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JULIANE KOKOTT

??? 19?? ??????? 2012 (1)

?????? C-18/11

The Commissioners for Her Majesty's Revenue & Customs

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Philips Electronics UK Ltd

[?????? ??? Upper Tribunal, Tax and Chancery Chamber (?????? ???????), ??? ?? ?????
????????????? ???????]

«?????????? ??????????? — ?????? ??????????? ??????????? — ????? ??????????? ???????
????????? — ??????????? ?????????? ??? ?????? ?????????????? — ??????????? ??????????
??? ?????? ??? ??? ?????? ?????????????????? ?????????????? ??? ?????????? ?????????? ??
????????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????????»

I – ????????

1. ??? ??? ??? ????? ??????? ?? ??????????? ?????????? ??? ?????? ??? ?? ?????????? ??
?????????? ?????????? ??? ?????????? ??????????? ??? ?????????? ??? ?????????? ??? ?? ??????????
?????????? ??? ?????????? ?? «?????????? ?????????? ??? ?????????? ??? ?????? ??????????????» («group
relief»). ? ??????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
?????? ? ??? ?????????????? ??????????????. ?? ?????? ?????? ??? ?????????? ?? ??????????????, ???
?????? ??? ?????? ??? ?? ?????????????? ??? ?????????? ??? ?????? ?????????? «??????????»
????. ?? ?????????????? ?????????? ??? ?????? ??? ?????????????? ?????????? ??? ?????????????? ??? ??????
? ? ?????????? ?? ?????? ??????????.

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

3. ????? ??? ??????? ??????? ?????????? ??? ??? ?????????? ?????????? ???
????????? ??????. ?? ?????????? ?????? ????? ?????????? ?????????? ??? ?????? ?????
????????? ?? ?????????? ?? ?????????? ?????? ?? ?????? ??? ?????? ?????? ?? ?????. ??
????????? ?????????? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ???, ?????? ??
????? ?????? ?????? ??? ?????? ?????? ??????????, ?????? ?????? ?????? ?? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????.

II – ?? ?????? ???????

4. ??? ?????? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ???????????. ??? ??
?????? ?? ?????????? ??? 2001 ?? 2004 ? ?????????? ??? ?????????? ??? ?? Income and
Corporation Taxes Act (????? ?? ?? ?????????? ?????????? ?????????? ??? ?????? ???
??? ?: ICTA) ??? 1988.

5. ??? ??? ?????????? ?????? ?????????? ?????????? ?????????? ?? ?????????????? ???
?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ????. ?? ?????????? ??? ????????
????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

6. ? ?????? ??? ?????? ?????? ?????? ?? ?? ?????????? ??? ?? ?????? ??? ?????? ???
??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? 7 ????????, ?????? ???, ?? ?:

«1) ?? ??? ?????????? ??? ?? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
?????? ???, ??? ?????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ????. ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?? ???,
????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ???, ??? ?????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????.»

7. ??? ?? ?????????? ?????????? ??? ?? ?????? ?????????? ?????????? ??? ?????????? ???
????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

8. ???????, ?? ??? 402, ?????????? 1, ??? ICTA ?????????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?, ??? ?????? «????????? ?????? ??? ??????»:

«1) ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? o? ???
492, ?????????? 8, ??? ?????? ??????, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? 2 ?? 3, ?? ?????????? ("????????? ???") ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? "?????????"
????????? ??? ??????", ??? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??????
????? ??? ?? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ("????????? ???") ??? ?????? ?? ?????? ???.
????????? ??? ?????? ??? ?????? ??? ?????? ????.»

9. ? ?????????? ?????????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?? ?????? ???
????????? ??? ?????? ??? ?????? ???.

10. ?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 403D ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

??????:

«1) ??? ?????? ????????????, ???' ?????????? ??? ???????? ????????????, ??? ????????????,
?????????? ????????, ??? ??????? ??? ????? ?????? ????? ??? ??????? ??? ??????? ??? ??????? ???
?????? ?? ??????????? ??? ?????????? ?????? ??? ??????? ??????????? ??????????? ??? ??????? ???
??????, ??? ??????????? ??? ?????????? ??? ?? ?????????? ?????????? ??? ??? ??????? ??? ??????? ? ??
???? ????, ????:

a) ?? ??????? ? ?? ??? ????? ?????? ??????????? ?? ?????????????????? ??? ??????????, ??? ??
?????? ?? ?????? ??? ?????????? ?????????????????? ?? ?? ?????????????????? (?? ????????)
??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ??????? ?????????? ??? ?? ??????? ??? ??????? ??
?????? ?? ?????????? ??? ????? ?????????? ?????????? ??????????,

b) ?? ??????? ? ?? ??? ????? ?????? ??????????? ?? ?????????????????? ??? ?????????? ???
?????????????? ??? ?? ??? ????? ?????????? ?????????? ?????????? ??? ?? ??????? ?????????? ??????
????????? ??? ?? ?????? ??? ?????? ?????????? ????

c) ?????? ????

(i) ??? ?????? ? ?????? ????

(ii) ?????????????? ??? ?????? ??? ?????????? ?????? ??? ?? ?????????? ??? ??????? ? ??
????? ????

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

[...]

3) ??? ?????? ??? ?????????? ?? “????????? ????” ?????????????? ?????????? ?? ??? ?????? ???

a) ??????????, ??? ??????? ??? ?????????? ?????????? ????, ?? ?? ?????????? ??? ???????,
??? ?????????? ??? ?????????? ??? ?????? ?????????? (????????? ??? ???????
?????????) ?? ?? ??? ?????? ????

b) ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? (????? ?
????????????? ??? ?????? ??????????) ??? ?????????? ?????????? ????,

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

[...]

9) ??? ?????? ??? ?? “????????? ????” ??????? ?????????????? ??? ?????? ??????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ????,

a) ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ????
????????? ????

b) ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ????,

[...]».

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

11. ?????????????? ??? ?????????? ??? ?????? ?????? ?????? ???? ?????????????? ???????
????????? ??? ?????? ?????????? ??? ?????? ?????????? ???? Philips Electronics UK Ltd (???
????: ?????????? ??? ?????? ?????) ??? ?? ??? 2001 ??? 2004.

