

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

JULIANE KOKOTT

??? 13?? ?????????? 2007 1(1)

???????? C?309/06

Marks & Spencer plc

???

Her Majesty's Commissioners of Customs and Excise

[?????? ?? House of Lords (?????? ?? ???????) ?? ?? ????? ?????????????? ???????]

«???? – ??????? ?????? ?? ?????? 28 ??? ?????? 77/388 – ???? ??? ?????????????? –
????? ??? ????? ?????????????? – ???????? ?????????? ??? ?????? ?? ?????????? ??????????
????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????????? ?????? – ??????????????
?????????»

I - ??????????

1. ?? ?????? 28, ??????????? 2, ??? ?????? ??????? ????? ?? ????? ?????? ?????????????????? ??????
(2) (??? ????: ???? ??????) ?????????? ??? ?????? ????, ??? ?????????? ??????????????, ???
????????? ?????? ?????????? ??????????. ??????? ?? ?? ?????????? ???, ?? ?????????? ?????
????????? ?? ??? ?????? ?????????????? ?????????? ?????????? ?????????????? ?? ?????????? ?? ??
????????? ?????????? ??? ?????????????? ??? ?????????? ?????? (zero?rating).
 2. ?????????, ? ??????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????????????????
(confectionery). ???????, ?? ?????????? ??? ?????? ?????????? ??? ?? ?????????? (??? ????:
teacakes) ??? Marks & Spencer ?????? ??? ?????????? ??? ?? ?? ?????????????? ?? ??
????????? ??????????. ?? 1994 ?????????? ??? ?????? ??? ?? ?????????????? ?? teacakes
?? ??????? ?????????? ?????????? ?????????? ??? ??????????. ??????? ??????, ? Marks & Spencer
????????? ?????? ?????????? ??? ?????.
 3. ? ?????????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ? ??????????
????????? ?????? ??? ?????? ?????? ?????????? ??????????, ? ?????? ?????????? ??? ??
????? ?????????? ??? ?????? ?????? ?????? ??????, ??????????, ?? ?????????? ???' ??????. ??
House of Lords ???????, ???????, ??? ?????? ?????? ?????? ??? ?????? ??? ?? ?????? ???
????? ?????????? ??? ?????? ?????????????? ?????? ???, ??????????, ?? ?? ?????? ???
????? ?????????? ??? ?????? ?????????????? ?????? ???, ??????????, ?? ?? ?????? ???
????? ?????? ??? ??????????, ?????????? ? ?????????? ??? ?????? ?????? ???
????????? ?????? ??????????, ?????????? ??? ?????????? ??? ?????? ?????? ???

II - ??????? ????????

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

4. ?? ????? 12 ??? ????? ??????? ?????????? ?????????? ?????????? ?? ??? ??????????????
?????????????. ?? ????? 12, ?????????? 1, ?????????? ?????? ??? «????????????? ??? ????
????????????? ?????? ?????????? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????
????????? ? ?????????????? ?????? ??? ?????» . ??? ? ???? 12, ?????????? 3, ??????????
? ?????????? ?????????? ??? ?????? ?????????? ?????? (3). ??? ?????????? ??????
????????? ? ? ?????????? ?????? ?????????? (4).

5. ?? ????? 28, ?????????? 2, ??? ????? ?????? ?????????? ?????????? ??? ?????? ???
?? ?????????? ?????????? . ? ?????? ?????????? ??? ?????????? ??? ?????? ? ??:

«?? ?????????? ?????????? ??? ? ? ?????????? ?? ?????????? ??? ?????????????? ??? ?
????????? ?????? ???, ??? ?????????? ??? 31? ?????????? 1975 ??? ??????????????
??? ???????, ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? 17 ??? ??????
????????? ??? ?????????? ??? 11? ?????? 1967, ?????? ?? ?????????? ??? ??????
????????? ??? ?? ?????????? ?????? ??? ?? ??????????, ?????????? ??? ??????????, ?
????? ??? ?????? ??? ?????? ?? ?????? ?????????? ??? ?????????? ?????????????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?? ?????????? ? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? . ?? ?????? ??? ?????????? ?? ??????
????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????
??? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ???, ??? ?????????? ??? ??????
?????.

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

6. ?? ??? ?????? 92/77/??? (5), ?? ????? 28, ?????????? 2, ?????????? ?? ??:

«?? ??? ?????????? ??? ?????? 12, ?????????? 3, ??? ? ? ?????????????? ??? ?????? 28??
????????? ??? (6) ?????????? ?? ?????????? ??????????:

) ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????????? ???
????????? ?????? [?????] ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? 12, ?????????? 3, ???
????? ??? 1? ?????????? 1991, ?????? ??? ?????????? ??? ?????? ?????????? ??? ??????????
????????? ??? ?????????? ??? [?????????] ??? ?????? ?????????? ?????????? ??? ?????? 17 ???
????????? ???, ??? 11? ?????? 1967 (7).»

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

7. ??? ?????? ???????, ?????????? ??? ?????????? ?????? ?????????? ???????, ???????, ??????????
????????? [????? 30 ??? ?????? 8, ??? ??, ??? 1, ?????? 1, ??? ?????? ??? ??????
????????? ?????? 1994 (Value Added Tax Act 1994)]. ?? ?????? ?????????????? (confectionery)
????????? ??? ?? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ???
????????? ?????? . ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

8. ?? ?????? 80 ??? ????? ???? ????? ?????????????? ??? 1994 ??????????:
«1) ?? ?????????? ??? (????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???), ???
?????? ?????????? ??? ???, ?????????????? ?????????? ?????????? ??? ?????? ???
Commissioners, ??? ????? ?????????? ??? ?????? ???.
- [...]
- 3) ?? Commissioners ?????? ?? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ???, ?? ?????????? ?????????? ??? ??????, ? ?????? ???
????????? ?? ?????? ?????????? ?????????? ???.
9. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????????????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
????? ?????? ??? ?????? ??? ?????? «repayment traders»? ??? ??????, ??? ??? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 80, ?????? 3, ??? ?????? ??? (8).
- III – ?? ?????????? ??????????, ? ?????????? ??? ?? ?????????? ??????????
10. ??? ? 1973, ?? Commissioners of Customs and Excise ?????????? ??? ???
????? ?????? ??? teacakes ??? ?????? ? Marks & Spencer, ??? ?? ??????????
?? teacakes ?????? ?? ??????. ???, ??? ?????????? ??? 1994, ?? Commissioners
????????? ??? ?????? ?? ??? ?????? ?????? ?? ??? ?????? ??? ?? ??? ?????????? ??
????????? ??????. ???, ? Marks & Spencer ?????? ??? ?????????? ???
??, ??? 3,5 ?????????? ??? ?????? ?????? (GBP), ??? ??? ?????? ?????????? ??????????
????? ?? ?????? ??? ?????? ???.
11. ?? Commissioners ?????? ?' ???, ?????????? ??? 80, ?????? 3, ???
????? ???, ??? ? Marks & Spencer ??? ?????????? ?? 90 % ??? ??? ?????? ??????
?? VAT Tribunal ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ? Marks &
Spencer ?????????? ??? 10 % ??? ??? ?????? ??? ??????. ???????, ?????????? ??????
????? ?????????? ??? ?????? ?????????? ?? ?????????? ??????????.
12. ? Marks & Spencer ?????? ??? ?????? ?????? ??? ?? Court of Appeal. ?????? ???
????????? ??? ?????????? ??? ?????? ??? teacakes, ? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
(?????). ?? Court of Appeal ?????? ??? ?? ?????????? ?? ?????? ?????????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?? teacakes, ?????? ?????? ??? ?? ?????? ??? ?????? ???
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???.
13. ?? ??? ?????? ??? 11?? ?????? 2002 (??? ???: ?????? Marks & Spencer I) (9),
?? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?? teacakes, ??????
?? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ???, ? ?????? ?????? Geelhoed ?????? ??? ?????? ??? teacakes
?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

???? ???? ??????????? ???? ?????????? ??? ??????????? ??????? (10). ?? Court of Appeal
????????? ?????????? ??? ??????? ??????? ?? ??? ??? ??? ??? ??? teacakes.

