????, ??? ?????????? ???? ????)
??? «????????????? ?? ???») ???, ????????, ???, ?? ??? ????? ??????????, ? ?????????????? ???
????????????? ??? ?? ??? ????? ?????? ??? ?????? 13, ?, ?????????? 1, ?????????? ?? ???/? ??, ???
????? ??????.

16. ? ?????? ?? ??????????? ???????? ?? ?????? ?? Bundesfinanzhof (?????????????)
?????????? ??????????????? ??????), ?? ?????? ??????? ?? ??????????? ?? ???' ????
?????????? ??????????? ??? W. Haderer ??????????? ??????? ?? ??????????
????????????? (11) ??? ??????????? ??? ??? ????? ??????? ??? ??? ??? ??? ??????????
??? ?????? ?????? ?????????? ??? ?????????? ?????? (12). ?? ?????? ??????????
?????????, ??????, ?? ?? ?????????? ??? ????? ?????? ?????? ??? ?? ??????????
?????. ??????, ?????? ??????, ???:

— ? W. Haderer ??? ?????? ?? ?????? ?????? ??? ?????????????????? ?????? «????????????? ???
?? ?????????????? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ?????? », ??? ????
????? ??? ???? 13, ?, ?????????? 1, ???????? ??, ??? ?????? ???????, ??????? ??? ???
«?????????????» ? ?????????? ???.

- ???????, ???????, ?? ?????? ?? ???? ?????????? ?????????? ?? ?????????????? ??
?????????? ?????????????? ?????????????? ??? ??? ??? ?????? ??? ? ?????????????? ???

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

17. ?? ?? ??????, ?? Bundesfinanzhof ????? ?? ?????? ?????????????? ?????????? ??
?? ?????????? ??????????:

«?????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????????? (13) ?? ?? ?????? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ??
?????? ?? ?? ?????? 13, ?, ?????????? 1, ?????????? ??, ??? ?????? 777/388/?? ????? ??
? ?????????? ?????? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????/????????? ?????????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
??????-? ?????? ?? ??? ? ?????????????? ?????? ?? ?????????? ?? ?????????? ??
?????? ? ?????????? ?? ?????????? ?? ?????????? ?? ??????????»;

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

18. ??? ????? C-434/05, ?????? ?????????? ?????????? ?? Horizon College, ?
????????? ??? ??, ? ?????????? ?????? ?? ?????????? ??, ? ?????????? C-445/05,
????????? ?????????? ?????? ?? ?????????? ?? ?????????? ??, ? ?????????? ?? ?
????????? ??????????.

19. ?? ??' ?????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????? ?? 14
????????? 2006. ??? ?????? C-445/05, ? W. Haderer ??? ?????????? ??'
????????? ??, ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??
??????, ??? ? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????????? ??, ??? ? ?????????? ?? ?????????? ??, ??? ? ?????????? ??
????????? ?? ?????????? ??, ??? ? ?????????? ??, ??? ? ?????????? ?? Horizon College ?? ?
????????? ?? ?????? ??, ?????????? ?? ?????????? ?? ?????????? ??, ??? ? ?????????? C-
434/05.

??????

? ??? ???? ?????????? ?? 13, ?, ??? ?????? ???????

20. ??? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ??
????????? ??, ?? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? «?????????» ???. ???. ??
?? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ??, ?? ?????? ??
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?? «?????????», ?? ?????? ?? ?????? ??, ?? ?????? ??, ?? ?????? ??
????????? ??, ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?? ???? «????? ?????? ?? ?????? ?? ?????? ??, ?? ?????? ?? ?????? ??» (14).

21. ?????? ??? ? ?????????? ?? ?????????? ?? ?????? ?? ?????????? ??, ?? ?????????? ??
?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? 13, ?, ??? ?????? ??, ?? ?????? ??
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????? ?? ?????? ??.

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

? ?????? ??? ???? ??????????, ?????????? ?? ?? ??? ???? ??? ??? («????? ??? ??? ??????») ???
????????? ?????????? ?? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ?????????? (15).

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

24. ??? ?????? ??? ?????????? ??? ??? ???, ??????? ?? ?????????? ?? ??? ??? ??????????:
?????? ??? ?????? ?????? ?????? ?????? (16) ??? ?????? ??? ?????? ???
????????? ?????? ?????? (17).

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

26. ?????????????? ??? ?????? ?? ?????????? ?????? ?????? ?????? ?????? 100 ??????
(????? ???), ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
(????? ? ??????????) ?? ?????? ?????????? ??? 50 ??????, ? ?? ?????????? ???
????????? ??? 20 %.

27. ??? ?????? ?????????? ??? ??? ??? ? ?????? ?????? ?????????? ?????? ?????????? ??????????????
?????, ? ?????? ??? ?????? ?? ?????? 60 ?????? ??? ??? ??????, 10 ?? ??? ??????
????????? ???, ??? ?? ?????? 120 ?????? ??? ??? ??????, 20 ?? ??? ?????? ??
???. ??? ??? 20 ?????? ?????? ?? ?????? ??? 10 ??? ??? ?????? ??? ?? ?????? ??
????????? ??? ?????? ????. ? ?????? ???, ?? ?????? ??? ?????? ?????? ??????????, ??
????????? ?? ??? ?????? ??? 20 ??????. ??, ??????, ? ?????? ??? ?????? ?????? ??????
????????? ???, ??? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ??????, ?? ?????? ??? ?????? ???
????? ??? ?????????? ??? 20 ?????? ??? ??? ?????? ??? ?????????? ??? ??? ?????? ???
????????? ??? ??? ??? ??? ?????? ??? ?????????? ?????? ??? 100 ??????.

28. ?? ? ?????? ?????????? ?????? ?????????????? ?????????? ?? ?????????? ???
?????? (18), ??? ?? ?????? ?? ?????? ???, ??? ? ?????????? ??? ??????
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? 10 ?????? (????? ???
?????????, ?? ??????????, ??? ?? ?????? ?????? ?? ??? ?????????? ??? ??? ??????????
?????). ?? ?????? ??? ??? ??????, ?????????? ?? ?????????? ??? ?????? ?????????? ???
????????? ??? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? 100 ??????.

29. ?? ? ?????? ?????????? ??? ?????? ?????????????? ?????? ?????? ?????????? ???
????????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 10 ??????
(????????? ?? ??? ?????? ??? ?? ?????? ???, ?????? ?????????????? ?????? (19)) ???,
?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ??????, ?? ?????????? ??
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 110 ??????, ? ?????? ??? ??? ?????? ??
????????? ?? ?????????????? ??? ?????? ??? . ??? ?????????? ??? ?????? ??? ??????, ??
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??
????? ?? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
??? ?? ??? ??? ?????? ?????? ?????? . ???????, ?? ? ?????? ??? ?????? ?????? ??????????
????? ??? ??? ?????????????? ??? ?????? ?????? ??????, ?? ?????? ??? ?????? ?????? ?????? ??
????? ?? ??? ??? ?????? ?????? ?????? ?????? , ?????? ??? ?????? ?????? ?????? ?????? ???
????? 10 ?????? ??? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ???.