12. ??????? ?????????????? ?????? ?????????????????? ?????? ?????? ??????????, ? ?????? ?????????? ??? ?????????
??????????, ???????, ?? ??? ?????????????? ?????????? ???, ?????????? ?????????? ?????????? ??????????????
????????????? ??? ?????? ?????????? ?????????????? ?????????????? ??? ?????? ??????, ? ?????????? ??
?????? ?????? ?????????? ??? 9 ??????? 2009. ?????????? ??? ?????? ?????? ??? ? ???????
?????? ?????? ?????????, ?????????? ??? 64 ?????????? ?????? ?????? ?????? ??????????
(GBP), ??? ?????????? ??? ?????? ??????, ??? ?? ?????? ??? ?????? ?? ??????? ??? ?? ???
?????????? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??????. ??? ??????
????? ??? ?????? ?????? ?? ?????????????? ??? ?????? ?????? ?????????? ?????????????? ???
????????? ?????? ?????? LG Philips Displays Netherlands BV (??? ????: LG.PD Netherlands).

13. ? LG.PD Netherlands ??????? ?? ??? ????? ?????? ????????????????, ? ??????? ??????????
????????????? ??? ???????????? ??? ????? ?????????????? ??????. ? ?????????? ??????
????? ? ??????? ??????? ??? ?????????? ??? ?????????? ?????? ?????? ??????. ??? ?????? ??? ??????
????? ??????? ?? ????? ?????? ??? ?????? ? ?????? ?????? ??? LG.PD Netherlands ??? ??
?????????? ??? ????? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ?????? ?????????? ??????
????? ?????? (4).

14. ? ?????????? ??? ?????? ??? ?? ?????????? ?????????????? ??? LG.PD Netherlands ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?? ??????, ?
????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??? LG.PD Netherlands. ??? 27
????????? 2006 ?????? ?????????? ?????????? ??? ?????? ?? ??? ?????????? ??? LG.PD
Netherlands.

15. ?? ?????????????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?? ???? ???????????
????? ?? ?????????? ?????????? ?????? ?? ??? ?????????? ?? ?o?o????? ?????????? ??
????? ?? ?? ?????????? ?? ?? ??? ?????? ?????? ?????? ?????????? ?????????? ??
????? ?? ?????????? ?? ?? ?????????? ?????? LG.PD Netherlands, ???. ?? ?? ??????????
? ?????????? ?? ?? ??? ?? ?????? 403D, ?????????? 1, ??????? c, ??? ICTA. ? ??????????
???. ?? ?? ?????? ?????????? ?????? ?? ?? ?????? ?????? ?????? ?????????? ???. ??
??????????.

16. ?? ???? ?? ??????? ???, ?? Upper Tribunal, Tax and Chancery Chamber, ??????? ???.
?? ??????????? ?? ??????? ?? ??????????? ???:

1. ??????????? ??? ?? ?????? ?????? (????? ?? ??????? ????????) ?????????????? ??
????? ?????????? ??? ?????? ?? ?????? ??? ??? ?????? ?????? ?????????? ??? ??? ?????? ?????? ??
????????????? ??? ?????? ?? ?????? ?????? ?????? (????? ?? ?????? ??????), ?????? ?? ?????? ??????
????????????????? ??? ?????? ?????? ?????????????????? ?????????????????? ??? ?????? ??? ??????
????????? ? ?????????? ?????????? ??? ?????? ?????? ?????????????????? ?????????????? ??? ???
????????? ????????, ??????? ?????????? ??? ?????????? ?????????????? ??? ?????? ??? ??????
????????? ??? ????????, ??? ?????? ?????????? ??? ?????????? ?????????????? ?? ?????? 49 ??? (?????
????? 43 ??), ?? ??????? ??? ?? ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????????????? ??? ??????? ?????? ?????????? ??? ?????? ?????????? ?????????? ??? ?? ??????????
????????? ??? ??????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ?????????? ??o?o???????

???? ?????????????????? ??? ???? ?????????????? ??? ?????? ?????? ?????? «????????????? ? ?????????? ???
??? ?????? (?? ?????????????? ??????) ?? ?????? ???' ?????????? ??????, ??? ?????? ???
????????? ?????????? ??????, ??? ?????? ?????? ??? ?????????? ? ?????????????? ??????????»,
?? ?????? ?????? ??? ?????? ? ??? ?????? ?????? ?????????? ?????????? ??? ??????
????????????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ???
????????? ??? ?????? ?????? ?????????? ?????????? ??? ?? ?????? ?? ?????? ?????? ?????? ??? ??????????
??? ?????? ?????? ??? ?????? ??? ??? ?????????? ?? ?????? ?????? ?????? ? ?????????????? ???
????? ?????? ?? ?????? ?????? ?????? ?????? ??? ?????????? ?????????? (????? ?? ??????
?????, ??? ?????? ?? ??? ?????? ?????), ??? ??? ?????? ?? ??? ??? ?????? ?????? ?????? ? ?????? ???
????????? ?????????? ??? ?????????? ?????? ??????????, ??? ?????????? ??? ??? ???
????????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????;

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

?) ???? ? ?????? ??????? ??? ?????? ??????? ??? ?????? ?

?) ???? ? ?????? ?????????? ??? ?????????? ?????????? ??? ?????????? ?????????? ?????????
?????? ??? ?????? ????

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

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

17. ?????????????? ??????? ?? ? ?????????????? ?????????? ??????? ?????????????? ??????? ??????? ?????????????? ??
?????? ?????? ???' ?????????? ?????? ? ?????????? ?????? ??? ?????? ?????? ?????? ??????, ? ??????
?????????, ? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ? ?????????? ??????????.

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

18. ??????????? ?? ?????????? ?????????????? ?????????????? ?????????? ?? ?????????? ?? ??????????????
?????????????. ? ??????? ?? ??????? ?????????? ??????? ?? ?????? 43 ??, ?????? ?? ?????? 49 ???
?? ????? ?????????? ?? ??????????? ?????????????? ?? ?????????? ?? ?????????? ?? ?????? (5).
?????????, ?? ??????? ?? ?????????? ?? ?????????? ?????????????? ?????????????? ?? ??? ?? ?????? ???
????????? ??????? ?? ?????????? ?? ?????? 48 ??, ?? ?????? ?????????? ?????????? ?????????? ??????????
?? ??? ?????????? ?? ?????? 43 ?? ?????? ???????.

19. ?? ?????????? ?? ?????? ?????????????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????????? ?? ?????? ?????? ??????????????. ? ?????????? ?????????????? ?? ??????
????????? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?? ??????. ?? ?????? ??
?? ?? ??????????, ? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????????????????? ?????????????? ??
????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?? ??????
????????? ?? ?????? ?????? ?????? ?? ?????' ?? ?????? ?????? ?????? ?? ?????? 43 ?? (6). ???