14. ?? House of Lords, ?????????? ?? ????????, ??????????, ?????? ?? ???????????????,
????? ?? ?????? ?? ?????????? ? ?????????? ?? ?????? ?? ?????????? ?? ??????
?????????? Geelhoed ??? ?????? C?62/00, ?? ?????????? ?? ?????????????? ?? ??????????
????????????? ?? ??????????:

«1) ???????, ??????? ?? ?????? 28, ??????????? 2, ?????????? ?, ??? ?????? ??????? [...]
(????? ??? ???? ?? ?????? ??? ?????????????? ??? ? 1992 ?? ??? ?????? 92/77), ??? ??????
????? ??? ??????????? ?? ????, ??? ??????????? ??? ??????????? ???, ?????????? ??
????????? ?????????? ??? ?????? ??? ??? ?????? ?????? ?????? ?????????????? ??????????
????? ? ??????? ??????????, ??? ? ??????? ? ?????? ?????????? ??? ?? ??? ?????? ??????
????? ? ??????? ?????????? ?????????? ?????????? ?? ??? ?????????? ?????? ??
????????? ?? ??????? ??????????;

2) ?? ?????????? ?????????? ?????????? ??? ?????? ??????, ???????, ??????? ???? ??????
28, ?????????? 2, ??????? ??, ??? ????? ?????? [...] (????? ????) ??? ?????? ??? ?????? ???
????????????? ??? ?? 1992 ?? ??? ?????? 92/77), ??? ?????? ?????? ??? ?????????????? ?? ????,
???? ?????????? ??? ?????????? ???, ?????????? ?? ?????????? ?????????? ??? ?????? ???
??? ?????????? ??? ?????? ?????????????? ?????????? ?????? ? ?????? ?????????? ??????????, ???
???? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ??????????
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????????? ??????????
?? ?????? ?? ??? ?????? ?????????? ??????????, ?????????? ?? ?????????? ??? ?????? ??? ??????????
???????, ?????????? ?????????? ??? ?????? ??? ?????????? ?????????? ??????????, ??? ?????? ???
????????? ??? ?????? ?????? ?? ?????? ?????? ??? ?? ?????? ?????????? ?????? ? ??????????
????????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? ??????;

3) ?? ?????????? ??????????? ?????????? ?? ???? ???? ? ???? ?????? ??????, ?????? ??
?????????? ?????? ?????? ??? ?????? ?????? ?????????? ?????? ?? ???? ?????????? ??????????
????' ?????? ????????, ?? ?????????? ?? ?????????????? ?? ???? ?????????? ?????? ?? ????
????? ?????? ?? ???? ??? ?????? ??? ?????????? ?????????? ?? ???? ??????????
????? ? ?????? ?????? ?????? ?????, ??????:

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

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

4) ?????????????? ? ?????????? ??? ?????? ?????????? ??? ?? ? ? ?????????? ?????????????
????????? ??? ???? ???? ? ?????????????? ?????????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ?????? ??? ??? ?????? ??? ??? ??????

??? ?????????? ??? ??????? ?????????? ?????? ??? ?? ?????? (????? ?????????? ???
??? ??????? ??? ?? ??? ??????) ??? ?????????? ?????????? ?????????? ??? ???? ?
????????? ?????????? ?????????? ???, ?? ???, ??? ??? ????
?????;

5) ??, ??? ?????????? ??? ?????????? ??? ?????? ??? ??????, ?????????????? ??
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??????????????
?? ?????? ?????????? ?? ?????????? ?????? ?????????? ??? ?????? ?????????? ?? ?????????? ??????
??? ?????????? ?? ?????????? ?????? ?????? ??? ?????????? ??? ?????????? ?????? ??????????
??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ???,
????? ?????? ?? ?????????? ?????????????? , ? ?????????? ? ?????????? ??? ?????????? ??????
????? ?????? ??? ?????' ??? ?????? ??? ?????? ?????? ?????? (???, ?? ???, ??? ???
?????);»

15. ??? ?? ?????? ??? ?????????? ??? ?????????? ???, ? Marks & Spencer, ? ????????, ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ? ?????????? ???
????????? ??? ?????????? ??? ?????????? ???.

IV – ?????? ????????

? – ?????????????? ??????????

16. ? ??? ?????? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????. ??????, ?? ?????????????? ??? ??? ?????? ?????????? ??? ?????? ??????????????.
????? ??? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ??? ??????, ?? ? ?????? ?????????? ??? ?????? ???, ?????? ??
????????? ?????????? ?? ????? 28 ????, ?? ?????? ?????????? ??? ?????????? ??????????
????????? ?????? ??????????.

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

– ? ?????????? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??????, ??????????
????????? ?????? ?????????????? , ?????? ?????? ?? ?? ????? 28, ?????????? 2, ??? ????
?????.

– ? ?????????? ?????????? ??? ?????? ?? ?????? ??? ?????? ?????????? ?????? ???
???? 1973 ?? 1994, ??? ??? ?????? ??? ??? ?????? ??? teacakes ??? Marks & Spencer
????????? ??????????.

– ? Marks & Spencer ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ???.

18. ?????? ?? ?????????????? ???' ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?? ??????????
????? ?? ?????? ?? ? ?????? ??? ?? 1994 ?????????? ?? ?????? ?????????? ?????????? ???
?? ?????? ?????????? ??? ?????????????? ?????????? , ??? ?????????? ???, ?? ??????
????????? , ?????? ??? ?????????? ?? ?????? ?????? (????? ?????????? ??? repayment
traders). ?? ?????? 3 ?? 5 ?????????? ??? ?????? ???.

19. ???? ??? ?????? ??? House of Lords ??????, ?? ?????????????? ??? ?????? ?????? ?????? ???????????
??????, ?? ?????????????? ?? ?????? ?? ?????? ?? ?????? ??? ?????? ?????? ?????? ???????????
?? ?????????? ?????? ??? ? ?????? ?????????? ?????? ?????? ?????? ?????? ?????????? ??????
??????????????. ?? ?????????? 1 ??? 2 ??? ?????? ?????????? ??? ?????????????? ??? ?? ??
????????? ???.

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

20. ??? ?????? Marks & Spencer I, ?? ?????????? ?????? ??? ?????? ?? ?????? ?? ?????? ???
????????? ?? ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????? ?? ?????? ?????? ??????????
????????? ?? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ??
????? ?????? (11).

21. ?????????? ??? ?????? ??????????, ?? ?????????? ?????? ??? ?????? ?? ?????? ??
????????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?? ?????? ??
?? ?????? ??? ?????????? ?? ??????, ?????? ?????? ?????? ?? ?????? ??? ?????????? ??
??? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????? ??? ?????????? ?? (12).