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

30. ?? ?????????? ??? ??????? 13 ? ??? ?????? ?????? ?????????? ?????????? ?? ?????? ????.
????????? ?????? ?????? ?????? ?????? (20). ?????? ??? ?????? ?????? ?????? ?????? ?? ??????
????????? ?????????? ?????? ?????? ?????????? ???????????, ??? ?????? ?????? ?????? ?? ??????
????????? ?????? ?????? . ? ?????? ?????? ? ?????????? ?????? ???????????, ??? ??????????,,
????????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ????
????? ?????? ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????
????????????? ?????? ?????? (21). ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ???? ?????? ?????? «????? ??????».

31. ??????, ??? ?????? ?? ?????? ?? ?????? ?? ?????? ??? ???????????. ?? ?????? ?????? ?? ??????????????
????????? ? ?????????????? ?????? ???????????, ??? ???????????, ?????????????? ?????? ??? ????
????????? ???, ?? ???? ??????, ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ????
??????????????. ??? ?????????????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ????
????????????? -????? ?????????? ?????? ??????- , ? ?????????? ?????????? ?????????? ?????? ???
????? ?? ??? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ??? (22) ??? ??
????????? ??? ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ??????.

32. ??????, ?? ?????????? ??? ?????? 13, ?, ??? ?????? ?????? ?????? ?????? ??? ??????
????????? ??? ?????????????? ?? ??? . ? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ????
??? ?????????? ?? ??? ?????? ?????? ?????????? ?????????? ?????? ?????? ??? ????
????????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ??? . ??? ?????????? ??? ?????? ???
????????? ??? ?????? (23), ?? ?????????? ??????, ??? ?????? ?? ?????? 13, ?,
????????? 1, ?????? ??, ??? ?????? ??????, ???, ??????, ?? ?????? ??? ?????? ?????? ??
????????? ???, ?????????? ??? ?????? ?????? ?????????? ?????? ??? ?? ?????? ??? ?????? ??? ????
?? ??? ?????? ?? ?????????? ?? ??? ?????? ?????? ?????????? ??? ?????????????? ??
????????? ??? ?????? ?????? (24) ???, ???????, ??? ? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ?? ??? ?????????? ?????????? ??? ?????? ??? ????
????????? ??? ?????? ??????????, ??? ?????? ??? ? ?????? ?????? ??? ?????? ??? ???? ??
????????? ??? ? ?????? ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ????
??? ?????????? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? (25).

33. ???, ?? ?????? ??????????, ? ?????? ??? ?????? ?????? ?????? ?????? ??????????
????? ???????. ??? ???? ??? ???? ?? ?????????? ??? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ?????? ??????, ?? ?????????? ??? ?????? ?????? ?????? ??? ????
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?. ?? ?????? ??? ??????
????? ??? ?????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??? ?????? ??? ?????.
????? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ??
????? ??? ???????. ??????, ? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ????
?? ?????? ?????? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ???? ??
????????? ??? ??????????, ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ???? ???? ?????? ??? ????
????????? (26), ?????? ?? ?????? ?????? ?????? ?????????? ?????? ??? ??? ??
????????? ??? ??????????, ?????? ??? ???? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ???.

34. ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???? 2000,
????? ?? ??? ?????: «? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???

????????????? ?????????????? ?????????????????? ??? ?????????? ?????? ??? ?????? ?? ?????????? ???
????????? ?????????? ??? ?????????????? ?????? ??? ?????????????? ??????????, ???
????????????? ??? ??? ??? ?????????????? ??? ?????? ????. ?????????? ??? ?????? ?????????? ?
????????????? ??? ?????????????? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???
??? ?????????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ???
????????????? ??? ?????????? ?????[...]?????, ?? ?????????? ?????? ?????????? ??????????
??? ??? ?????????????? ??????????, ??????????????, ?????????? ????. ?????????? ??
?????? ?? ?????????????? ??? ?? ?????????? ??? ?????????????? ?????? ?????? ???
????????? ?????????» (27).

35. ?????? ??????? ? ??????????? ?????? ??? ?????????????? (28). ?? ??????????? ???
?????????? ??? ??????????? ??? ?????? ??? ????? ?????????? ??????, ??????, ??
?????????? ?? ??? ??? ????? ?????? ????? ?????????? ?????????? ??????, ???
??????????????, ???????, ??? ?? ?????????? ?????? ??? ?????????? ?????? ??????????????
????????????? ?? ?????????? ?????? ??? ??? ?????????? ??? ?????? ?????? ??? ?????? ?? ??????????
??? ?????? ??? ?????? ?????????? ?????????? ??? (29).

36. ?? ??????????? ?????????? ?????? –?????? ?????? ?? ??? ?????????? ?????????? ??
 ???????– ??? ? ? ?????????????? ??? ?????? 13 ??? ?????? ?????????? ?????????? ??????????
 ??????? ??? ?????????? ???????, ?? ?????? ?????????? ??? ?????? ?????? ?????????? ?? ???? ?????????? ??
 ??? ??????? ??? ?????????? ??? ??? ??? ??? ?????? ?????? ??? (30) ??? ??? ??? ??????
 ??? ?????? 13, ?, ??? ?????? ??? ?????? ? ?????? ?????????? ??? ??? ??? ??? ??? ?????? ??????????
 ?????? ???????????, ??? ?????? ?????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? ??
 ??????? ??? (31).

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

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

38. ? ?????????? ??? Horizon College ??? ?????? ??? W. Haderer ?????????? ??????????
????????????? ??????. ??? ??? ?????? ??????, ???????, ?????????? ?????? ??? ?
????????? ??? Horizon College ?????? ?? ?????????? ?????? ??? ?????? 13, ?, ?????????? 1,
????????? ?, ??? ?????? ??????, ??? ?????? ??? W. Haderer ?????? ??? ?????? 13, ?,
????????? 1, ??????? ?, ??? ?????? ??????. ?? ?????????? ??? ?????? ?? Horizon
College ?? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????????? ?? «?????????
????????? ??? ?????????? ??? ?????????? » , ??? ??? ?????? ??? ?????? 13, ?,
????????? 1, ??????? ?. ??? ? W. Haderer, ??????, ?????? ?? ?????????? ??
????????? «??? ?? ?????? ?????? ?????? ?????? ?????? » ??? ?????????? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? 13, ?, ?????????? 1, ?????????? ?? (????????? ???
?????? ?? ?????? ?????? ??? ?? ?????? ?????????? ???, ?? ??? ?????????? ???, ??? ??
????????????? ??? (32)).

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

40. ?????????????? ?????? ??? ??????? ?????????????? ?????????????? ??????????????, ? ?????????????? ??? ???
????? ?????????? ?????? ?? ?????????? ??? ?? ??????? ?????? ??????. ??? ?????????? ?????? ??? ?????????? ???
????? ?????? ?????????? ?????????? ??? ?????? ?????????????? ?????? ?????????? ?????? ?????????? ???, ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ?????????? ???? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ???? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ???? ???
?? ?????????? ?????? ?? ?????? ?? ?????????? ?????, ?????????????? ?????? ??? ?????? ??? ??????????