? ?????? ??? ??? ??????? ?? ?????????????? ??? ??? ?????? ??????? ????????. ?? ??????????????
???? ??????????, ??? ??? ??? ????? ?? ?????????????? ???????, ??? ??? ?????? ??? ??????
????????????? (7).

20. ???????, ?????? ??????? ?? ?????????????? ?? ? ?????????? ??? ??????????????
???? ?????????? ??????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????????????? ???
(??? ??? ?? ??? ????? ??????????????) ?????????? ??? ?????????? ??????????????.

? — ??? ??? ????? ?????????????? ??????????: ?????????? ??? ??????????
?????????????

21. ?? ?????????? ?? ??? ?? ?????? ??? ?????? ?????????? ?? ?????????????? ?????????? ???
?? ?????? ?????? ?? ??? ?????? ??? ?????? ?????? 403D, ?????????? 1,
????????? c, ??? ICTA ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?? ? ??????
????, ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????????????
????????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??????????????
?o?o????? ?????????? ??? ?????? ?????, ??? ?????? ?????, ?? ? ?????? ?????? ?????? ??????
?????????, ??? ??? ?????? ?????? ?????, ??? ?? ?????? ??? ?????? ?????? ??????????????
????? ??????.

22. ??? ?????? ??????????, ?????????? ? ??? ?????? ?????????? ?????????? ??? ?????????????? ???
?????? ????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ?????? (8). ??
???? ?? ?????????? ????, ?????? ?? ?????????? ???, ??? ?? ?????? ??? ??????, ?? ?????? ???
??? ?????? ?????????? ??? ?????????? ?? ??????????, ?? ?? ?????????? ??? ?????? ??? ?????????? ???
???? ?????????? ??? ?????? ??????, ?????? ?o?o????? ?????????? ??? ?????? ??????
????????? ?? ??? ??????, ??? ?????? ?????????? ??? ?????????? ?? ?????????? ?? ??????????
??? ?????????? ??????????. ??????, ? ?????????? ??? ?????????? ??????????????
????????????? ?? ??? ?????? ?????? (9). ?? ??? ?? ?????? ?????? ?????? ?????????? ??????
????????? ??????????, ?? ?????????? ??? ?????? ?? ?????????? ?????????? ?? ???
????????????? ?????????? ??? ?????? ??? ?????, ??? ?????????? ?????, ?????? ?????????? ??????
?? ??????????, ?? ??? ?????? ?????? ??????????.

23. ? ?????????? ?????????? ?????????? ??? ?????? ?????? ??? ?? ?????? 43 ?? ??? 48 ??.
??? ?? ?????????? ??? ?????????? ??? ?????? ?? ?????????? ?????????? ?? ?????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??
????????? ?? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??????????
?????????, ?????????????? ?????????? (10).

24. ???????, ???????, ??? ?? ?????? 43, ?????? ??????, ?????? ?????? ???????, ?? ??????
????? ??? ?????? ?????????? ?? ?????????? ?? ?????? ?????? ?????????? ?? ?????????? ??????
????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (12).

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

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

1. ????? ?????????? ??? ?????????? ??????????

26. ?? ?????????? ?????????? ? ?????????? ??? ?????????? ?????? ?????? ?????????? ??????
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
????????? ?????????? ??? ?????? ??? ?????? ??????.

27. ? ??? ? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ? ??????????
????????? ??? ?????? ?? ?o?o????? ?????????? ??? ?????? ?????????????? ??? ??????
????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??????????????
????????? ??? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ?? ?????? 403D,
????????? 1, ??? ICTA ?????? ??? ??? ??? ?????????????? ??? ?????? ?????? ??????.

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

29. ? ????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
?????????. ??????, ?????????? ?????????? ??? ?????????? ??? ?????? ??? ??????????
????????? ?? ?????? ??? ?????? ?????? ?????? . ??? ?????? ??? ?????????? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? . ? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? —????? ?
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????.

30. ??? ?????? ???, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? . ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? LG.PD
Netherlands. ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??????.

2. ?????????? ?????? ??????

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

32. ?????????? ?? ?????? ???, ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ? ???

? ?????????? ? ?????? ??????? ?? ?????????????? ???????????? (14). ????????, ??? ????
????????? ?????? ?????? ?????? ?? ??? ?????????? ??? ?????? ??? ??? ??????
?????????????, ?? ???? ?????????????? ??? ??? ?????? ?????????????? ??????????. ? ??
????????????? ?????????? ?????????? ??? ?????? ?? ?????????? ?? ?????? ??? ??? ???
????????? ?? ??? ?????? ?????????? ??? ?????? ?????? (15).

33. ??? ?????? ????????, ?? ?????????????? ??? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ?????? ??? ??????, ??? ??????, ?? ?????????? ??????????,
????? ???? ??? ?????? ?????? (16). ?? ?????????? ?????? ??????, ??? ?? ??? ??????
Marks & Spencer, ??? ?? ??? ?????? ?????????? ?????? ?????? ?? ?????????? ?? ?
????????? ??? ?????????? ?????????? ?????? ?????? ?????????????? ??????????
????????? ?????????????? ??? ?????? ?????????? ?????????? (17). ????????, ??????????
???????????, ?? ??? ??????, ??? ?????? ??? ?????????? ???, ??? ????? ??????????????
????????, ? ?????? ?? ??????? ?? ?????? ?????????? ?????????????? ??? ?? ??? ??????????
????????? ??? ?????? ?????????? ??? ?????? (18).

34. ???, ?? ?????????? ??? ?????? ?????? ?????????????? ??? ?? ?????? ??? ?????? ???
????????? ?????? ?? ?????? ?? ?????????? ??????????, ??? ?????? ?? ?????????? ???
???????, ?? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ?????????????? ???
????? ?????? ?????????????? (19).

35. ?? ??? ?????? Royal Bank of Scotland ?? ?????????? ?????????? ?????? ??? ?? ??
????? ?????????? ?????????? ?? ?????????? ??????????, ?????? ?? ??? ?????????? ??? ??
????????? ?????? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?????????. ?? ??? ?? ?????????? ???, ?? ?????????? ?????? ??? ?? ??? ?????? ??? ??????
????????? ??? ?? ?????????? ?? ?????? ?????? ?????????????? ?? ??? ?? ??? ??????
????????? ?????? ??????????, ?????????? ???, ??? ?? ?????????? ?????????? ??????????????
????? ?? ?? ?????????? ?? ?????????????? ??? ?????? (20). ?? ?????????? ?????? ?? ???
?? ?????????? ??? ?????? ??????, ??? ?????? ?????????? ?? ?????? ?????????? ???
????????? ??????????, ??? ?????? ?????? ?????????? ?? ?????? ?? ?????????? ??????????????
????????? ?????????? ?? ?????????? ??? ?????????????, ??? ?? ?????????? ?????????? ?? ???
????? ?? ?????? ?????????? ??? ?????? (21).