22. ?? ?????????? ??? ?????? ?????????? ?????? ?????? ?? ?????? ?????????????? ??
?? ?? ??? 28, ?????????? 2, ??????? ??, ??? ?????? ?????? ?????? ?? ?????? ??
????????? ?? ?????? ?????? ?????? ?????? ?? ?????? . ?? ?????? ?? Court of Appeal, ??
?? ?????? ?????? ?????? ?????? ?? ?????? ?????????? ?????? ?????? ?? ?????? ??
????????? : ?????? ?? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ??
?? ?????????? ?? ?????????? ?? ??????????, ??? ?????? ?????? ?????? ?? ?????? ??
????????? ??????, ??? ?????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ??
?? ?????????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ??
????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ??
????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??

23. ??????, ??? ?????? ?????????? ?? ?????? ?????? ?? ?????? ??, ??? ?????????? ??
28, ?????????? 2, ??????? ??, ? ?????? ?? ?????? ?????? ?????? ?? ?????? ??
?? ?????? ?????? ?????? ?????????????? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?? ?????? ??
???.

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

24. ?? ?????? 1, ?????????? 1, ?? ?????? ?????? ?????? ?? (13) ?????????? ??
????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??' ?? ?? ??
????? ?????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ??
????? ?????? (14):

«?? ?????? ??? ?????????????? ?? ?????? ?????? ?????? ?????? ?????? ?? ?? ??
????? ??? ?????? ?????????? ??, ??? ?????? ?? 2.»

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

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

26. ? ??????????? ???? ?????? ?????? ?? ??? ?????? ?? ?????? 28, ??????????? 2, ?????????? ??,
??? ?????? ??????, ?? ??? ????? ?????????? ?????????? ??? ??? ?????? ??? ?? ??????????????
?? ?????????? ?????? ?????? ?????????????? ??? ?????????? ??????????????, ??? ??????
????????? ??? ?????????? ?????????? ??? ?????????? ?? ?????? 12, ?????????? 3, ??? ???
????????? ???????????, ??????? ?? ???????????.

27. ? ??????? ???? ?????, ??????? ??????, ?? zero?rating (15). ?? ?????????? ??? ??
????????? ?????????? ?????????? ??????? ?????????? ?????????? ???????????, ??? ?? ???
????????? ? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??? ??????. ??????????,
????????, ?? ??????? ??????????, ??????? ?? ??? ??????, ??? ?????????? ??????? ??
???????? ?????????? ?? ??? ??????, ??? ?????? ?????????? ?????????? ?????????? ??????????
????????, ??? ?? ?????? ?? ?????????? ?????? ?????? ?????? ??? ?? ?????? 12, ?????????? 3,
??? ?????? ??????, ??? ?? ?????? ??? ?????? ?? ?????? 17, ?????????? 2, ?? ?????? ??????????
????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????????????? ??? ??
????????????? ??? ?????????????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ?? ??????????, ?? ??? ?????? ??????????, ?????? ?? ?????? ?????? ???
????????? «????????????? ??????», ?????????? ?? ?????????? ?????? ??? ?????? 28,
????????? 2, ?????????? ?, ??? ?? ?????? ?????? ?????????? ?????? ?????? ??? ??????????
????????? (??? ????) ??????????.

28. ??????, ??? ?? ?????? ?? ??????? ?? ?????????? ?????? ?????????? ??? ???????????
????? ??? ?? ??????, ??? ?? ??????? ?? ?????? ?????? ??? ?????? ?????? ??????????? ??
????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????????? ?? ?????? ??? ?? ?????? ?????? ??? ?? ?????????? ?????? ??? ??
????????? ??? (16), ??????? ??? ?? ?????? ?????? ??????, ?????? ?? ?????? 28, ??????????
2, ?????????? ?, ??? ?????????? ?????? ??????.

29. ? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? 28, ?????????? 2, ???????
??, ??? ?????????? ?? ?? ?????? ??? ?????? ?????? ?????? ??????????, ??? ?????????????? ??
????????? ??? ?????? ?????? ?????? 28, ?????????? 2, ??? ?? ?????? ???
????? ?????????? ??? ?? ?????? 12, ?????????? 3, ???????, ?? ?????? ?? ??????????
????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ??????????
????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? (17) ?? ?????? ??
????? 28, ?????????? 2, ?????????? ?, ?????? ??? ?? ?????????? ??? ?????????? ???
?????.

30. ??? ?? ?????? ??? ?????? ??? ?????? ?????? Talacre Beach, ? ??????????
????? ?????????? ??? ?????? ?????????????? ?? 1992 ?????? ??? ?????? 28, ?????????? 2,
????????? ??, ??????? ?? ??? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ??????????
????? ?? ?????? ?????? ?? ??? ?????? ?????????? ?????????? (18). ???, ? ?????? ??? ??,
??????, ?????????? ??? ?????? ?????? . ? ?????? ??? ?? ?????? ??? ?????? ??????
(????????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????) ??????????
????? ?????????? ?????? . ??????, ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
?? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
??? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

31. ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ???
??????. ?? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? 28,

? ?????????? 2, ??????? ??, ?????? ?????????? ?????????? 2,1 % ??? ?? ?????? ???
????? ? ?????? ??????????, ??? ? ?????? ?????? ??? ?????? ? ?????? ???
????????? ?????????? ?? ?????????? 5,5 %, ?????????? ??? ?????? ?? ??? ??????????
???? ??? ?? ?????????? ?????? ?????? ?????? ?????? ?????????? ?? ??
????? ?????? ??? (19). ??????, ?? ?????? ??? ? ?????? ?????? ?????? ?????? ???
????? 28, ??????? 2, ??????? ??, ??? ?????? ?? ?????????? ?? ?????? ??? ??
????? ??? ?? ?????? ?????? ?????????? ?? ?? ?????? ?????? ???.

32. ? ?????? Idéal Tourisme (20), ??? ?????? ?????????? ?? ?????? ??? ??
????????? ??? ?? ?????? ??????, ??? ?????????? ??? ?????????? ??? ??
?????.

33. ??? ?????? ???, ??? ?????????? ?????? ?????????? ?? ?????????? ?? ??????????
????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ??????????
????????? ?????????? ???, ??? ?? ?????????? ?????????? ?? ?????????? ??? ??????????
?????. ??????, ? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ???
????? 28, ??????? 2, ??????? ??, ??? ?????? ??????, ?? ?????? ?????????? ??
????? ?? ?????????? ??? ?? ?????????? ??? ?????????? ?????????? ?????????? ??
?????, ??? ?????? ??????, ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ??????.

34. ?? ?????????? ?????????? ???' ???? ??? ? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? (21). ??? ??????????: «???????,
????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?? ?????? ???
??? ?????? ?????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? Klensch ??? [(22)] ?? ?????? ??? ?????? ??? ?????????? ???
?????????» (23).

35. ?????????? ??? ?? ?????? ??? ?????????? ??? ?????, ??? ?? ?? ?????????? ???
????? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ??, ??? ??????????
??????, ??? ?? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ??, ??? ??????????
????????? ??? ?? ?????????? ??? ?????? ??? ?? ?????? ??? ?????????? ??????????
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
12, ??????? 3, ??? ?????? ??????. ??????, ?? ?????? 28, ??????? 2, ??????? ??
????????? ?????? ? zero-rating. ??????, ??? ?????????? ?????? ?? ?????????? ??
??, ??? ??? ?????? ?????????? ??????????, ??? ?????? ?????? ?? ?????????? ??
??????.

36. ?????? ?? ??? ?????? Idéal Tourisme, ??? ?????????????? ??? ?????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????????????? ?????? ? ?????? ?????????? ???
?? ?? ?????????? ?????????????? ?????????? ??? ?? ?????????????? ??? ??????????
????????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????????
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? 12, ??????? 3, ??? ?????? ??, ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

37. ???? ??? ?? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????? ??? ??
????? ??? ?????? 28, ?????????? 2, ????????, ??? ??????, ?????????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?? ?????? ?????? ?????????? ?????? ?????????? ?????? ?????? ??????
?? ?????????? ??? ?????? ?????? ?????? (??/? ??? ?????????? ??????).

