

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

JULIANE KOKOTT

??? 15?? ???? 2014 (1)

?????? C?605/12

Welmory sp. z o.o.

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Dyrektor Izby Skarbowej w Gd?sku

[?????? ??? Naczelnego S?d Administracyjny (???????)
??? ??? ?????? ?????????????? ????)

«?????????? ?????????? — ??? ?????????????????? ??? — ??? 44 ??? ??????
2006/112/??, ??? ?????????????? ?? ??? ?????? 2008/8/?? — ?????? ??? “???????”
????????????? ??? ?????? ?????????»

1. ??? ?????? ??? ??? ?????????? ?????????????? ?????????? ?????????????? ?????????? ???
??? ?????????? ??? ?????? ?????????????? ?????? (??? ????: ???) ?? ?????? ???
????????????? ??? ?????? ?????? ?????? ?????? ?? ?????????? ??? ?????????????? ?? ??????????.
????? ??? ?????????? ?????? ? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ??????
????????? ?????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????????? ??????.

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

3. ??????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?????????? ??? ??
????????? ??? o ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????????? ???
????? ??? ?????? ??? ?????? ??? (2), ?????????? ?? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ?????????? ?????? ?????? ?????? ??? ?????? ??? ??????
????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ?????????? ?? ??? ?????? 2008/8/?? (3) ?? ?????? ??? ??????
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ??????.

I – ?? ?????? ???????

4. ? ???????? ?????? ?????????????????? ?????? ?????? ?????????? ??? ??? ?????? ??????
2006/112/?? ??? ????????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ?????????? ?????
????????????? ?????? (4) (??? ????: ?????? ????. ???). ?? ?????? 43 ?. ??? ??????? ?????? ???
????????? ?????????? ?? ??? ?????? ?????? ?????????? ?????? ??? ?? ???
????????? ?????????? ?? ?????? ?????? ??? ?????? ? ?????? ?????????? ?????????? ?? ???.

5. ?? ?? ??? ?????? ?????????? ?????????????????? ??????????, ?? ?????? ?????? ??? ?? 2009, ??
??? ?????? 2008/8. ?? ?????? ?????? ??? ?????????? ?????? 3 ??? ?? ??? ?????? ?????? ???
?? ????:

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

6. ??? ??? ?????? ?????, ?? ?????? 44 ??? ?????? ?????? ??? ?????? ?????????? ?????? ??? ??????
????? ?????? ?????? ?? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?? ??????????
????????? ?, ? ?????? ??? ?????? ?????? ?????????? ?????? ???:

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

7. ??????? ?? ??????? ?? ??????? ?? ?????? ?????? ?? ?? ?????? 193 ??? ?????? ??? ??????
????? ? «????????? [?] ??? ?????? ?????? ?????????? ?????????? [...] ????
?????????». ?????????? ??? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ?? ?????? 196 ???
????????? ??? ??, ??? ?????????? ?? ??? ?????? 2008/8, ??? ?? ?????????? ??? ??
????????? ??? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ??? ?????????? ??? 44:

«? ??? ?????????? ??? ?? ?????????? ??? ?????? [...] , ???? ??? ?????? ?????????? ??
????????? ??? ?????????? ??? ?? ??? 44, ?????? ?? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ????.»

8. ?? ?????? 44 ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?? ??
????? 28b ??? Ustawa o podatku od towarów i usług, ??? 11?? ?????? 2004.

II – ? ?????? ????

9. ? ?????? ???? ???? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
Welmory sp. z o.o. (??? ????: Welmory) ??? ??? ?????? ?????????? ??? ?????? ??? 2010.

10. ? Welmory ??? ?????? ?????? ?????????? ?? ?????????? ????????, ?? Welmory
Limited. ?? ??? ?? ??? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??
????????????? ??? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

11. ? ?????????????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??????????
????????? ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????? ?? ?????????????? ?????? ?????? ?????? ?????: ??????, ??????????? ?
Welmory ?? ?????? ???????, ?? ?????? ?????? ??? ?????? ?????????? ??? ???????
????? ??? ???????, ???, ???????, ? ?????? ?????? ?????? ??? ?????? ??? ??? ?????? ???
????????? ?????? ???????.

12. ??? ?? ?????????? ??? ?????????? ? ?????????? ?????? ?????????? ??????????????
?? ?????? ??? ??? ?????? ??? ?????????? ??? ?????????????? ??? ??? ?????? ???
????? ?????? ??? Welmory. ??? ?????? ??? 2010 ? ?????? ?????? ?????? ??????
????? ?? ?????? ??? ?????????? ?????? ??? Welmory.