36. ?? ??? ?????? Saint Gobain ZN ?? ?????????? ?????? ??? ?? ??????????
????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ??????????
?????????, ??? ?? ??? ?????? ?????? ??? ? ?????????? ?????????? ??? ?? ??????????
????? ?? ?? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??????????
????????????? (22). ?? ?????????? ?????? ?????????? ?????? ?????? ?????? ??????
????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
?? ?????? ?????????? ?????? ??????, ?? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? (23).

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

3. ?? ?????????? ??? ?? ??? ?? ?????? ??? ???????

38. ??? ?????? ??????? ??????? ?? ?????? ? ?????? ? ?????????? ??? ?? ??????????
????????????? ??? ?????? ?? ?????? 403D, ?????????? 1, ??????? c, ??? ICTA ??? ??
????????? ?????????? ??? ?????? ?????????? ??? ?????? ?? ??? ?????????? ??? ??????????
?? ??? ?????? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ???
????????? ??????????.

? — ??? ??? ??????? ?????????????? ??????????: ?????????????? ?????? ??? ??
?????????

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

40. ? ?????? ?? ??? ?????? ??? ?????????? ?? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????? ?? ?????? ?? ?????? ?? ??? ?????? ??? ?????????? Marks &
Spencer. ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (25).

41. ?? ?? ??????? ??? ?????? ??? ?????? Oy AA ?????? ??? ? ?????? ??????
??? ?????? ??? ?????? ?????????? ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ??????????
????? (26). ?? ?????????? ??? ?????? ??? ?????? , ?? ??? ?????? ??? ?????? ??? ?????? ???
?????, ??? ?????? ?????? ? ?????? ?????????? ?????? ??? ?? ?????????? ??? ??
??? ?????? , ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? (27). ??? ?????? , ?? ??? ??????
Lidl Belgium, ?????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?
????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? (28).

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

????? (29). ??????, ?? ??? ??????? ??????? National Grid Indus ?? ?????????? ??????? ??
????????????? ??? ????? ???????, ??? ?????? ?? ?????????? ?? ??? ?????? ??? ?????? ???
????? ??????? ??? ?????? ? ??? ???????????, ??? ?????? ??? ?????? ?? ??? ?????? ???
????? (30).

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

1. ?????? ??? ?????????? ??????

44. ? ?????????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ???
????????? ?????????????? ??? ??? ?????????? ??? ?? ?????????? ??? ?????? ???
????? (31).

45. ? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ??????
????. ?? ?????? ??? ?????? ??? ?????? ??? ???????, ??? ?? ?????? ?????? ??? ??????
???, ??? ?????? ??????? ??? ?? ?????? ?????????? ?? ?????????? ??? ?????? ??? ??????
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (32). ?? ?????? ???, ?????????? ???
????? ?????????? ??? ???????, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????? ??? ?????? ??? ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ??? ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? (33).

46. ?? ?????????? ??? ?? ?????? ?????????? ???????, ?? ?????? ??? ?????? ??
??????????, ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???
????, ?? ?????????? ??? ?? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ???
?????????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (34).

47. ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??
?????????? ??? ?????? ?????????? ??? ??????. ??? ?? ?????? 7 ??? ??????-?????????
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ???????, ?? ?????? ?????? ???
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

48. ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? (??? LG.PD Netherlands) ???
?? ?????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? (??? ?????????? ??? ?????? ??? ??????), ?????????? ?????????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

49. ??? ?? ?????? ???, ??? ?????? ?? ?????? ??? ?????? ????. ? ?????????? ??? ?????? ???
?? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ?????? ??? ??????. ???????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

????? ?? ??????? ???? ?????? ?????? ? ??? ?????? ??????? ?????????? ?????????? ?? ??????????????
????????????? ??? ??????? ?????????? ??????. ?? ?????? ?????? ?? ? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? (?) ??????
????????????? ??? LG.PD Netherlands ??? ?????? ??????) ?? ??????? ??? ?? ?????? ???
????????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ?????????? ???
????? (?) ?????????? ??? ?????? ??????).

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

51. ??? ?? ??? ???, ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (35). ??? ??????
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
??? ?????? Papillon, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ?? ?? ?????? ??? ?? ?????? ??? ?? ?? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? (36).

52. ??? ?????????? ????, ??? ?????? ??? ?? ?????????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? LG.PD Netherlands ??? ??
????? ????. ????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? ???
??? ?????? ?? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ????. ????????????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
—????? ?????????? ?? ?????????? ?? ??? ?????? Lidl Belgium— ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? (37). ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? Marks & Spencer: ?? ?????? ??? ?? ?????? ??? ?????? ???
????? ??? ?????? ??? (38).

53. ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ??? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

54. ?? ?????????? ????, ?? ??? ?????? X Holding, ??? ?????? ??? ??????????????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (39).

55. ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? X Holding, ?? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (40). ?? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

???????????? ?????. ??????????????, ?? ?????? ??? ?????—????? ??????
????????????—????????? ?????????? ??? ?????? ?????? ?????????? ?????? ??????????????,
?? ???? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????????.

56. ?????????????? ????. ?? ???? ?? ?? ?????? ?????? ?????? ?????? ??????. ?? ?????? ?????? ?????? ?????
????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ?? ???? ?????? ?????? ?????? ??????
????, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????????????? ?????? ??? ?????? ?????? ??????
????? ?????? ??? ?????? ??? ??????, ?????????? ?????? ??? ?????? ?????? ?????????????? ????
????????? ??? ?????? ??? ?????? ?????? ?????? (41).

57. ??? ????? ??????? ???????, ?? ??????? ??????????, ?? ?????? ?????? ?????? ???????, ???
?????? ?? ??????????? ?? ???? ?????????????? ?? ???? ?????????????? ?? ???? ?????????? ?? ????
?????????? ?? ???????, ??????????? ?? ???? ?????????, ?? ?????????? ???????????????, ?? ????
????????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ?????? ??????????? ?? ???? ?????????????? ?? ????
????????? ???????????????, ?? ???? ?????? ?????????? ?? ???? ?????? ???????????.