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

41. ???????????, ?? ??????? ??????? ??? ?????????? ?????? ?? ?????????? ???
????????????? ? ?????? ?????????? ?????????????? ???????????. ?? ???? ?????? ?????????? ???
Horizon College ?????? ?????? ?????? ?????? ??????, ??? ?????? ?????? ?????? ?????? ???
????????????? ??? Horizon College, ? ?????? ??? ?????? ???????. ?? ??? ? ?????????? ???
???? ?????????????? ??? ?????? ?????? ?????????? ?? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ???????. ?? ??? ?????? ??? W. Haderer. A? ??? ??????????
????????? ?????? ?? ?????? ?, ?????? ?????? ??????????, ?? ?????? ?????? ??? (????? ??? ?
??? ??????), ??? ???? ?????? ???????. ?? ?????? ?????? ?????? ??? ???? ?????? ??? ?
????????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?
?????????.

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

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

43. ??? ?????? ??????? ?? ??? ???, ??????? ?? ?? ?????????? ?????????????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ??? Horizon College ??? ??? ? W.
Haderer ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?????? ?????? ??? ?????? ?????? ?. ?? ?????? ?????? ?????? ?????? ??? ?????? ?
????? ??? ?? ??? ?????? ??????. ?? ?????? ?????? ?????? ??? ?????? ?? Horizon
College ?????????? ??? ??? ??? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ??????????????
????????? ??? ?????? ??? ?????? ??????. ??? ?????? ?????? ??? W. Haderer, ? ?????? ?????? ???
????????? ??? ?????? ??? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ??????????????, ??? ???? ???
??? ?????????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ?????? ??? ????
????? ??? ?????? ??? ??? ??? ?????? ??? W. Haderer, ?????? ??? ?? ?????? ??? ????
????????? ???, ??? ???, ??????, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ????
????????? ??????, ?????? ?????? ??? ???.

44. ?????? ?? ??? ??????? ???, ? ?????????? ??? ?????????? ?? ?????? ?????????? ???
??? ?? ????????, ?????? ??? ??, ???????????, ?? ?????? ??? ?????????? ??? ??
????????? ??? Horizon College ??? ??? W. Haderer. ????????, ? ?????? ??? ?????????? ??
Horizon College ??? ? W. Haderer ??? ?????? ??? ?????? ??? ??????????, ????????,
????????? ??? ?????? ??? ????????, ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ????
????????? ??? ?? ?????? ??? ??? ?? ???????. ? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? (????????? ?, ??? ?????? ??? W. Haderer, ??? ???), ??
????????? ??????, ?????????? ?? ?????? ??? ?????? ?? ?????? ??? ?????? ?????????? ?
????????? ?????? ??? ?????? ???.

45. ??? ???????, ? ??????? ??? ?????? ??? ?????? ?? ?????????? ??? ?? ? «?????????» ?
????????? «???[?????]» ??? ???? 13, ?, ?????????? 1, ?????? ?? ?, ??????????, ??,
??? ??? ????.

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

47. ??? ??? ?????? ???, ? ??????? ??? ?????? ?? Horizon College ?????????? ???
????????? ?????????? ??? ?????? ??????, ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ?????????? ??? ?????? 13, ?, ?????????? 1, ?????????? ??, ??? ? ? ?????? ??? ???? ????
????????? (34). ? ?????????????? ??? W. Haderer ??????, ??????, ?? ?????????????? ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??, ?????? ?????????? ??? ??????????
?????????. ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ?????? ???
??? ?????????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??????????
????????? ?????? ??????????. ???????, ??? ?????? ?????? ??? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ?????????? ?? ??? ?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ??
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??? ?????????? ?????? ??????????????
?? ??? ?????????? ?? ?? ??? ?? ?????? ??? ??????, ?? ?? ?????????? ?? ?? ??? ??
????????.

48. ??? ???? ??? ?????? ??? ?????????? ??? Horizon College, ?? ??? ?????? ??? ??????????
????????? ? ?????????? ?????????? ??? ? ?????????? ??? ??? ?????? ??? ??????. ?? Horizon College,
??????, ??????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ? ??????????????
????????? (35). ?????????? ??? ?? ?????? ?????????? ??? ???????, ?? ??????, ??? ?????????????? ???
??? ? ?????????? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ???
??? ??? ?? ?????????? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????????? ???
Horizon College, ?? ?????????? ?????????? ?????? ??? ?? ?????????? ??? ?????? ?????????? ???
?????? ??? ?????? ?????????? ????. ??' ?? ?????? ?????????? ?????????? ?????????? ?????????? ??
??????, ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????????? ???, ???
????????? ??? ?????? ??????, ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? 13, ?, ?????????? 1, ?????????? ??.

49. ?????????? ?????????? ??? ?????? ??? ?????????? ??????????????, ??? ??????????
??? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????????????
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ?????? ??? ?????? ??? ??????
????????? ?? ??? «?????????», ??? ?? ?? ?????? ?????????? ?????????? ?????????? ???
????????? ?? ? ?????? ??? ?????? ??? ??' ?????????? ???????, ? «?????????, ?????????? ?
?????????????» ?????? ?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ????. ? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

50. ?????? ?????? ?????? ???, ??? ? ?????? ?????? ?????? ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? (?.?. ?????????? ??????????), ??? ?? ?????? ?????? ?????????? ????, ?
????? ??? ?????? ?? ??? «????????? ????. ?????, ??? ?????? ???, ?
????????? ??? ??? ??? ??? ?????? ?????? ?? ?????? ????. ???????, ?????? ??????????
????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ??????
??? ??? ??????, ??? ?? ??? ?? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???

51. ??? ???? ??? ?????????? ??? W. Haderer, ??????, ??? ?????, ?????????, ??
????????? ?? ??? ?????? ??? ??????.

52. ????????, ??? ? ?????????? ??? ?????? 13, ?, ?????????? 1, ??????????,
????????????? ??? ? ?????? ?????? ??? ?????? ??? ??????????????, ?????????? ??? ??????
?????????, ?????????????? ?????????????? ??? ?????????? ??????????, ?????? ??? ??????
????????? ?????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????.

53. ??? ??????????, ? ????? «von Privatlehrern erteilten Schul- und Hochschulunterricht»
????? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ? ?????? ??? ?????????????? ??? ?????????? ?????????????? ??????????.

54. ??????, ?? ??? ??? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ??????
????????, ? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ?????????? (36) ???,
??? ??? ????, ? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ???
????????? ?????? ??? ?? ?????? ??? ??????.

55. ? ?????? ?????????????? ?????????? ??? ?????? ? ?????? ??? ?????? ?????? ??????????????
????? ??? ?????????? ?????????? ??? ?????? ?????? ?????????????? ???' ????, ??? ??????
??? ??? ??? ??????. ??????, ?????????, ??? ?? ?????? ??? ?????????? ??? ?????????? ?? ??????
????? ?????? ?????? ?? ?????????? ??? ?????? ???, ??? ? ?????? ?????????? ??????????
????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ???' ?????? (????
????????? ? ??????, ? ?????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ???
?????) ??? ??? ? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ???
?????????.