38. ? Marks & Spencer ?????????? ?? ?????????? ?? ?????????? ??? ?? ??? ??
????????? 1, ??? ?????? ??????, ?? ?????? ?????? ??? ?????????? ??? ??
????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ? ?????????? ?????? ??? ??????. ? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ?????? ?????? ?????????? ?????? ?????? ?? ?? ?????? ?????? ???,
????? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????? ?????? ?????????? ???,
?????????.

39. ????????, ?? ?????? ??? ?????? ??? ??????, ??? ?????? ??? ?????? ?????? ?????? ??
????? ??? ?? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ??
????????? ??? ?????? ?????? ?????? (24), ?????????? ? ??????????, ??? ??????
????????? ?? ?????? ?????? ??? ?????? ?????????? ??????, ?? ?????????? ?????? ?????? ???
?? ??? ??????.

40. ??? ?????????? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????, ??????? ?? ??
????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ?????? (25). ??????, ? ?????????? ?????????? ??? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ??????????
????????? ??? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????????? ??????, ?? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

41. ??? ?? ?????????? ?? ? ?????????? ?????? ??? ?????????? ??? ?????????? ??????
????????? ?????? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?? ??? ??????????????,
????? ?? ?????????? ? ?????????? ?????? ?????? . ? ??? ?? ??? ?????? ??????????????, ? ????
????? ??? ?? ?????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? (26), ?????? ?? ?????????? ??? ?????? ?????????? ??
????????? ?????? (27). ?? ? ?????????? ??? ?????? ??? ?????????? ??? teacakes ???
Marks & Spencer ?? ??? ?????? ??????????, ?????????? ??? ?? ?????????? ?????????? ???
????????? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?? ??? ?????? ???
?????????.

42. ?? ?????? ??? ?????????? ?????? ?????? ?????????? ?????? ??? ?????? ?????????? ???
????????? ?????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? (28). ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????? (29). ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????? 28, ?????????? 2, ??? ???? ???? ?????????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????.
?????????, ? ??????, ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? 40 ??? 41, ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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

44. ?' ??? ???? ???? ?????????, ?? ?????? ?????? ?????? ?????? ?????????????, ???' ?????, ??????
??? ?????????? ????, ?? ?????????? ??? ?????? ?????? ?????????, ??? ???? ???? ??????, ??
????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ?????? (30). ? ?????????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

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

?????, ?????? ??? ?????? 28, ?????????? 2, ?????? ??, ??? ???? ?????? (????? ????
??? ??? ??? ???? ?????????? ??? ?????? ?? 1992 ?? ??? ?????? 92/77), ??? ??????
????? ??? ?????? ????, ??? ???? ??? ?????? ??? ?????? ???, ?????????? ??
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
?????????, ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ?????? ???, ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???.

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

? - ??? ??? ?????????? 3 ??? 5

46. ?? ?? ?????????? 3 ??? 5, ??? ?????? ?? ?????????? ????, ?? ?????? ??????????
????? ???' ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? ?????? ?? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

47. ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???

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

48. ?????????????? ?????????????? ?????????? ??? ?? ??????? ??????? ??????? ?? ?????????? ??
????????? ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????????? ?????????????? ?????????? ???
?????????????????, ?????? ??? ?????????????? ??? ?????? ?????????? ?? ?????????? ?? ?????????? ??????????
?? ??? ?????? (32).

49. ??????? ?????? ??? ??????? ?? ?????????? ??????????? ??????????? ??? ??? ??? ??? ??
?????????? ??? ?????? ??? ?????????????? ?????? ?????????? ??? ??????????? ??? ???????, ??
?????????? ??? ?????? ?????????? ?????? ??????? ?? ??? ?????????? ??? ??????????? (33).
????, ??? ?????????? ??? ??????? ??????, ??? ?????? ?????? ?? ?????????????? ??? ???
????????? ?????????????? ?????? ?????????????? (34). ??? ???? ?????????????? ?? ? ??????????
????????? ?????????? ?? ?????????? ?????????????? ??? ?????????? ?? ??? ???
????????????? ??? ?? ???? ?????????? ??? ?????? ??? ?? ?????????? ??????????????
?????????, ??? ??? ?? ?????????? ?????? ?????????? ?????? ???????????, ??? ?? ??? ??? ??
????????? ??? ?????? ?????????? ?????????? (35).

50. ??????? ?? ??? ?????????????? ??? ?????????? ? ?????????? ??? ?????????? ?????????????
????? ??? ??' ?????????????? ??????????, ?? ?????????? ??? ?????????? ??? ?????????? ???
????? ??? ?????? ?????? ?????????? ?????????? ?????? ?? ?? ?????? ????. ??????, ??????
?? ?????????? ??? ?? ??? ?????? ?????????? ?????????? ?????????? ?????????? ??? ??????????????
??? ? ?????? ?????????? ??? ?? ?? ?? ?????? ?????????? ?????????? ??? ?????????? ???
Marks & Spenser.

51. ???????, ? ??? ? ?? ?????????????????????? ??? ?????????????? ??? ?????????? ??????????????
??? ?????. ??? ?????????? ?????????? ??? ?? ?????? ?? ?????????? ?????????? ??? ?????? ???
?????????. ??? ?????? ?????? ??? ?? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??? ???
????? ???, ??? ??? ??? ??? ?????? ??? ?????????? ?? ?????????? ?????? ?????? ?????????? ???
????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????, ???
????? ?????? (36).

52. ???????, ?? ?????????? ??????? ?????????? ??? ??????? ?? ? ?????????????????????
????????? ??? ???? ??????? ??????? ??????? ??????? ?? ? ?????????????? ??? ???? ?, ?
?????? ??????? ??? ??????????, ??????? ??? ??????? ?? ?????????? ?????????????? ????????
??? ??????? ??? ??????? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?? ??????????
???? ?????? ??? ?????????????? ??????. ??? ?????????? ??? ?????????? *repayment traders,*
?? ??????? (?????????????) ????????, ??? ?????????? ??? ?????????? ??? ?????????????? ??????????
??? ??????? ??????, ??? ??????? ?? ?????????? ?? ??? ??????? ??? ?????????? ??? ??????????
?????????.

53. Marks & Spencer, Ltd., has been involved in a number of disputes with its workers over pay and working conditions. The company has responded by threatening to close its factories and move production to countries where wages are lower. This has led to accusations of "exploitation" and "exploiting the poor".

54. ?? ??? ?????? Marks & Spencer I, ?? ?????????? ??? ???? ?? ?????????? ???, ???
?? ????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ????? ??? ?????????? ???
????? ?????????? ??? ?????????? ??? ??????, ??????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????????????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

???? ?????????? ?????????? ?????? ??? ?????????? ?????? ?????? (37). ????? ??????????????
????? ?????? ?? ??????? ?????? ??? ??? ?????? ??? ?????? ??? -????? ?????? ??? ???- ??? ???
????? ??? ?????????? ??????????????, ??? ?????? ?? ?????? ??? ?????? ?????.

55. ??????????????, ??????? ?? ?????????? ???, ??????? ?? ?? ?????????? ??????????????,
?? ????:

- ???? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????????????? ??? Marks
& Spencer ?????? ??? ?????? ?????????? ??? ??? ??? ??? ??? ??? ?????? ????? teacakes ??
????? ?????? ?????? ?????????? ?????????? ?? ??? ?????? ??????????????.