2. ?????? ????????

58. ?????????? ?? ?????????? ?? ? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????
?????? ?? ?????? ?????? ?????????????? ???.

59. ????? ??????? ?? ?????? ?????? ?????? ?????? ?????????????? ??? ? LG.PD Netherlands ??????,
????? ??? ?????????? ?????????? ?????????? ??????????, ?? ?????? ?????????? ?? ?????, ??? ?
????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ???????, ??? ?????? ??? ??????
????????? ? ?????? ?????????? ??? ?????? ?????? ?????? ??????????. ??? ?????????????? ???
????????? X Holding, ?? ?????? ??? ?????????? ?????? ?????????? ?????????? ?????????? ?????
????? ?????????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ?????? ??? ?????????? ?????
??? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ??? ??? (42). ????????, ?????? ??
????????? ? ??????—????????? ??????—????? ?????? ??? ?????? ?????? ??????
??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????.

60. ?? ??? ??????? Lidl Belgium ?? ?????????? ?????????? ?????? ??? ????? ?????? ??
??? ??????? ?????????? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??
?????? ??? ?????? ??? ?????? ?????????????????? ?????????????? ??? ?????? ?? ?????? ??
?????, ?????? ?????? ?????? ??? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??
?? ?????????? ??? ?????????????? ?????? ?????????????? ??? ?????? ?????? ?????? ??????, ??? ??????
?????? ?????? ?? ?????????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??
?????????. ?? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??????????
?????, ??? ??? ?????? ??? ??????, ??? ??? ?????? ??? ??? ?????? ??? ?????? ??????, ?? ?????? ?????? ???
?????? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???????????. ?? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???.

61. ???????, ? ?????????????????? ????? ?? ?????? ??? ?????????? ?????? ?????????????? ?????? ??????????????
??? ?????????? ??? ?????? ?????? ?????????? ?????????????? (43). ???????, ?? ?????? ??? ?????? ?????
?? ?????????? ????, ??? ? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????? ??? ?????????? ?????? ?????????????? ????, ??? ? ? ?????? ??? ?????? ??? ?????? ??? ????
?????????, ??? ??????, ??? ?????????? ??? ?????? (44).

62. ?? ?????????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ??
?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ??
????? ?????? ?????? ?????? ?????? —????? ?????? ?????? ?????? — ??? ???. ???
????? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
????? ?????? ? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ??? ?????? ?????? ?? ?????? ???

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

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

64. ?? ??? ? ? ??????? ????, ? ??????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
?? ??????? ???????. ??? ???? ???? ???? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??
????? ?????? ??? ???????, ???????? ?? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ????
????? ??? ? ? ???????, ??? ?????? ??? ?????? ?????????? ?????? ?????? ??? ?????????? ??? ???????,
?? ?? ??????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ????
????? ??? ? ?????. ? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????????? ??? ???? ???? ?????? ???, ??? ?????????? ?????? ??? ?????? ??? ?????? ????
????????? ??? ? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ????
??? ?????????? ??? ???? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????????????? ??? ???? ???? ?????? ????. ?? ???? ???? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ????
????????? ??? ???? ???? ?????? ??? ?????? ??? «?????» ????.

65. ? ???????, ?? ??????? ??????? ??????? ?? ?????????? «??? ???» ??? ???? «??? ???»
??? ??????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ????
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ????
?????????.

66. ??? ??? ??? ?????? —????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ?? ?????????? ?????????? ?????????? ??? ?????? — ?? ?????????? ??? ?????? ???
??? ??????? ?????????? ??? ???? , ?? ??? ???? ???????, ?? ?????? ?????????? ??? ?????? ????
??? ??? ??????? ??? ?????????? ????. ???????, ???? ??? ?????? ??? ?????? ??? ?????? ????
? ?????? ?????????? ????. ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ????
????????? ??? ???? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (45).

67. ??? ??????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ?
????????? ??????.. ? ?????????? ??? ?????? ??? ?????? ??? ?????? 403D, ?????????? 1,
????????? c, ??? IICTA ?????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????? ??? ?????? ?? ?????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ?????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ?????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ?????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

3. ?? ?????????? ??? ?? ??? ?? ?????? ??? ???????

68. ??? ???????, ??? ?????? ??????? ??????? ?? ?????? ? ??????? ??? ??????? ??
????????????????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ? ?????????? ???
????????? ??? ?????????? ???????, ??? ?? ?????????? ?? ? ?????????? ??? ?????????? ???
??? ?????? ??????? ??? ??????, ??? ?????? ?? ??????? ?? ??????? ?? ?????????? ??? ??????????
????? ??? ? ??????? ??? ?????? ??????? ??? ?????, ?????? ? ?????? ?? ?????????? ??? ???
????????? ??? ??????? ?????????????? ???.

? — ??? ??? ?????? ??????????: ?????????????? ??? ??????????

69. ??? ??? ??? ?? ?? ?????????? ??????? ??? ?????????? ??? ? ?????????? ???
?????? ??????? ??? ?????? ?????????? ??????? ?????????? ??????? ??? ??, ???????, ?
?????? ?????? ?????? ?????? ?????? ??? ??? ??????? ??? ?????? ???, ??? ?? ???
?????? ??? ??? ??? ?? ??????? ?? ?????????? ?????????????? ??? ?????????? ???.

70. ???????, ??? ??? ??? ?????? ?????????????? ???, ? ?????????? ???
????????? ?????????? ??? ?????????? ?? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? (46).

71. ?? ??? ?? ?????? ?? ?????? ??? ? ??????? ??? ?????????????? ??? ?????????? ??
????????? ??? ?? ??????? ?? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ???
Marks & Spencer, ??? ??????? ??????? ??? ??????? ??? ?????????? ??? ?????????? ???
????????????, ? ??????? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????????? ?? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
???? ?????????? ???????, ? ??????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????. ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ???, ?? ?? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????, ??
????????? ??? ?????????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
???? ?????????? ???.

72. ?? ??? ?? ??????? ???, ??? ??? ?????? ??? ? ?????? ??? ? ?????? 403D,
????????? 1, ??????? c, ??? ICTA ?????, ??? ?????? ??????, ?????? ?????? ??? ?? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? ???.