56. ??????, ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ?????? ???
????????? ??? ???, ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ??? ?????? ???, ?????? ??? ?? ?????????????? ??? ?????????? ???
????????? ??? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ???
????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????, ??? ???, ??? ?? ???
????????, ??????. ??? ?????? ??? ?????? ?????????, ??? ?? ?????? ?????? ??????
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??
????? ?????? ??? ??? (37).

57. ??? ? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????????? ??????
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? 13, ?, ?????????? 1,
????????? ??, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ??
????? 13, ?, ?????????? 1, ?????? ??, ?????????? ??? ?? ?????????? ??? ?? ??????????
????????? ?????? ??? ?? ?????? ?????? ?????????? ??????????.

58. ??? ?????? ?????? ??? ?????? ?????? (38), ? ?????? ?? ??? ??????????????
????????? ?????? ?????? ??? ??????:

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

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

- ?????????? ??????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????
????????? ??? ?????? ??? ?????????????????? ?? ?????????????? ?????? ??? ??????????
????????????????? ??? ?????????????? ??? ?? ?????? ?????????, ?????????????????? ?
????????????? ??? ??????????».

59. ? ?????????? ????, ?????????? ?????????? ???? ?? ?????????? ?????????? ??? ?????? 13, ?,
????????? 1, ?????????? ??, ?????????? ???' ?????? ?? ??? ?????? ?????????? ???, ??? ???? ??
?? ?????? ????, ?????????? ???? ?????? ?? ?????????????? ??? ?????? ??? ?????? ?????????? ?????
??? ? ?????????????? ???? ?? ?????? ??????????, ???? ?? ?????????? ?? ??? ?????? ?????????? ?????
????????????? ??? ?????? ??? ?????? ????.

60. ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?? . ?? ?????????? ???
????? ??? ?????? ?????? ????, ???? ?? ?????????? ?????????? ?????????? ?????????? ?????
????????????? (????????????? ????) ???, ??????, «??? ??? ?????? ?????? ?????????????? ?????? ?????
?????????» (39).

61. ?? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????????? ??????????,
????? ?????? ??????????, ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ??????
??? ?????? ??? ?????????? ??? ?????????????? ?? . ? ?????? ?????????? ?????? ?????????? ???
?????????, ?????????, ?????????????? ?????????, ?????? ??? ?? ?????? ?????????????? ??? ?????? ???
????????? ?? ??? ?? ?????????? ??? ?? ?????? (??? ?????? ?????? ?? ?????????? ??? ?????????? ??????
??? ?????????? ??? ?????? ? ?????????????? ??????????, ?????????????? ??? ?????????? ???
????????????? ??? ?????????? ? ?????????????? ??????????, ???? ??? ?????????? ??? ??????
????????????? ?? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????????? ?????????) ???
????????? ?????????? ??? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??????????
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? . ??? ?? ??????????
?????, ???? ??? ?? ?????????? ????, ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??
????????? ?? ?????? ?? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????
??? ?????????? ??.

62. ?????????????? ??? ?? ?????????? ??? ?????? ?????????? ?????? ?? ?? ?????????
?????????????. ????????, ???? ?????? ?????? ?? ?????????????? ??? ?? ??? ?? ??????????
????? ?????????? ??? ?? ?????? ?????????? ?????? ?????? ??? ? ??? ?????????????? ??
????????, ???? ?? ??? ?????????????? ??? ?????? ?????? ?????? ?????????? ?????? ??? ??????
????????? ?????????? ?? ?????? ?????? ?????? ??????, ?????? ?????????????? ?????? ??? ??????
?? ??? ?????????????? ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ???
????????? ? ?????? ??? . ??? ?????? ?????? ??? ?????? ??? W. Haderer ??? ?? ?????? ??
????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????? ?? ?????? ??
????????????, ?????? ?????? ?????? ?????? . ??????, ?? ??? ?????? ??? ?????? ?? W. Haderer
?? ??? ?????????? ?????? ??? ?????? ?? ?????? ??? ?????? , ?? ?????????????? ??????
?????????, ?? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????.

63. ?? ?????????? ????, ??????, ?? ?????????????? ?? ??? ?????? ??????????????.

64. ???? ??? ??????????, ? ?????????? ??? ?????????? ??? ?????? 13, ?, ?????????? 1, ???
????????, ????????, ?? ?????????? ??????, ?? ???? ?????????? ??? ?????, ?? ???? ?????????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??
????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????? ??? ??????
????????? ??? ?????? ?? «????????? [...], [...] ?????????? ? [...] ??????????», ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «?????????», ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

65. ??????????, ??? ???????, ???????, ?????? ??????? ?? ????? ?????????? ??? ?????????
?????? ?? ????? ??????? ??? ?????? ??? W. Haderer ?? ??????? (??? ??????????
????) ?????? ??????????? ?????? ??????? ?? ?? ?????? ??????????? ???????, ???
????????? ??????? ?? ??????. ???????, ??? ?????? ?????? ????? ???????????, ?? ??????? ??
????? ?????? ??? ?? ?????????? ?????? ?????? ?????? ?????? ??????????? ??? ?? ?? ??
?????????. ??????, ?????? ??? ?? ?????? ?????? ?????? ?????? ??? ?? ?? ?? ???????, ???
?????? ??????? ?? ?????????? ??? ?????????? ?????? ??????????? ?????? ??? ?? ?? ??????????? ??????
(??? ??????? ??????? ?????????? ?????????? ??????????? ??? ?????? ???????, ? ??????? ??????
?????????? ?? ?????????? ?????? ?????????? ???? ?????? ?????? ?????? ??? ???????????
????) ??? ?,?? ??? ?????? ?????????? ?? ?????????? ?????????? ?????????? ??? ???
????????? ?? ???.

66. ?????????????? ????, ??? ?????? ?????? ??? ? ?????? ??? ?????? ?????????? ?? ???
????????? ?? ?????? ??? ?????????????? ?? ?????? ?? ??? ?????? ?????? ??????????
????????????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ????
????????? (40), ? ???????? ??? ?????? ?? ?????????? ?? ?????????? ?? ?????? ?? ??????
????????????????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????????? ?????????? ???
????????? ?? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ?? ?????????? ????
????????? ?? ?????????????? ?????????? ?????????? ?????????? ??? ?????? ?? ?????????? ????
????????? ?????? ??? ?????? ??? ?????? ?? ?????? ?????? ?????????? -???' ??????????
?????- ??? ?????? ??? ?????????? ?????????? ??? ??? ???, ??? ?????? ?????????? ????
????? ?? ?????????????? ?????????? ?? ?????????? ?????????? ?????????? ??? ??????????
????????? ?????? ??????????.