13. ????? ?? ?????????? ?????????? ? Welmory ???????? ??? ?? ??????? ??????
????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??????? ??????????
????? ?? ?????????? ??? ?????????? . ? Welmory ??? ?????? ??? ?? ??? ?? ???
??????, ??? ?????????????? ??? ? ?????? ??? ?????????, ??? ? ?????????? ???????, ???
????? ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????.

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

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

15. ?? Naczelnego S?d Administracyjny, ?????? ?? ?????? ?????????? ?????? ??? ??
????? ???????, ??????? ?? ?????????? ?????? ?? 267, ?????????? 3, ???, ??
????????? ?????????? ???:

????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ?? ?????????? ???
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ????????
?? ??? ?? ?????? ??? ?????? ??? ?????????? ???, ??? ? ?????? ??? ?????????? ?? ?????????? ???
??? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ?, ??? ?????? ??? ??????????
? ?????? ??????????, ??? ?????? ??? ?????? ??? ?????? 44 ??? ?????? ??? ???;

16. ??? ?? ?????? ?????? ??? ?????????? ?????? ?????? ?????????? ?????????? ? Welmory, ?
????????? ??????????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?? ?????? ?????????? ??? ? ?????? ??? ?????????? . ??? ?? ??' ??????????
????????? ??????????, ??? ? ?????? ??????????????, ? ?????? ??? ?????? ??? ??????,
????????? ??? ?????????? ??? ?????? ??? Gda?sk.

IV – ?????? ???????

17. ?? ?? ?????????? ??? ?????? ?? ?????? ?????????? ?????? ???' ?????? ???
?????, ??? ??????? ??? ?????? ??? ?????? ??? ?????, ?? ?????? ?? ?????? ???
????????? ?????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? 44, ?????? ???, ??? ?????? ??? ??.

18. ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?? ?????????? ?????? ???
? ?????? ?????? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ??? Welmory ?????????? ??? ?????? ?????? ???
??? ?????? ??? ???, ??? —????????? ?? ?????— ??? Welmory. ?????????? ?????? ???
?? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ???
????? ??? ??? ?????? Welmory ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

?— ??? ??? ?????????????? ?????????? ?????? ?? ??? ?????????? ??? ?????? ?????? ??????
?????????

20. ? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ??????
?????????, ??? ?? ?????????? ??? ?????? ??????, ?????????? ??? ?????????? ??? ??????
????? ?????????????? ??? ?????? ?????????????? ??? ?????? ??? ?????????????? ??? ??????
????? ??? ?????? ?????? ?????????????? ??? ??? ??? ?????? ?????? ?????? ?????? . ? ?????? ?????? ???
? ?????? ?????????????? ??? ?????????? ?????? ?????? 44 ??? ?????? ??? ??? ??
????? ??? ?????? ??? ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??? ??? ? ??
????? ?????????? ??? . ???????, ?????? ??? ?????? ?????? ?????? ?????? ??? ? ??????????
????????? ?????? ?????? ?????????????? ??? ?????? ??????, ? ??? ?? ?????? ?????????????? ???
????????? ??? ??????, ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???
??? ??? ???.

21. ?? ?? ??? ?????? ?????? ??? ?????? ?????????????? ?????????? ??? ?? ??? ?? ???
????????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ? Welmory, ????, ?????? ?? ?? ?? ??
????????????? ??? ?????? ?????? ?????????????? ??? ?????? ?????? ?????????????? ???
????????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????????? ??? ? ??? . ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????????
????????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? 196
?? 44 ??? ?????? ??? ??? ?? ?????????? ??? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ????.
?? ??? ? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???, ?? ??????,
?????????, ?????? ?? ?? ??? 193 ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ? Welmory,
??? ?????? ??? ??????.

22. ?? ?? ??? ?????????? ?????? ?????????? ?? ??? ?? ?????: ??? ?????????? ???
????????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????????????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? . ?????????? ?? ??
????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????????
????????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 44,
????? ???, ??? ?????? ??? ???.

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

23. ?????? ?? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ???
????????????? ?????? ?????????? ??? ?????? ??? ?????? ??? . ??? ?? ?????????? ??? 3 ??
????? 2008/8, ?? ?????? ? ??? ?? ?????????? ???' ???? ??? ?????? ??? ?????? ??? ??????
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ?????? ?????? 44 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

24. ?????????? ??????? ??????? ??? ? ??? ??????? ?????????? ??? ?????? 44 ??? ??????
????? ??? ?????????? ?????? ?? ??? ?????????????? ??? ?????? ?????? ?????????? ??? ??????
???' ?????? ?????????? ?????????? ????. ??? ??? ?????? ?????, ? ?????????? ?????? ??????
????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ?????? 167 ?. ??? ?????? ????. ????????, ?????? ??? ?????? ????
????????? ?????? ?? ?????????? ??? Welmory ??? ?????????? ??? ?????? ???, ?? ??????
? ?????? ?????? ?????? ?? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????
????????? ??? ??? ?? ?????????? ??? ??????.