- ?????? ?? ?????????? ??? Marks & Spencer, ?? ?????? ??? ?????? ??? ?????? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ?, ?
????????? ?????? ?????? Tesco ?????? ?????????? ?????? ?? *repayment trader.* ??
????????? ?????? ?????????? ?????? ??? ?????????? ?????? ?????????? ?????? ??????????
????? ??? teacakes (????????? ??? ?????? ??? ?????? ??????). ??? Tesco ??? ??????????
??? ? ?????? ?? ??? ?? ?????????? ?????????? ?????????? ???, ?????? ? ?????? ???
????????? ?????? ??????.

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

56. ?? ?????????? ???' ?????? ?????? ?????? ??? ??? ?????? ??? ?????????? ??????????????
???, ????, ????, ?? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????? ?????????? ?,
????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????? ?????? (38). ? ?????????? ???
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ???, ??????, ? ?????????? ??? ?????????? ??? ?????????? ???
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????.

57. ??????, ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ?????? ??? ??
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????????? (39). ??? ? ???
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ???, ???, ??? ? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???
????? 13 ??? ??????.

58. ?? ?????? ??????????, ?? ?????????? ?????? ?????? ??? ? ???? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? (40). ?? ??? ? ? ?????????? ?
??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???, ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

59. ????, ?? ?????????? ?????? ??? ? ???? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? (41).

60. ??' ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ?? ??????????
??? ?????????? ??? ?????? (?????????) teacakes ?? ?????????? ??? ?????? ???
??? ?????????? ??? ??????. ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

61. ??????????, ?? ??? ?????????????????? ?? ?????? ?? ?????? ?? ?????? ??????????????
????????????? ?????????? ??????????????????, ?? ?????? ?? ?????? ?????? ?? ???? ??????????
????????? ???????, ??? ?????????? ?? ??? ?????????????????? ???????, ?? ??????? ?? ?
Tesco ????? ?????????? ????? ?????????????? ?? ?????? ?? ?????? ???????, ?? ??? ?? ????
??????????????, ??? ?????? ?????????? ?? ??? ?????? ???????, ?? ?????? ?? ???????????????.

62. ? ?????????? ??? ?????? ?? ?????????????????? ?????????????????? ??, ?? ??????, ??????????????
???? ?????????? teacakes ?? ?????? ?????? ?????????????????? ? ?????????? ??????????????, ??
??? ??? ?????????????? ?????????????? ??? Marks & Spencer ?????????????? ? ??????????
??????????. ???????, ?? ?????????? ?????????????? ?? ?????? ??????????????????, ??????????
???? ?? Marks & Spencer, ?????? ?? ??? ?????? ?????????? ??? ??? ??? ??? ??? ???
????????? ??? ?????? ??????????, ?????? ?? ?????? ?????? ?????? ?????? ?????? ???
????????????? ??????????. ??? ?????? ?????????? ?? ?????? ?????????? ?????????????? ??????
????. ???????, ? ?????????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??????
????? ?????????? ??? ???????????.

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

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

64. ??? ??? ?????? ?? ?????????????? ?????????????? ?? ?????? ?? ?????? ?????????? ?????? ??
????? ?? ?????? ?? ??? ?????? ?????????????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ??,
? ?????? ?????? ?? ??? ?????????????? ?????? ?????????????? ?????????????? ?? ?????? ??
????????? ?? ??? ?? ??? ?????????????? ?????? ?????????????? ?????????????? ?? ??? ?? ??? ??
????, ?????? ?? ??? ?????? ?????????? ?????? ?????????????? ?????????????? ?????????????? (42).

65. ? ?????????? ??? ?????????? ?????????? ?? ?????? ?????????? ??, ??? ?????? ??? ??????
?? ?????????????? ??????????, ?????? ?????????? ?????????? ?? ?????? ?? repayment
traders ??? ??? payment traders ??? ??? ?????????? ?? ??? ??? ??? ??? 2005. ??????,
????????? ??? ?????? ?? ??? ?????? ?????? ?????????? ?? ?????? ?????????? ???
????????? ??????????.

66. ???????, ??? ???? ?????? ??? ? Marks & Spencer, ??? ?????? ?? ?????????? ????
?????? ??? ?? ??? ?????????? ??? ??? ?????? ?? ?????? ?? ?????????? ??? ?????????? ???
????????????? ??????????.

67. ??? ??? ??? ???????????, ? ??? ??? ?????????? ?????????? ?????????? ???
????? ??? ?. ? ?????????? ?????????? ?? ?????????? ??? ?????????? ?????? ????. ????
???? repayment trader ??? ??? ??? payment trader ?????????? ??? ?????????? ???
????????? ??? ?? ??? ?????? ??? ??? ?????????? ??? ?????? ??? ??????. ??? ??????????
??? repayment trader ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ???
?????????, ?? ??? ? ?????????? ??? ??? ?????? ??? ?????? ??? ??????.

68. ?? ?? ??? ?????? ?????????????? ??? ??? ?????????????? ?????? ??? ?????? ?
????????? ?????????? ??? ? ?????????? ?????????? (zero?rating), ??? ? ?? ??? ??
????????? ?????????????? ??? ?????? ?? ??????. ??? ? ??? ?? ??????????, ??? ??????????
??? repayment trader, ??? ??? ??? ?????? ??? ?????? ??? ??????????, ??? ?????????? ??? payment
trader, ?? ?????? ??? ?????????? ??? ??? ?????? ??? ??????????. ??? ??? ??? ??????????, ??? ??
????????? ? ??????????, ?????????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???
????????????? ??? ?? ???, ??????? ?? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??????????????
????????? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??????????????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????????????? ??? ??
????????? ??? ??????.

69. ???????, ??????? ? ???????? ??? repayment trader ??? ??? payment trader ???
????????? ??? ?????? ?????????? ??? ?????????? ???, ? ??? ??? ??? ??????????????
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ??
????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????. ????, ?????? ?? ??
????? ??? ?????? ??????????, ??? ??? ?????? ??? ?????? ??? ??? ?????? ?????????? ???
????????? ?? 2005, ??? ??? ??????.

70. ??? ? ?????????? ??? ??????? ?????????? ???, ???????, ?????????????? ??????
????? ?????????? ?????????? ??????????. ???????, ?? ?? ?????????? ??? ??
?????????, ? ?????????? ??? ?? ??????? ?? ?????????? ??? ?????????? ??? ?????? ???
????????????? ?????????? ?????????? ??? ?????? 80, ?????????? 3, ??? ?????? ??? ?? ??
??? 2005 ??? ?????? ??? repayment trader.

71. ??????, ? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??
????????? ??? ?????? ?? ?????? ??? ????? ?????????? ??? ?????? ?????? ?????????? ??? ?? ??
????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ???
??? ?????? ??????????, ? ?????????? ??? ?????????? ???.

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

72. ???' ????, ?????? ?? ?????????? ??? ??? ??? ?????? ??????????, ?? ??? ??? ?????? ??
????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???,
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? (43).
??????, ? ?????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????????
?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?? ??
?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ??? (44).

73. ???????????, ??? ?????? ??? ?? ?????????? ?? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ??? ??????. ???' ????,
????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?? ??

???????????? ???? ??? ????? ?????? ??? ????? ??????. ???????????, ??? ?? ??????????, ? ?? ???
????????? ?????????? ??? ??????????? ?? ??? ????? ?? ?????? ?????????? ????? ??? ????? ???
????????? ??? ?????????????????? ?????????????? (45).