67. ?????????? ?????? ??????? ??????? ?? ?????????????? ??? W. Haderer ??? ??????????
??? ?????? ??? ?? ??????? ?? ??????, ? ?????? ??? ?????????????? ??? ?????? ?? ?????? ??? ?????????? ???
?????? ??? ??????? ???????????, ???? ?? ??????????? ?? ?????????? ??? ???????, ???? ????
?????? ?? ??????????? ?? ??????. ???????, ?????????? ? W. Haderer ?? ?????? ?? ??? ??
????????? ???????????, ???? ?? ??? ?????? ??????, ???? ??? ?????? ??? ?? ??? ?? ?????? ??
????? ???? ?? ??????????? ??????? ??? ?????? ??????.

68. ????? ?? ??????? ??? ??????? ???????????, ?????? ??? ?? ?????? ???????????
????????????? ??????????? ??? ?????????? ?? Horizon College ??? ?????? ?? ?????????? ??
«?????????» ???? ??? ?????? ??? ?????? 13, ?, ?????????? 1, ?????????? ?, ??? ??????
???????, ??? ?? ?????????????? ?????????? ??? ??????? ? W. Haderer ??? ?????? ??
????????? ?? «?????????» ???? ??? ?????? ??? ?????? 13, ?, ?????????? 1, ?????????? ?.

?????? C-434/05 Horizon College: ????? ?????????????? ????????

70. «?????? 13, ?, ?????????? 1, ??????? ??, ??? ????? ?????? ??? ?????????? ??? ?????????? ???
????? ?????? ??? ?????????? ??? ??? ?????????? ??????, ??? ?????? ??? ?????? ??????????
?? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ??????. ?? ?????????? ?????? ?? ??????????
??????, ??? ???? ?????? ??? ?????????? ???, ??? ?????? ? ????? «??? ?????? ??????????,,
????? ?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ??????????
?????????» (41).

71. ?? Horizon College ??? ? ??????? ?????????????? ??? ? ??????? ??????????????
?????????? ??? ??? ?????????????? ?????? ?? ??? ????? ?????????? ?????? ??? ?????? ?????????? ???
?????????? ??? ??? ??????????. ?? ??? ?????????????? ?????? ??? ?????? ?????? ?????????? ??????????

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

72. ? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??????, ??? ??????? ????????
???????, ??? ?? ?????? ?? ?????????????? ??? ?????? ?? ??? ?????????? ??????
?????????. ? ?????????? ?????????? ??? ? ?????????? ??? ?????? ???, ??? ?? ?????? ???
????????? ?????????? ??? ?? Horizon College ??? ?????? ?? ?????????? ??? ?? ??? ?? ??? ??
????, ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ?????????? ???
??? ??????, ??? ?? ?????? ???, ?????????? ??????.

73. ?????????? ?? ?????????? ?????? ?????????????? ??? ? ?????????? ?????????????? ????
????????? ?????? (? ?????????? ?????????????? ?????????? ??? Horizon College) ???
????????? ?????? ?????????? ??? ?????????? ?????????????? ? ?????????????? ??????????????
(???? ??????), ??? ?? ?????? ?????????? ??? ?????? ??? ?????? (?? ??? ??????????????
?????). ? ?????????? ??? ?????? ?????? ?????????? ??? ? ?????????? ?????????? ??????????
????????? ?????????? ??? ??? ?????????? ? ?????????? ??? ?????? ?? Horizon College ????
????????? ???, ???????, ??? ????? «????? ??????????» ??? ?? ??? ?????????????? ???
????????? ??? ?????????? ??? ?????? ?????? ??? ?? ??? ??????, ??? ?? ??? ?????????????? ???
????? ?????????????? ??? Horizon College.

74. ? ?????????? ??? ??? ??????, ??????????, ?????????? ?? ?????? ?????????? (42) ???
????????? ??? ?????? ???, ???' ??????, ??? ?????? ?????? ?? ?????????? ?? «?????
?????????» ?? ??? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ? ?????? ???
??? ?????????? ?? ??? ?????? ?????????? ??? ?????? ??????. ????, ?? ?????? ???
????????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ???.
???????? Card Protection Plan, ??? ??????????, ?? ?????????? ??? ?????????? ???
?? ?? ?????????? «????????? ??? ?????? ??????» (43) ??? ??? ?????? ?????????? ???
?????????, ?????????? ?????????? ?? ??? ?????? (????????????? ?????????? ???
????????? ??? ?????????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ????)
?? ?????????????? ??????????, ?? ?????????? ??? ?????? ?? ?????????? ??? ??? ?????? ???
?? ?????????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? (44).

75. ???????, ??? ????? Stichting Kinderopvang Enschede (45), ?? ?????????? ????
????? ???, ???????, ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????? ???
????????????? ??? 13, ?, ??????? 1, ??????? ?? ??, ??? ??????
????????? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ?????????? ?????????? ???
??????, ? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ???
«????? ??????????» ?? ?? ?????? ??????, ?????? ??? ??, ??? ?????????? ???, ?
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

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

77. ???????, ?????? ?? ?????????? ???, ??? ?? ?????????? ??????????, ? ???????
????????? ??? ?? Horizon College ?????? ?? ?????????? ?????????? ???, ??? ??
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
?????????.

78. ?? ???????, ??????, ??? ?????? ??? ?????????? ?????? ?? ? «????? ?????????? ???
[?????] ?????????? ??? ?????????? ?????? ?????? ?????????? ??? ?????? ?? ?????? ???

79. ?????????????????? ?????? ?????????? ??? ?? ?????????? ??????? ??? ?????? ??????????,
????? ?????????????? ?? ??? ?????? Stichting Kinderopvang Enschede.

80. ???????, ?????????? ??? ? ?????? ???????? ?? ??? ?????? ?????????? ?????? ? ???????
?????? ?????? ? ?????????? ??? ?????????? ??? ?? ?????????? ?????? ??? ??? ?? ? Horizon
College ???????, ? ?????????? ??? ?????? ?? ?????? ??? ?????????? ?????? ??? ??????? ???
?????? 13, ?, ?????????? 1, ???????? ?? (46). ??????????, ?????? ?? ?????????? ???
«????? ??? ?????? ? ??? ???, ?? ?????? ? ?????????????? ??????????, ???
????????????? ??????????, ?????????? ? ?????????????? ?????? ??? ??? ?????
????????? ?? ??? ?????? ?????? ?????????» ??? ?? «????????????[?????] ??? ?????????? ???
????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ??? ?????????? ??? ??
????????????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ??????»

81. ????????, ? ??????? ?????????? ?????? ?? ????? «????????[?] ??? ??? ???????????
??? ?????? ??? ?????????????? ??? ?????» . ????? ???????, ???' ??????? ??? ?????? ???
?????? Stichting Kinderopvang Enschede (47), ??? ? ????? ? ? ??????? ??? ?????????? ???
?????? ?? ????? ?????? ???, ????? ??? ?????????? ?????????????? ?????????? ??? ??
Horizon College, ?? ??????? ??????? ??? ?? ?????????? ?? ?????????? ??? ???????
?????? ??? ??????????.