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

74. ????????, ? ?????? ??? ?????? ?????????? ??????? ?? ??? ?????? ??? ?????? ??? ??????
????????????? ??? ?? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????: ?????? ?
?????????. ?? ?? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????
????????????? ??? ?? ?????? ?????? ?????? ?????????? ???, ?????? ?????????? ??? ???? ?
????????????? ??? ?? ?????? ?????? ?????????? ??? ?????????? ??? ???? ?????? ??????????
????????????? ??? ?? ?????? ?????? ?????????? ??? ?????????? (47), ?????? ?????? ??? ???? ??????????
??? ?????????? ??? ?? ?????? ?????? ?????? ?????????? ?? ?????????? ??? ???? ?????? ??????
?????????, ? ?????????? ??? ?? ?????? ?????? ?????????? ??? ??? ?????? ?????????? ??? ??????
????????? ??? ?????????, ?????? ?? ?? ?????? ??? ?????????? ??? ?????????? ??? ??????, ????
????????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??????????.

75. ??????, ?????? ??? ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?? ?????? ?????? ?????????? ??? ??????????, ??? ?? ??? 403D, ?????????? 1,
???????? c, ??? ICTA, ?????? ??? ??? ?????????? ??? ?????????? ??? ???? ?????????? ??
????????? ??? ?? ?????? ??? ?????? ????? «?? ?????????? ?????». ? ?????????? ??? ??? ???
????????? ?? ?????????? ??? ??? ?????? ?????????? ??? ?????? ?????? —???? ??
????????— ?????????? ?????????????? ??? ?????? ?? ??? ?????????????? ??? ??????????
????????. ??? ?????????? ??? ?? ??? ?. ?????? ?? ?????????? ??? ?????????? ?? ?????? ??
????????? ? ?????????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??????????.

76. ??? ??? ?????????? ??? ?????? ??????????, ??? ??? ???? ???? ?????? ??? ?????? 403D,
????????? 1, ?????????? c, ??? ICTA ?????????? ?????????? ?? ?????????? ?? ??????????
????????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ?????????? ??? ?????? ?????????? ?????? ? ?????????? ?? ??????????
????? ?? ?????? ??? ?????????? ?????? ?????????? ?????????? . ???????, ?? ??? ?????? ??
????????? ??? ?????????? ?????????? ??? ?????? ?????? ?????? ??????.

77. ??? ??? ??? ?? ??????, ?? ??? ??????????, ?? ??? ?????? ??? ?????? ??? ?????? ??????
????????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????????? ???
????????? ?????? ??? ??????.

? — ??? ??? ?????????? ??????????: ?? ?????? ?????????? ??? ?????????? ??? ?????????? ???
?????????.

78. ???, ?? ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??????????. ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 403D, ?????????? 1,
????????? c, ??? ICTA ?????????? ??? ?????? ?????????? ?????????? (48), ??? ?????? ???
????? ?? ?????? ?????????? ??????.

79. ? ?????? ??? ??? ?????? ?????????? ?? ?????? ??? ?????? ??? ?? ?????????? ??? ?????? ???
LG.PD Netherlands ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????????, ??? ??????
????????? ??? ?? ?????? 43 ?? ?? 48 ??, ??? ??????, ??? ?????????? ? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? . ? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

80. ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 43 ??;

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

81. ??? ?????? ?? ?????????? ?????????? ??? ?????? ??? ???? ???? ???? ???? ???? ????
??? ?????? ??????, ??? ?????? ??? ???? ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ??? ?????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???
?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??????????
????????????? ??? ?????????? ?????????????? ?????? ???, ??? ?????? ??? ?????? ???
????? ? ?????????? ??? ?????? 43 ?? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???.
????? ??? ?? ?????????? ?????? ??????.

82. ?? ????? 43 ?? ?????? ?????? ?????????????? (50). ????????, ?? ?????? ??????????
????? ??? ?????????? ?? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ???
????? ?? ??? ?????? (51).

83. ?? ????? 43, ?????????? 1, ?????? ????, ?? ?????????? ??? ?????????????? ???
????????? ???????????. ?? ?????????? ??? ?????????? ???? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??????????
????????? ?????????? ?, ?? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ?? ?? ?????? ????. ??????????????, ?? ?????????? ???
????????? ?????????? ?, ?????????? ?? ??? ?????? ??? ?????????? ?????????? ???, ???
? ?????? ?????????? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ???, ???
????? ??? ?????? ?????????? ?????????? ??????????, ?????? ? ?????? ??? ?????? ??? ??
????????? ?, ?? ?????????? ??????????, ?? ?????? ??? ?????? ??? ?????????? ??? (52).

84. ??? ?????????? ?????????? ????, ???????, ?????????? ??? ? ??????????
????????????? ??? ?????? ?? ?????????? ?????? ?? ?????????? ??? ?????? ?? ? ??????????
????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

85. ? ???????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ??????
????????? ??? ?? ?????? 43 ?. ??? ??????, ? ?????????? ??? ??????????
????????? ??? LG.PD Netherlands ?????????? ??? ??? ??? ?????????? ???
????????????? ??? —?? ??????????, ??? ?????????? ??? ?????? ??? ?????— ??????
??????, ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? ??????????
????????? (53). ? ?????????? ?????????? ??? LG.PD Netherlands ?????? ?????? ??
????????? ??? ?? ?? ?????? ??? ?????????? ??? ?????? ?????????? ????. ?? ??????
?? ?? ??????? ??? ??????, ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ???
????????? —?? ??????????, ??? ?????????? ??? ?????? ??? ?????? —, ?????? ?????? ??
????????? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? ???.

86. ???????, ?? ?????? ??? ? LG.PD Netherlands, ? ?????? ?? ?????????? ??? ??????
?? ??????? ??? ??? ??????????, ?? ???????, ??? ?????????? ??? ?????????? ???
????????? ???????, ?? ??????, ??? ?????????? ??????????, ??? ?????????? ??????????
?? ??????? ??? ?????????? ?????? ?? ?????????? ??? ?????????? ??????????.

??????, ?? ??????? ??? ?? ??????? ??? ??????? ??? ?????? ?? ?????????????? ??? ???????
????????? ??? ?????????? ?????????????? ??? LG.PD Netherlands. ???????, ?? ?
????????? ?? ??? ????? ??? ?? ?????? ?? ??????? ?????????? ??? ?????????? ??? ?? ?
????????? ??? ?????????? ?????????? ??? ?? ?????????? ???, ??? ??? ?? ??????
????????? ??? ?????????? ??? ??????, ?? ?????????? ?? ?????????? ??? ?? ??? LG.PD
Netherlands.