74. ???????, ??? ???? ?????????? ???' ?????????? ?????? ?? ?????????? ?????????? ??
????????? ??? ???? ?? ?????????? ??????, ? ?????? ??? ?????? ??? ?????????? ?????? ??
????????????? ????, ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????????? ??? ????
?????????????, ?? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ?????
????????????? ??? ?????? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????????? ??????????. ?? ??? ?????? ??????????, ?? ?????? ?????????? ?????? ?? ??? ????
????????? ??? ?????? ?????? ?????????? ?????????? ??????, ?????? ?? ?????? ? ?? ??????
?? ?????????? ?????? ?????? ??? ?????????? ?????? ?? ?????? ??? ?????? ?????? ??????, ??? ? ?? ??????
?? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ?? ?????? ??? ?????? ?????? ??????, ??? ? ?? ??????
?? ? ?? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?? ?????? ??? ?????? ??? ??????

75. ????????, ? ?????? ??? ?????????????? ?????????? ??? Marks & Spender ???
?????? ?? ???????????, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ???????????????.

76. ????????????????, ?????? ??? ??????? ?? ??????? ?????????? ??? ??????? ?????????? ????????????
(47). ????, ?? ??????????? ??????, ??? ????????????, ??? ????????????, ??? ??????? ?? ?????????? ??? ?????????? ???
????????? ????????????, ??? ?? ????????????, ?? ??? ?????????? ?? ??? ?????? ??? ?????????? ?? ?????????? ???
????????? ??? ? ?????????? ?????? ?????????????? ?????? ?????????? ?????????? ?????????? ??? ?????? ???
????????? ??? ??? ?? ??? ?????? ???-? ?????????? ??? ?????? ??? ?? ?????????? ?????????? ???, ???
?? ????????????, ??? ?????? ??????????????, ??? ?? ?????????? ?? ?????????????? ??? ?????????????? ???
??? ????????????, ??? ?????? ????????????, ??? ???????, ??? ?? ??? ?????? ?? ?????????? ??? ?????????? ???
????????????? ??? ????????????, ??? (48).

77. ??????????, ??? ????? ????? ??????????, ?? ?????? ????? ???? ?????????????? ?? ??????????????
??? ?????????? ?????? ??? ?????????????? ??? ????? ?????????? ??? ?????????????? ????????, ???
????? ??? ?????? ?? ?????? ?? ?????????????? ?????????????? ??????????. ??????????, ??? ??
?????????, ? ?????????? ?????? ?? ?????????? ??? ?????????? ?? ?????? ?? ??? ?????? ?????? ??????
????? ?? ?????????? ?????????????? ?? ?????????? ?????????????? ?????????????? ?????????? (49).
???????, ??? ?????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????????????? ??? ??????????
?????, ??? ?????????? ??? ?????? ?????? ??? ?????????? ?????? ??????????, ??? ????? ?????????? ???
??? ?????? ??? ?????????????? ??? ??????????, ??? ?????? ?????? ?????????? ??? ??????
????????? ??? ?? 2005 ??? ?????? ??? *repayment traders*. ????????, ?????????? ??? ??????
????????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????????? ?????????????? ???
??? *payment traders* ??? ?????? «????????? ??? ?????? ?????????? ??????????».

78. ???? ??? ?????????? ??????????, ??????????, ? Marks & Spencer ?????? ??? ? ??????
??? ?????????? ?' ??? ?? ??????? ?????????? ??? ?????????????? ?????????? ??? ?????????.
????????, ? ?????????? ?????????? ?????? ?????? ??? Marks & Spencer, ?? ??????
????????????? ?? ??? ?? ??? ?? ?????????? ????. ?' ??? ?????????? ?? ?????????? ??????????
?? ?? ?????? ?????????? ?? ??? ????? ?????????? ??? ????? ?????????? ??????????????
????? ??? ?????? ?????? ?????????? ??? ????? ?????????? ???, ?? ?????, ?? ?????? ??? ?????
????? ??? Marks & Spencer.

79. ?????????? ????, ?????? ?? ?????????? ?? ???? ?????? ?????? ??? ?????? ??? ?????? ???'
????? ?? ?????????? ?? ???? ?????? ??? ?????????? ?? ???? ?????????? ?????? ??? ??
????????? ?? ???? ?????????? (50). ??????, ?? ???? ?????????? ?? ???? ?????? ??
????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ??????????
????????????? ??? ?????????? ??? ?????? ?????? Marks & Spender ??? ??????????
????????? ????.

V – ???????

80. ????????????, ??????? ?? ???? ?????? ??? ?????????? ?????????? ?? ???? ??????
?????????:

1) ??????, ?????? ?? ?????? 28, ?????????? 2, ????????, ??, ??? ?????? ???????
(????? ???? ???? ???? ???? ?????????????? ?? ??????? 1992 ?? ??? ?????? 92/77/??),
??? ?????? ?????? ???? ?????????? ?? ????, ??? ?????? ??? ?????????? ????, ???????
?? ?????????? ?????????? ?? ????, ??? ?????? ??? ?????? ??? ?????????? ?????? ??????
?????????, ??? ?????????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??????
????? ??? ?????? ?? ?????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??
????????? ??? ?????? ???, ??????????, ??? ?????? ???, ?????????? ??? ?????? ???
????????????, ??? ?????????? ?????? ?????????? ?????? ?????????? ??? ?????????? ???
?????.

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

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

?????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ?? ?????????? ???
?? ?????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ?? ?????????? ???
????? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ?? ?????????? ???
????????? ?? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?? ?????? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? (repayment
traders).

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

1 – ?????? ??? ??????????: ? ???????.

2 – ??? ?????? 77/388/?? ?? ??????????, ??? 17?? ???? 1977, ??? ?????????? ???
????????? ??? ?????? ????, ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? - ????

?????? ????? ?????????????? ?????: ?????????? ?????????? ??? (?? ????. ??? 09/001, ?. 49).

5 - ?????? 92/77/??? ??? ???????????, ??? 19?? ?????????? 1992, ??? ?? ?????????? ???
?????? ?????????? ??? ????? ?????????????? ?????? ??? ??? ?????????? ??? ??????
77/388/??? (?????????? ??? ??????????? ???) (?? L 316, ?. 1).

6 – ??????? ?? ?? ?????? 28??, ??????????? 3, ??????? ????????, ??? ?????? ???????, ?
????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? ?????? ?? ?????? ??????
????????? ?????????? . ? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????.

8 – ?? ??????? ??????? ??????? ??????? ??????? ?????????????????? ?????????????? ??? ???

repayment traders, ? ????? ??????? ?? ?????? ??? 26 ????? 2005, ?????? ??? ?????????? ?

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

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

9 – ??????? C?62/00, Marks & Spencer plc ??? Commissioners of Customs and Excise (?????? 2002, ?, I?6325).

10 – ?????????? ?? 24?? ?????????? 2002, C?62/00 (??????? 2002, ?. I?6325, ?????? 44).

11 – ??????? ?????????????????? ??? ?????????????? 9, ????? 27.

12 – ??????? Marks & Spencer I, ?????????????? ??? ?????????????? 9, ????? 30, ???
????????? ??? ?????????? ??? 2?? ?????????? 1988, 309/85, Barra (??????? 1988, ?. 355,
????? 17)- ??? 6?? ?????? 1995, C?62/93, BP Souperqaz (??????? 1995, ?. I?1883, ????

40)- ??? 9?? ???????????? 1999, C?343/96, Dilexport (????????? 1999, ?. I?579, ????? 23), ???
??? 8?? ???????? 2001, C?397/98 ??? C?410/98, Metallgesellschaft ?.?. (????????? 2001, ?. I?1727, ????? 84).