82. ????????, ????, ?????????? ? ?????????? ??? ??? ????? ??????, ?? ?????? ?????????????? ???????
?? ?????????? ?? ?? ?????? ?????? ?????????? ?????????? ? ?????? ?????? ?????? ?????????? ??????????
????????? (??? ?????? ?? ?????????? ?????????? ?? ???) ?? ?????????? ?? ??????????
????????? ?????????? ??????. ??? ??????????, ?????? ?? ?????? ?????? ??? ?? ??????????
????????? ??? ?????????? ?????? ?????????? ?? Horizon College ???????????,
???? ?? ?????????? ???, ?????????? ?????? ?????? ?????? ?????????????? ?????????? ? ?? ??
????????? ?????????? ??????, ??????????, ??? ?????? ?????? ??? ?? ??? ?? ??????????????
????????? ?????????? ?????????? ?? ?????????? ?????????????? ??????. ??? ??????
????????? ?????????? ?? ?????????? ?? ?????????? ?????? ?????? ??? ?? ??? ??????
?? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????.

83. ???????, ??????? ?? ?? ?????? 13, ?, ??????????? 2, ??????? ??????????, ? ???????
?????????? ?? ?????? ?? ??? ?????? ?? ?????? ?????? ?? ?????? ?????????? ?????? ????
????????????????? ??????? ?? ?????? ??????????? ?? ?????? ?????????? ?? ?????? ??????????
????????????? ??????? ?? ????. ??????, ??? ???????, ??? ?????????? ? ?????????? ??? ??? ???,
????? ??? ?? ?????????? ??? ? ???? ??? ?????? ?? Horizon College ??????????????
??????? ??? ?? ??????? ?? ?????????????? ??????????, ??? ??? ??? ??? ??????????
??????????. ?? ?? Horizon College ??? ??? ?????? ?????? ??? ?????????? ?? ??? ??? ??????????,
?? ??? ?? ?????????? ?? ?????????? ??? ?????????? ????. ?? ?????????? ??? ??? ??? ???
?????? ?? ?? ?????????? ??? ?? ??????? ?????? ?? ?????????? ?? ?????????? ?? ?? ??????? ??????????
??? ??????? ?????????? ?????? ??? ?????? ?????? ?? ?????????? ??? Horizon College ??? ?????????? ?? ???

?????? ??????????? ?? ??????????? ?? ??????????? ?????? ???, ??? ???? ???????
?????????, ?? ?????????? ??? ?????? ??? ????? ?????????? ??? Horizon College. ?? ???
?????????, ? ?????? ?????????? ?????????????? ??? (???, ???????, ????????)
????????????? ?????? - ? ?????????? ??????), ?????????? ?????? ?????? ?? ??? ??????
????????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????????? ?? ?? ?????????? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??????
????????????? ? ?? ?????????? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??????

84. ???????, ??????????? ??, ?????? ??? ?????? 13, ?, ?????????? 2, ??????? ??,
?? ?????? ?????? (48), ?? ?????? ??? ?????? ?? ?????????? ?? ?????????? ?????????? ??
?? ?????? ?????? ?????? ?????? ??????????. ?????????? ??? ??? ?????????? ??????????
???? ?????? ??? ?????????? ?????? ??????????????, ?????????? ??? ?????? ?????? ??????
????????? ??? ??????????. ?? ?????? ???, ??????, ??? ?????????? ?????? ?????????? ???
??? ?????????? ???, ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????? ??????????.

85. ???, ??? ?????? ?? ?????? ?????? ??? Hoge Raad, ??? ?????? ?????? ???
????????? ?????????? ?? ?????????????? ?? ?????????? ??? ?????? ??? ?????? ???
?, ?????????? 1, ?????????? ?. ??? ?????? ???, ??? ?????????? ??? Horizon
College ??????? ?????? ?????? ??????.

?????? C-445/05 Haderer: ??????? ? ?????????????? ??????????

86. ?? ??? ?????? ??????????? ?? ?????? ?????? ?????? ??? ???????????, ?
????????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????????, ??? ??????
?????? ??? ?????? ??? W. Haderer. ??? ?????? ???, ?? ????????
?????????????, ?????????? ?? «????????? ??????» ??? ?????? ? W. Haderer
?? ?????????? ?? «????????? ??????» , ??? ?????? ?? ??????????
????????? ??? ?????????? ??????. ??????????, ??? ?????????? ??? ?????? ???
????????????? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????????? ?????? ???
????????? ???.

87. ??????? ?? ?????? ?????????? ?? ?????? ?? ?????? ??? W. Haderer ??? ?????????? ??
????? ?????????? ?? ?????? ?????????? ?? ?????? ?? ?????? ??????. ??????, ??? ?????? ?????????? ??
????????? ?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?????? ??? ?????? ?????? ??
????? ?????? ?? ?????? ?????? ???.

88. ?? ?????? ??????????, ??????, ?????? ??? ? ?????? ??? ?????? ?????? ?????????? ??
????????? ?????????? ??? «????????? ? ?????????? ??????» ??? ??? ??????
?????? ?? ?????????? ? ?????? ??? ?????? ??????, ? «????????? ??????» ??????? ??
?????? ?? ?????????? ??? ?????? ?????? ??????, ?? ?????? ?????? ?????????? ???
????????? ??? ?????? ?????? ??????, ??????????, ? ?????? ?????? ?????? ???
????????? ?? ?????? ?????? ??????, ??????????, ? ?????? ?????? ?????? ???
????????? ?? ?????? ?????? ??????, ??????????, ? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ???.

89. ? ?????? ?? ?????? ?? ?????????? ?????????????? ?????????? ??? ?????? ??? ??????
????????? ?????? ?? ?????? ?? ?????? ?????? (49). ??? ???? ?????? ???, ? ??????
????? ?? ?????? ?? ?????? ?????? ?????. ??? ?????? ?????? ??????, ?? ?????? ? ??????
????????? ??? ?? ??? ?? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????????
????????? ??? ?????? ??????, ?????????? ??? ?????? ??? ?????? ?????? ???
????????? ??????, ?????????? ? ?????? ??? ?????? ?????? ?????? ?????? ???

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

90. ???????, ??? ???? ?????????? ??? ?????????????? ??? ??????? ?? ??????? «?????? ?
????????????? ??????????» ?? ?????????? ??? ?????????????? ?????????? ??? ?????????? ??
??? ??, ???????????. ?? ?????????? ??? ?? ?????????????? ??? ?????????????? ???, ??
?????? ?? ?????????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ?????????????? ???
????????????? ? ?????????????? ??? ?????????? ??? ?????????? ?????????????? ?????????? ???,
?? ?????????? ?????????? ??????.

???????

91. ??? ???????, ??? ???? ?? ?????????? ?? ??????? ?? ?????? ??? ?????????? ???
?????? ?? Hoge Raad ??? ??????? ??? ??????? C-434/05 ??? ??????? ????????:

– ?? ??? 13, ?, ?????????? 1, ??????? ??, ??? ?????? ??????? 77/388/E?? ??
????????? ?????? ?? ?????????? ??? ??? ?????? ??? ???? ?????? ??????? ???????
????????????? ?? ??? ?????? ??? ?????? ??? ?????? ?????????????? ?????????? ??? ??
?????? ?? ?????????? ??? ?????? ??? ?????? ?????????????? ?????????????? ???, ?????????????? ??
????????????? ?????????????? ???, ??? ?????? ?????????? ?????? ?????? ?????????? ???
????????? ?? ?? ?????????????? ???.