87. ?????????? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?? ???????
?? ??????? ?? ??? ?????? ?????? ?????? ??? ?? ?????????? ????????????. ??? ????????????, ??
???? ??????? ?? ?????????? ??? ?????? ??? ?? ?????????? ??? ?? ?????????? ?? ??
???? ?????? ??? ?????? ??? ?????????? ???????????. ??????? ?? ?????????? ??????? ??
????????, ??? ?????????? ????????????, ?? ??????? ?????????? ??? ?? ??????? ??
????, ?? ??? ?? ?????? ?????????? ??? ??????? ?? ?????????? ?? ?????????? ??? ??
? ?????? ?????????? ??????? ??? ?????? ?????????? ?????????????? ??? ?? ??? ??????????????
????????? ?? ??? ?????? ???????.

88. ??? ?? ?????????? ??? ?????? ??? ?????????? ??????????????, ? ?????????? ???????
??? ?????? 43 ?? ??? 48 ?? ??????? ?????????? ??? ?? ?????????????? ?? ?? ??? ???????
??????, ?? ?? ?????????? ?????????? ??? ?????????? ? ?????????????? ?????? ??????????
?? ?????? ??? ?????????? ??? ?????? ?????????? ??????????????.

89. ?? ??? ?? ??????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ? ??? ?? ?????????? ??????????????. ??
????? 43 ?? ??? 48 ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????????????? ?????? ?????? ??? ?????? 403D, ?????????? 1, ???????
c, ??? ICTA.

V – ??????

90. ?????? ??? ??????, ?????? ??? ?????????? ?? ?????????? ?? ??? ?????? ???
????????? ??? Upper Tribunal, Tax and Chancery Chamber:

1. ?????? ?????????? ??? ?????????? ?????? ?????????? ??????????????, ??? ?????? ?????????????? ?? ???
43 ?? ??? 48 ??, ?? ?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
?????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? ??? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? ??????, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?o?o????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???' ??????????
?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????.

2. ?? ?????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ?? ??? ??????????
????? ? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
?????.

3. ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? 48 ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????.

1 — ?????? ??? ??????????: ? ??????????.

2— ??????? ??? 13?? ?????????? 2005, C-446/03, Marks & Spencer (?????? 2005, ?. I-10837).

3— ??????? ?? 16?? ??????? 1998, C-264/96, ICI (?????? 1998, ?. I-4695).

4— ???? ?? ?????? 406, ??????????? 2, ??? ICTA, ? ?????? ?????? ??? ?????? ??? ??????,
????? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ?????? ?????????????? ??? ??????
?????????, ???? ?? ??????????? ?????? ?????? ?????????? ??? ?????? ??? ? ??????? ????
????? ?????????? ?? ???????????, ?????? ?????? ?????????????? ?????????? ??? ?????? ???
?????????????. ? ?????????? ???, ?????????? ??? ???? ?????????? ??? ?????? ????
????? ?????? ?? ?????? ???, ??? ?????? ?????? ?? ??????????????.

5— ?? ?????? 49 ??? ?????? ?? ?????? ??? 1? ??????????? 2009. ?? ?????? ?? ????
?????? ?? ???? ?? ???? ???? ?o?o?????? ?????????? ??? ?????? ?????????? ??? ??????????
??? ??? 1? ??????? 2001 ??? ??? 31? ?????????? 2004, ? ?? ??????? ?????? ??????????
??? 9 ??????? 2009.

6— ??????? ??? 15?? ????? 2008, C-414/06, Lidl Belgium (???????, 2008, ?. I-3601, ????? 15).

7— ???.????? 5, ??????? 1, ??????? ??, ??? ??????? ?? ?????????? ?????????? ?????????? ??
?????? ?? ???? ??????? ?? ?? ????? ?????????? ?? ?????????? ?????????? ?????????? (?????),
?? 3?? ??????? 2011 [COM(2011) 121 ??????/2].

8— ?????????? ??? 14?? ??????????? 1995, C-279/93, Schumacker (?????? 1995, ?. I-225, ????? 21), ??? ??? 8?? ?????????? 2011, C-157/10, Banco Bilbao Vizcaya Argentaria (?????? 2011, ?. I-13023, ????? 28).

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10 — ??., ?????? ??????, ?????????? ??? 28?? ?????????? 1986, 270/83, ???????? ??? ???????? (?????? 1986, ?. 273, ????? 18), ??? 21?? ?????????? 1999, C-307/97, Saint-Gobain ZN (?????? 1999, ?. I-6161, ????? 34), ??? 25?? ?????????? 2010, C-337/08, X Holding (?????? 2010, ?. I-1215, ????? 17), ??? ??? 26?? ?????????? 2010, C-97/09, Schmelz (?????? 2010, ?. I-10465, ????? 36).

11 — ??., ?????? ??????, ?????????? ?????????? ??? ?????? (????????????????? ???
????????????? 10, ????? 22), ??? ??? 18?? ?????? 2007, C-231/05, Oy AA (????????? 2007, ?. I-
6373, ????? 40), ????? ??? ??????? ??? 4?? ?????? 2009, C-439/07 ??? C-499/07, KBC Bank
??? Beleggen, Risicokapitaal, Beheer (??????? 2009, ?. I-4409, ????? 77).

12— ??????? ??? 23?? ???????????? 2006, C-253/03, CLT-UFA (?????? 2006, ?. I-1831, ????? 15).

13— ???. ??????? Oy AA (????????????????? ????. ??????????? 11, ???? 40).

14 — ??????? ?? 1?? ?????????? 2011, C-253/09, ??????? ???. ?????????? (??????
2011, ?. I-12391, ??? 50 ??? ??? ?????????? ???????).