13 – ?????? ??????? 67/227/??? ??? ????????????, ??? 11?? ?????????? 1967, ??? ??????????????
??? ??????????? ??? ?????? ??????, ??? ?????????? ?? ??? ????? ?????? ?????? ?????? (?? ??.
???. 09/001, ?. 3). ? ?????? 2006/112/?? ??? ????????????, ??? 28?? ?????????? 2006, ??????
?? ?? ?????? ??????? ????? ?????????????? ??? (?? L 347, ?. 1), ?? ?????????? ??? ?? 1?
?????????? 2007, ?????????????? ??? ?????? ?????? ??? ?????? ?????????????? ??????. ??
????? ??? 1, ?????????? 1, ?????????? ??? ?????? ?????? ?????????? ??????, ??? ?? ????: «? ??????
????? ?????? ??? (???)».

14 – ???. ????????, ??????, ??? ????? ?????????????? ??????, ??????? ?? ??? ?????: «?
????????????? ??? ??????????? ??? ?????????????? ??? ?????????????? ?????????????? ??? ??????????
??? ??????????? ??? ????? ?? ???? ?????? ?????? ?????? ?????? ?????????????? ?????? ??????? ??
????????? ?? ?????????????? ?? ????? ??? ?????????????? ?????? ??? ?? ???? ?????????? ??? ??
????????? ??? ?????????????? ??? ????? ??? ????? ?????, ??? ??? ????? ?????? ??? ??? ??????????
????? ??? ?????? ?????????? ?????????????? ?????????????? ?????? ??? ?????????????? ???????????,
????????????? ??? ?? ?????? ? ?????? ??? ?????? ?????????????? ??? ?????????? ??? ??? ??? ??? ??
?????????? ?? ??? ????? ??? ?????, ?? ??? ????? ?????????? ?? ??????????????, ?????? ?? ????? ???????,
????? ?? ?????????? ?? ?????????????????? ?????? ?????????????? ?????? ??? ?????? [...] ??????
????? ?? ???????????, ?? ??? ????? ????, ? ?????????? ??? ??? ?? ?????? ??? ?????? ??? ?????
????????? ?????? ?????????????? ?????, ?????? ?????????????? ?????????????? ??? ???????????
?? ??? ??????????».

15 – ???. ??????? ???. ??????????, ??? 29?? ?????? 1973, ??? ??? ??? ?????? ???
????????? ????. ?????????????? ??? ?????????? ??? ?????????? ??? ?????, ??? ?????? ?? ???
????? ?????? ?????? – ????? ?????? ?????? ?????? ?????????????? ?????: ??????????
????????? ???, ?????? ??? ?????????? ??????????, ?????????? 11/73, ?. 31. ??., ?? ???
?? ?????????? ??? zero?rating, ?????????? ??? ??? 4?? ????? 2006 ??? ????? C?251/05,
Talacre Beach Caravan Sales (?????? 2006, ?. I?6269, ????? 22 ??? 23).

16 – ??., ????. ?????? ????. ??????? ???. ??????? ???. ?????? ???. ??????? ???. ??????? ???. ??????? ???. ??????? ???.
?????????? ??????????? ???. ???. ??????? ???. ???. ??????? ???. ???. ??????? ???. ??????? ???. ??????? ???.
?????????? ???. 25???. ?????????? 1986, 201/85 ???. 202/85, Klensch ???. (?????? 1986, ?. I?3477, ?????? 8 ???. 10)- ???. 13???. ??????? 1989, 5/88, Wachauf (?????? 1989, ?. I?2609, ?????? 19). ???. 18???. ??????? 1994, C?260/89, ???. (?????? 1994, ?. I?2925, ?????? 42 ??.).
???. 3???. ??????? 1998, C?381/97, Belgacodex (?????? 1998, ?. I?8153, ?????? 26)- ???.
27???. ??????? 2006, C?441/02, ??????? ???. ??????? (?????? 2006, ?. I?3149, ?????? 107 ???. 108), ???. ???. 11???. ?????? 2006, C-384/04, Federation of Technological Industries ???.
(?????? 2006, ?. I-4191, ?????? 29).

17 – ??., ??????, ????????, ????. Talacre Beach Caravan Sales (????????????????? ?????? ?????????? 15, ?????? 17 ??? ?????? ??????). ?? ??? ???? ?????????? ?????? ?? ?? ?????? 28, ?????????? 3, ??????? ??, ??? ?????? ??????- ??., ??????, ??????? ?? 7?? ?????????? 2006, C?240/05, Eurodental (?????? 2006, ?. I?11479, ????? 54).

18 – ?????????????? ??? ?????????? 15, ?????? 24.

19 – ??????? ??? 3?? ????? 2001, C?481/98 (?????? 2001, ?. l?3369, ????? 21).

20 – ??????? ??? 13?? ??????? 2000, C?36/99 (?????? 2000, ?. I?6049).

21 – ??????? Idéal Tourisme (????????????????? ??? ?????????????? 20, ????? 37). ??., ??????, ??????? Eurodental (????????????????? ??? ?????????????? 17, ?????? 50 ??? 51).

22 – ??????? Klensch ??. (????????????????? ??? ?????????????? 16, ????? 9).

23 – ??????? Idéal Tourisme (????????????????? ??? ?????????????? 20, ????? 38). ??., ??????, ??????? Eurodental (????????????????? ??? ?????????????? 17, ?????? 52).

24 – ??., ??????, ?????????????? ??? ?????????????? 16 ??????????.

25 – ??????? ??? 22?? ??????? 2006, C?182/03 ??? C?217/03, ?????? ??? Forum 187 (?????? 2006, ?. I?5479, ????? 69).

26 – ?? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????????????? ??? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ???. ?????? ??? 27?? ??????? 2006, C?443/04 ??? C?444/04, Solleveld ??? van den Hout?van Eijsbergen (?????? 2006, ?. I?3617, ????? 35).

27 – ??????? ?????????? ??? ?????? (????????????????? ??? ?????????????? 19, ????? 22)- ??., ??????? ?? ??? ??? ??? ?????? ??? ?????????????? ?????????????? 7?? ?????????? 1999, C?216/97, Gregg (?????? 1999, ?. I?4947, ?????? 19 ??? 20)- ??? 17?? ?????????? 2005, C?453/02 ??? C?462/02, Linneweber ??? ?????????? (?????? 2005, ?. I?1131, ????? 24)- ??? 26?? 2005, C?498/03, Kingscrest Associates ??? Montecello (?????? 2005, ?. I?4427, ????? 54), ??? ??? 28?? ??????? 2007, C?363/05, JP Morgan Fleming Claverhouse Investment Trust ??. (?????? 2007, ?. I-5517, ????? 46).

28 – ??????? ??? 19?? ?????????? 1982, 8/81, Becker (?????? 1982, ?. 53, ????? 25)- ??? 10?? ?????????? 2002, C?141/00, Kügler (?????? 2002, ?. I?6833, ????? 51)- Linneweber ??? ?????????? (????????????? ??? ?????????????? 27, ????? 33), ??? JP Morgan Fleming Claverhouse Investment Trust ??. (????????????? ??? ?????????????? 27, ????? 58).

29 – ??., ??? ??? ?????? ???, ??? ?????? ?? ?????????? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????????? 6?? ??????? 2003, C?45/01, Dornier (?????? 2003, ?. I-12911, ????? 81). ??., ??????, ?????? JP Morgan Fleming Claverhouse Investment Trust ??. (????????????? ??? ?????????????? 27, ????? 60 ??? 61).