– ??? ?? ?????????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??????, ? ???????
????????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?? ??? ?????? ?????????? ??
?? ?????????????? ??? ?????????????? ??? ?????? 13, ?, ?????????? 2, ?????????? ??, ??
????? ???????, ??? ?????????????? ??? ?? ?????????? ??? ?????? ?????? C-415/04,
Stichting Kinderopvang Enschede, ???, ?????????? ???, ??? ?????????? ??? ?????? 13, ?,
????????? 2, ?????????? ??.

92. ??? ?????? C-445/05, ??? ???? ?? ?????????? ?? ??????? ?? ?????? ???
Bundesfinanzhof ??? ??????? ????????:

– ??? ??? 13, ?, ?????????? 1, ??????? ??, ??? ?????? 77/388/??? ?????? ?? ??????
? ??????? ??? ? ?????? ??? ?????????? ?????? ?????????? ?????? ?????????????? ???
????????? ??? ?????????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ??????? ??
????????????? ?????? ?????????? ?? ?????????? ??? ?????? ?????????? ?????? ??? ?? ??????
???? ???????, ??? ?????????????? ??? ?? ??? ?????? ?????? ??? ??? ??? ?????? ???, ??? ??
????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ???, ??? ??? ??????.

1 – ?????? ??? ??????????: ? ??????.

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

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

3 – ??., ??????, ????? 2, ?????????? 1, ???????? ?, ??? ?????? 2006/112.

4 – ??., ??????, ??? 9, ?????????? 1, ??? ??? ?????? ??????, ??? ?????? 2006/112.

5 – ??., ??????, ??? 24, ?????????? 1, ??? ?????? 2006/112.

6 – ?. ?????, ??????????, ?????? 52, ??????? ?, ??? 56, ?????????? 1, ??????? ?,
??? ?????? 2006/112.

7 – ??., ??????, ??? 132 ??? 134 ??? ?????? 2006/112.

8 – ?? ??????????? ?, ?? ??? ?? ?????????? ?????? ?? ?????????? ??? ??? ??????
?????????, ??? ?????????????? ?????? ?????????? ??? ?????????? ?????????????? ??? ???
????????? ??? ?????? ??? ??? ???.

9 – ?? ??????????? ?, ?? ??? ?? ?????????? ?????? ??? ?????????????? ???
????????? ??? ?????????? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ,
????????? , ?????????? , ?????????? ? ?????????? ??????.

10 – ?? ??? «Volkshochschule» (????? ??????????) ??? ?? ??? «Elternzentrum» (?????
????????? ?? ??????).

11 – ?????? ? ?????? ?????? ?????? ?????????????? ??? ?????? ?? ?????????????? ???
????????? ?????? ??? ?????????? (?. ?????? ?????? 12 ?? 13), ??? ? ??? ??
????????? ?????? ?????????? ??? ?????? ?? ?????? ?????????? ?????? ??
????????? ?? ??? ??? ?????????? ??? ??????????.

12 – ?? ??? ?????????? ?, ? ?????? ?????? ?????? ??? ?? ?????? 4, ?????? 21, ??????
??, ??? Umsatzsteuergesetz (????? ??? ???? ?????? ?????? ??????) ?????????????? ??
1999 ??? ?????? ?????? ?????? ?????? ?????????? ??? ??? ??? ?????? ?????????? ??????????
????????????? ??? ?????????? ?? ?????????? ?????? ?????????? ?? ?????? ?????? ??????????
?????????.

13 – ? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??????????
????????? ?? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??? ?????? 13, ?, ?????????? 1,
????????? ??, ??? ?????? ??????, ???, ???????, ?? ???????? ?? ?????????? , ??????? ??
?? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?? ???: «?? ?????? ?????? ?????????? ??
????????? ??? ?????????? ??? ?????? ?????? ?? ??? ?????? ?????????? ?? ?????? ?????? ? ?????????? ??????
?????????».

14 – J. Reugebrink ??? M. E. van Hilt, *Omvatbelasting* (Deventer, 1997, ? 40), ??????????
??? B. Terra ??? J. Kajus *AGuidetotheEuropeanVATDirectives* (IBFD, 2006), ??? 1, ? 443.

15 – ?? ?? ?????? 2 ??? ?????? ?????? 67/227/???, ??? ??????????, ??? 11?? ??????
1967, ??? ??? ?????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ???
????? ?????? ?????? (?? ??. ??. 09/001, ? 3), ??? ?? ?????? 1, ?????????? 2, ??
????? 2006/112. ?? ?????? ??? ??? ?????? ??? ?? ?????? 17 ?? 20 ?? ??? ??
????? (????? 167 ??? 192 ??? ?????? 2006/112).

16 – ?????????? ?????? ??? ??? ?????? ?? ??? ?????? ?????? ?????? ? ?? ?? ?????? ?????? ???
????????? ??? ?? ????? 14 ??? 16 ??? ?????? ?????? ??., ??????, ?? ?????? 140 ??? 166

??? ??????? 2006/112. (????? ??????????? ??? ?? ?????? ??????, ?? ??????? ?????? ???
?????? ?????? ?? ??????????? ??? «????? ?????? ??????» ??? ??????????? ??? ??????,
?????????? ?? ??? ?????? ??????? ?? ??? ?????? ?? ?????? ??? ?????? ??? ??????.)

17 – ?????? ??? ??????? «??? ??????? ??? ???» ??? ??????? ?? ??? 13 ??? ???
?????? ??., ??????, ?? ??? 132 ??? 137 ??? ?????? 2006/112.

18 – ? ?????? ??? ?????? ?????? ?????????? ?????????? ????. ?????????? 16.

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

20 – ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? - ??., ??????, ??????????
17). ??? ?????? ?? ?????? ?????? ??? ??? ?????? ???????, ?? . ?? ?????? ?????? ???
?????????? ??? 7?? ?????????? 2006, C-240/05, Eurodental (??? ??? ?????????? ???
??? ??????, ????? 23 ??.), ??? ??? ?????????? ??? ?????? ?????????? Ruiz-Jarabo
Colomer ??? ??? ??????, ?????? 24 ??.

21 – ??? ?????? ??? ?????????? ??????, ?? ?????????? ?????? ?????? ?????? ??????
?????? ?? ??? ?????? ?????? ?????? ?? ?????? ?????????? ?????? ?????? ??? ??????
????, ?? ?????????? ??? ?????? ?????? ?????? ?? ?????? ?? ???.

22 – ??., ??????, ?????? 29.

23 – ?????? ??? ?????????? ??? 20?? ?????? 2002, C-287/00, ?????? ??? ??????????
(?????? 2002, ?. ?-5811).

24 – ???. ?????? 43, ?????????????? ??? ?????????? ??? ?????? - ??, ??????, ???
??? ?????? ?????? ??? 14?? ?????????? 2006, C-401/05, VDP Dental Laboratory (??? ???
??? ?????????? ??? ?????? ??? ??????, ?????? 23).