- 15 — ??????? X Holding (????????????????? ??? ?????????????? 10, ??????? 20 ??? 22).
- 16 — ??????? Schumacker (????????????????? ??? ?????????????? 8, ?????? 31) ??? ??????? ??? 22?? ?????????? 2008, C-282/07, Truck Center (????????? 2008, ?. I-10767, ?????? 38).
- 17 — ??, ??????? Marks & Spencer (????????????????? ??? ?????????????? 2, ??????? 37 ??? 38).
- 18 — ??., ??? ?????? ??? ?????????? ?????? ??????????, ??? ??????? ??? 17?? ?????????? 2009, C-169/08, Presidente del Consiglio dei Ministri (????????? 2009, ?. ?-10821, ?????? 35).
- 19 — ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ?????????? ?????? ?????? (????????????????? ??? ?????????????? 10, ?????? 20).
- 20 — ??????? ??? 29?? ?????????? 1999, C-311/97, Royal Bank of Scotland (????????? 1999, ?. I-2651, ??????? 27 ??? 29).
- 21 — ??., ??????, ??????? X Holding (????????????????? ??? ?????????????? 10, ?????? 38).
- 22 — ??, ??????? Saint-Gobain ZN (????????????????? ??? ?????????????? 10, ?????? 48).
- 23 — First-tier tribunal, ??????? ??? 27?? ??????? 2009, [2009] UKFTT 226(TC), ?????. 21.
- 24 — ?????????? ??? 12?? ?????????????? 2006, C-196/04, Cadbury Schweppes ??? Cadbury Schweppes Overseas (????????? 2006, ?. I-7995, ?????? 47), ??? 27?? ?????????? 2008, C-418/07, Papillon (????????? 2008, ?. I-8947, ?????? 33), ??? ??? 13?? ?????????? 2011, C-9/11, Waypoint Aviation (????????? 2011, ?. I-9697, ?????? 27).
- 25 — ??????? Marks & Spencer (????????????????? ??? ?????????????? 2, ?????? 51).
- 26 — ?????????? ??? 12?? ?????????????? 2006, C-231/05, Oy AA (????????? 2007, ?. I-6373, ?????? 48).
- 27 — ??????? Oy AA (????????????????? ??? ?????????????? 11, ?????? 60).
- 28 — ??????? Lidl Belgium (????????????????? ??? ?????????????? 6, ?????? 42).
- 29 — ??, ?????????? ??? ??? 10?? ?????????????? 2009, C-311/08, SGI (????????? ??? 21?? ?????????? 2010, ??????? 2010, ?. I-487, ?????? 59).
- 30 — ??????? ??? 29?? ?????????? 2011, C-371/10 (????????? 2011, ?. I-12273, ??????? 45 ??? 49)? ???????, ??., ??????, ??? ?????????? ??????? ??? 7?? ?????????? 2006, C-470/04, N (????????? 2006, ?. I-7409, ?????? 42).
- 31 — ??., ?????? ???, ??????? Marks & Spencer (????????????????? ??? ?????????????? 2, ?????? 45), Lidl Belgium (????????????????? ??? ?????????????? 6, ?????? 31) ??? National Grid Indus (????????????????? ??? ?????????????? 30, ?????? 45).
- 32 — ??, ??????? ??? 16?? ??????? 2009, C-128/08, Damseaux (????????? 2009, ?. I-6823, ??????? 30 ??? 33 ??? ?????? ?????????????? ??????????).

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34 — ???. ?????? Cadbury Schweppes ??? Cadbury Schweppes Overseas (????????????????? ??? ?????????? 24, ?????? 56), ?????? ??? 29?? ?????? 2007, C-347/04, Rewe Zentralfinanz (?????? 2007, ?. I-2647, ?????? 42), ?????? Oy AA (????????????????? ??? ?????????? 11, ?????? 54), ?????? ??? 4?? ?????????? 2008, C-330/07, Jobra (?????? 2008, ?. I-9099, ?????? 33), ??? ?????? National Grid Indus (????????????????? ??? ?????????? 30, ?????? 46).

35 — ???. ?????? Marks & Spencer (????????????????? ??? ?????????? 2), Oy AA (????????????????? ??? ?????????? 11) ??? Lidl Belgium (????????????????? ??? ?????????? 6).

36 — ?????? Papillon (????????????????? ??? ?????????? 24, ?????? 39).

37 — ?????? Lidl Belgium (????????????????? ??? ?????????? 6, ?????? 33).

38 — ?????? Marks & Spencer (????????????????? ??? ?????????? 2, ?????? 43).

39 — ?????? X Holding (????????????????? ??? ?????????? 10, ?????? 38).

40 — ???????? ??? 19?? ?????????? 2009, ??? ?????????????? ??? ?????????? 10 ????????, X Holding (????????? 2010, ?. I-1215, ?????? 51 ??? 62).

41 — ???????? X Holding (????????????????? ??? ?????????? 40, ?????? 62).

42 — ???. ?????? X Holding (????????????????? ??? ?????????? 10, ?????? 35) ??? ??? ?????????? ??? ??? ??? ?????? (????????????????? ??? ?????????? 40, ?????? 39).

43 — ???. ?????? ??? 23?? ?????????? 2008, C-157/07, Krankenheim Ruhesitz am Wannsee-Seniorenheimstatt (?????? 2008, ?. I-8061).

44 — ???. ?????????? ??? ?????? X Holding (????????????????? ??? ?????????? 40, ?????? 50).

45 — ?????? ??? 10?? ?????? 2009, C-169/07, Hartlauer (?????? 2009, ?. I-1721, ??? 55), ???, ?? ?????? ?? ??? ??????? ??????? ???????, ??????? ??? 8?? ?????? 2010, C-447/08 ??? C-448/08, Sjöberg ??? Gerdin (?????? 2010, ?. ?-6917, ?????? 40).

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47 — ??., ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?? ??? ?????? ?????????? ??? ??????????????, ??? ?????????? ??? ?????? X Holding (????????????????? ??? ?????????? 40, ?????? 39 ??? 48).

48 — ???. ?????????? ?? ?????? ?, ? ??? ? ??? ?????????? ???.

49 — ??????? ??? 8?? ?????????? 2011, C-177/10, Rosado Santana (???????, 2011, ?. I-7907, ????? 89 ??? ??? ?????????? ????????).

50 — ??????? ??? 13?? ??????? 2010, C-91/08, Wall (???????, 2010, ?. I-2815, ????? 68).

51 — ??., ?????? ????, ??? ??????? ??? 9?? ??????? 1978, 106/77, Simmenthal (???????, 1978, ?. 239), ??? ??? 8?? ?????????? 2010, C-409/06, Winner Wetten (???????, 2010, ?. I-8015, ????? 55).

52 — ??, ??????? ??? 7?? ??????? 1992, C-370/90, Singh (???????, 1992, ?. I-4265, ????? 23), ??? 7?? ??????? 1998, C-350/96, Clean Car Autoservice (???????, 1998, ?. I-2521, ????? 20), ??? ??? 11?? ?????????? 2007, C-208/05, ITC (???????, 2007, ?. I-181, ????? 26)? ??????? ????? ??? ? ?????? ??? 12?? ??????? 1994, C-1/93, Halliburton Services (???????, 1994, ?. I-1137, ????? 20).

53 — ??, ??????? ?? ?????? 29.