30 – ??.. ?????????????? ??? ?????????????? 12 ??????????.

31 – ??????? ??? 9?? ?????????? 1983, 199/82, San Giorgio (?????? 1983, ?. I?3595, ????? 12)- Marks & Spencer I (????????????? ??? ?????????????? 9, ????? 39)- ??? 2?? ?????????? 2003, C?147/01, Weber's Wine World ??. (?????? 2003, ?. I?11365, ????? 103), ??? ??? 15?? ??????? 2007, C?35/05, Reemtsma (?????? 2007, ?. I-2425, ????? 37).

32 – ??., ???????, ?????????? ??? 27?? ?????????? 1980, 68/79, Just (?????? 1980/, ?. 253, ????? 26)- San Giorgio (????????????? ??? ?????????? 31, ????? 13)- ??? 14?? ?????????? 1997, C?192/95 ??? C?218/95, Comateb ??. (?????? 1997, ?. I?165, ????? 23)- ??? 21?? ?????????? 2000, C?441/98 ??? C?442/98, ?????????? (?????? 2000, ?. I?7145, ????? 31), ??? Weber's Wine World ??. (????????????? ??? ?????????? 31, ????? 94).

33 – ??.. ??????????: ?????? Weber's Wine World ??. (????????????? ??? ?????????? 31, ?????? 94 ?.).

34 – ?????????? ??? 25?? ?????????? 1988, 331/85, 376/85 ??? 378/85, Bianco ??? Girard (??????? 1988, ?. I?1099, ???? 17)- Weber's Wine World ?.?. (????????????????? ??? ?????????? 31, ???? 96), ??? Comateb ?.?. (????????????????? ??? ?????????? 32, ???? 25).

35 – ?. ?????????? Bianco ??? Girard (????????????????? ??? ?????????? 34, ???? 20)- Comateb ?.?. (????????????????? ??? ?????????? 32, ???? 29 ??.)- ?????????? (????????????????? ??? ?????????? 32, ???? 34 ?? 35), ??? Weber's Wine World ?.?. (????????????????? ??? ?????????? 31, ???? 97 ??.).

36 – ??????????, ?? ??????? ?? ?????????? ?????? ?? ? ??? ?????? ??? ?????????? ??? ??? ??? ?????? ?????????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? (???. ??????, ??????, ????? 56 ??.).

37 – ?????? Marks & Spencer I (????????????? ??? ?????????? 9, ???? 44). ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????.

38 – ?. ?????????? ??? 14?? ?????????? 1985, 268/83, Rompelman (??????? 1985, ?. 655, ???? 19)- ??? 24?? ?????????? 1996, C?317/94, Elida Gibbs (??????? 1996, ?. I?5339, ???? 20), ??? ??? 26?? ?????? 2005, C?465/03, Kretztechnik (??????? 2005, ?. I?4357, ???? 34).

39 – ?????????? ?????????? ??? ?????? (????????????? ??? ?????????? 19, ???? 22)- Gregg (????????????? ??? ?????????? 27, ???? 19 ?? 20)- Linneweber ??? ?????????? (????????????? ??? ?????????? 27, ???? 24)- Kingscrest Associates ??? Montecello (????????????? ??? ?????????? 27, ???? 54), ??? JP Morgan Fleming Claverhouse Investment Trust ?.?. (????????????? ??? ?????????? 27, ???? 46).

40 – ?????????? ??? 16?? ?????????? 2004, C?382/02, Cimber Air (??????? 2004, ?. I?8379, ???? 23 ?? 24)- ??? 8?? ?????????? 2005, C?280/04, Jyske Finans (??????? 2005, ?. I?10683, ???? 39), ??? ??? 4?? ?????? 2006, C?169/04, Abbey National (??????? 2006, ?. I?4027, ???? 56).

41 – ?????? JP Morgan Fleming Claverhouse Investment Trust ?.?. (????????????? ??? ?????????? 27, ???? 47 ??? ??? ?????????? ??? ??????????).

42 – ?, ?????? ????, ?????????? ??? 18?? ?????? 1994, C?309/89, Codorniu ??? ?????????? (????? 1994, ?. I?1853, ???? 26)- ??? 17?? ?????? 1997, C?354/95, National Farmer's Union ?.?. (????? 1997, ?. I?4559, ???? 61), ??? ??? 6?? ?????? 2005, C?291/03, MyTravel (????? 2005, ?. I?8477, ???? 44).

43 – ?, ?????? ????, ?????????? ??? 9?? ?????? 1978, 106/77, Simmenthal (???????) ?????? 1978, ?. 239, ???? 16)- ??? 19?? ?????? 1990, C?213/89, Factortame (???????) 1990, ?. I?2433, ???? 19)- ??? 20?? ?????????? 2001, C?453/99, Courage ??? Crehan (???????) 2001, ?. I?6297, ???? 25), ??? ??? 13?? ?????? 2006, C?295/04 ??? C?298/04, Manfredi ?.?. (???????) 2006, ?. I?6619, ???? 89).

44 – ?, ?????? ????, ?????????? ??? 9?? ?????????? 2003, C?198/01, CIF (???????) 2003, ?. I?8055, ???? 48), ??? Manfredi ?.?. (????????????? ??? ?????????? 43, ???? 39).

45 – ?. ?????????? ??? 8?? ?????? 2000, C?396/98, Schloßstraße (???????) 2000, ?. I?4279,

?????? 44 ??? 47), ??? Marks & Spencer I (????????????????? ??? ?????????????? 9, ??????? 45 ??? 46).

46 – ??????? ??? 21?? ??????? 2007, C?231/06 ??? C?233/06, Jonkman (??????? 2007, ?. ?-5149, ????? 39), ?? ???????? ??? ?????????? ??? 28?? ?????????? 1994, C?408/92, Avdel Systems (??????? 1994, ?. I?4435, ?????? 16 ??? 17)- ??? 12?? ?????????? 2002, C?442/00, Rodríguez Caballero (??????? 2002, ?. I?11915, ?????? 42 ??? 43), ??? ??? 7?? ?????????? 2006, C?81/05, Cordero Alonso (??????? 2006, ?. I?7569, ?????? 45 ??? 46).

47 – ?. ???????? ??? 9?? ??????? 1984, 188/83, Witte ??? ?????????????? (?????? 1984, ?. 3465, ????? 15), ??? ??? 4?? ?????? 1985, 134/84, Williams ??? ?????????? ?????????? (?????? 1985, ?. 2225, ????? 14).

48 – ???????? ??? 15?? ??????? 2006, C?393/04 ??? C-41/05, Air liquide Industries Belgium (?????? 2006, ?. I?5293, ?????? 43 ??? 45), ??? ??? 5?? ?????????? 2006, C?368/04, Transalpine Ölleitung (?????? 2006, ?. I?9957, ?????? 49 ??? 50).

49 – ??., ??? ???, ????? 48 ??? 49 ??? ??? ?????????????? ??????????.

50 – ??., ??? ??? ?????? ????, ?????????? ??? 5?? ???????? 1979, 148/78, Ratti (?????? ?????? 1979/, ?. 861, ????? 22)- Becker (????????????? ??? ?????????? 28, ????? 24)- ??? 26?? ?????????? 1986, 152/84, Marshall (?????? 1986, ?. 723, ????? 49), ??? ??? 14?? ?????? 1994, C?91/92, Faccini Dori (?????? 1994, ?. I?3325, ?????? 22 ??? 23).