25 – ???. ?????? 47 ??? ??? ?????? ?????????? ???????.

26 – ? ??????? ??? ??????? ??? ?????? 13, ?, ??? ?????? ???????????, ???
?????????? ?? ?????? ?? ??????, ?????? ?? ??? ?????????? ?????? ??? ?????????? ???
????????? ??? ??? ?????? «??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???
????? ???» (?????? ??? ?????????? ??? ??????????, ?????????????? ??? 11/73, ??????
7, ?. 15). ? ?????????? ??? ?????? ?????? ?? ?????? 14 ??? ?????? (?. ., ?. 41- ??
1973, C 80, ?. 1) ???????????, ???????, ?????? ??? ?????? ??? ?????? ??? ??????? ??? ???
?? ???????.

27 – ?????????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ??????????
?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??????
??? ?????????? ???, COM (2000) 348 ????, ???????, ?????? 2.1.

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

29 – ??? ??? ?????????? ??? ?????????? ??????: «????? ?????????? ??? ?? ?????? ??? ??
?????? ??? ??? ?????? ??? ??? ?????? ?????? ?????? ??? 33 ?????? ??? ?????? ???
????? ?? ???????. ? ?????? ??? ?????????? ??? ??? ?????? ?????? ?????? ?????? ???

????????? ????????, ??? ??? ??????? ?? ??????????, ??? ?????? ?????? ??????????? ??
????????????? ?????????? ??? ?????????? ?????? ?????? ?????????? ?? ?????????? ??? ???????????,
???? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? «????????? ???
(????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?? ??? «????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????
?????» (?? 2001, C 193, ?. 45).

30 – ?. ????? 44 ??? ???????? ??? ??? ??? ?????????? ??????????. ??., ??????, ???
??? ???????? ?????? ??? 7?? ?????????? 2006, C-13/06, ???????? ??? ?????? (?? ????
???? ?????????? ??? ?????? ??? ???????, ????? 9).

31 – ?. ????? 45 ??? ??? ????? ?????????? ??????????. ??., ??????, ??? ??? ??????????
????? Eurodental, ?????????????? ??? ?????????? 20, ????? 43.

32 – ?. ???????? ??? 11?? ?????????? 1995, C-453/93, Bulthuis-Griffioen (????????? 1995, ?. ?-
2341), ??? ??? 7?? ?????????? 1999, C-216/97, Gregg (????????? 1999, ?. ?-4947, ?????
????? 14 ??? 19).

33 – ?. ?????? ??? 10?? ?????????? 2002, C-141/00, Kügler (????????? 2002, ?. I-6833,
????? 36)- ??? ????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????????? ???
????? 13, ?, ?????????? 1, ?????????? ?? ??? ??.

34 – ??????? ? ??????? ??? ??????? ?????? ?????? ??? ?????????? ?????????? ??? ??????????
??? ??? ?????????? ??? ?????? ?????? 6 ??? ???????, ??? ?????????? ?? ??????????
????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ????
????????? ?? ?????????? ?????????? ??? ?????? ??? ?????????????? ?????????????? ??? ?????? ??
??? ?????? ?????? ?? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ??
????????? ?????????? ??????.

35 – ?. ?????? ??? ?????????? ??? 11?? ?????????? 2001, C-76/99, ???????? ??? ??????????
(????????? 2001, ?. I-249) ??? ??? ?????????????? ??? ?????? 32 ?????????? ?????????? ???
????????? ?? Horizon College ?????????? ??? ?????????????? ??? ?????????????? 33
????????? Kügler (????? 29), ??? ??? ?????? ??? 21?? ?????? 2002, C-174/00, Kennemer
Golf (????????? 2002, ?. I-3293, ????? 19).

36 – «[P]rivattimer givet af undervisere» ??? ??????, «privelessen die particulier door docenten
worden gegeven» ??? ????????, «tuition given privately by teachers» ??? ????????, «leçons
données, à titre personnel, par des enseignants» ??? ????????, «lezioni impartite da insegnanti a
titolo personale» ??? ???????.

37 – ?. ??????, ??? ?????? ??? ??????? ??? ?????????? ?????????? ??? ?????????? ??? 26??
????????? 2000, ??? ?????? 169 626 (*Revuededroitfiscal* ????. 47 (2000), ?. 1553), ???
????? ??? ?????????? ??? ?. Bergerault, commissaire du gouvernement.

38 – ?????????????? ??? ?????????????? 26- ??? 14, ?, ?????????? 1, ?????????? ??, ???
?????????.

39 – ?. Terra ??? J. Kajus *AGuidetotheSixthVATDirective* (IBFD, 1991), ????? A, ?. 604 ??? 605.

40 – ????????????, ??????, ???, ?? ?????????? ?????????? ?????????????? ?????????? ??
????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????????????? ??? ? W.
Haderer, ?? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?? ?????????????? ??? ???
????????? ?????? (????????????????? ??? ?????????? ?????? ??? ?????????? ??? ??? ??????, ???

???? ?????????? ???? ??????). ??????, ??????? ?? ??? ?????? ?????? 13, ?, ?? ??????? ?????? ?????? ?? ?????????? ?????? ?? ???.

41 – ???. ??????? ???. 1?? ?????????? 2005 ????. ?????????????????? ?????????? C-394/04 ???
C?395/04, ???? (?????? 2005, ?. ?-10373), ???? 19, ??? ???. ??? ??????????).

42 – ??????? ??? 25?? ???????????? 1999, C-349/96, CPP (?????? 1999, ?. I-973),
????????????? ??? ??????????? 35 ??????? ??????? ??? ???????, ??????????????
???? ??????????? 23 ??????? ??????? ??? ???????, ??????? ??? 3?? ??????? 2005,
C?472/03, Arthur Andersen (?????? 2005, ?. I-1719), ??? ?????????????? ??? ???????????
41 ??????? ????.

43 – ??., ??????????, ??????? 22 ??? 24 ??? ?????????.

44 – ??., ??????????, ????. 48 ??? ???????.

45 – ??????? ?? 9?? ??????????? 2006, C-415/04, Stichting Kinderopvang Enschede (?????? 2006, ?, ?-1385).

46 – ???. ?????????????? ?????? Stichting Kinderopvang Enschede, ?????? 21 ??? 23 ???
??????????.

47 – ???. ??????? 25 ??? 28 ??? ???????????.

48 - ??., ???????, ??????? 6.

49 – ???????, ???????, ???????, ???????, ???????, ???????, ???????, ???????, ???????, ???????, ???????, ???????,
«??????» ??? «??????» ??? ???????, ??? ???????????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ??? ???????,
???? ?????, ??? ???????, ??? ???????, ??? ???????, ??? ???????, ???, ??? ?????, ??? ?????, ??? ?????, ??? ?????, ??? ???????,
?? ???????, ??? ?????, ??? ?????, ??? ?????, ??? ?????, ??? ?????, ??? ?????, ??? ?????, ???, ???.