25. ??? ?????? ??? ?????? ?? ??? ?????? ??? ???????????. ????????????, ??? ? ?????? ???
????????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????? ?????? ?????? ? ? ?????????? ???
????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ? ?????? ??? ?????? ????
????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ????
44 ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????.

26. ??? ?????? ?????? ???' ?????????? ?????? ?????? Welmory ??? ?
????????? ???, ?? ?????? ??? ?????? ?????? ?????? ??? ?? ??? ?????? ?????? ????
????????? ??? ?????? ?? ?????? ?????? ?????? ?????? ? ?????? ?????? ???????. ? ?? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????
????? ??? ? ?? ?????? (5). ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? F. G. Jacobs ??? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? (6). ??????, ??? ???
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? 44 ??? ?????? ????
?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? (7).

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

27. ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
?????, ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ???
????. ??? ??? ?????? ??? ?????? ???, ??? ?? ?????? 193 ??? 196, ??? ?????? ???
????? 44 ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??????.

28. ? ?????? ?????? ??? ? ?????? ??? ?????? ?????? ?????? ?? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ?????? ?????? ????. ??' ?????? ??? ?????? ??? ??????
? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ?????? ???, ?? ??????
? ??? ? ?????? ???, ? ?????? ?????? ?????? ?????? ?????? ??? ? ?????? ????
????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? (8).

29. ??? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ? ?????? ???
Welmory ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

? — ? ?????? ?????????????? ??? ?? ???? ?????????? ??? ?????????? ??????????????????

31. ??????? ??? «?????? ??????????????» ?????????????? ????? ????? ??? ?????????? ???
????????????? ??? ?? ???????? ??? ?????? 9, ?????????? 1, ??? ????? ?????? 77/388/???
??? ??????????, ??? 17?? ??? 1977, ??? ??? ?????????????? ??? ?????????? ??? ??????
?????, ??? ???????? ?? ??? ????? ?????? ?????? — ??? ?????????? ???
????????????? ????: ?????????? ?????????? ??? (9) (??? ????: ??? ?????). ?????? ???
?? ??? ?????????? ??? ?????????? ?? ??? ????? ?????? ?????????? ???' ????? ? ?????? ???
? ?????? ??? ?????????? ??? «????? ??? ?????????? ?????????????? ??? [...] ? ???
?????? ?????????????? ??? ??? ??? ????? ?????????? ».

32. ????? ?????? ???????????, ? ????? ??? ?????????????? ?????????????????? ?????????? ??
????????? ?????????????? ?? ?????????? ?????????? ??????????. ?????????? ?????????????? ??????????????
????? ??? «????? ??????????? ????? ??? ?????? ? ?????????? ????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??????????? ?????? ? ??????????? ?????????? ?????????? ?????????????? ?? ??? ?????? ?????? ??????» (10).

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

35. ????????, ????????, ?????????? ?????? ??? ?????????? ?????????????? ?????? ???
?????? DFDS. ? ?????? ??? ?????????? ??? ?? ??? ?????? ?????? ?????? ?????? ??? ??
????? ???, ??? ?????? ??????, ???????? ?????? ?????? ??????????, ?????????????? ??????????????
??? ?? ????????, ??????? ?? ??????? ?? ?????? ?????? ?????????? ??? ??????
?????? (13). ?????? ?? ??????? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????
??? ?? ???????, ??????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ?? ??????? ?????? ??? Welmory.

36. ???????, ??? ??????? DFDS ?? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ???
??? ?????? 307, ?????????? 2, ??? ?????? ???, ??? ?????????? ?? ?????? ???
??? ?????? ?? ?????? ?? ?????????????? ?? ?????? ?????????? ?????? ?? ??? ??????

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

? — ??? ?????? ??? ?????? ??? ??????????? ?? ??????? ?????????? ??? ?? ?????????? ???
????????????? ?????????????? ?????????????? ??? ?????? ??? ?????? ?????????? ??????????

37. ?? ?????? ?????????? ??? ?????????? ??? ?? ?????????? ?????? ?????????????? ???
??? ??? ?????? 9, ?????????? 1, ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?? ??????
????? ?????? ? ?????? ??? ?????????? ?????? ???????????. ?????????? ??? ?? ???
????????? ?????????? ?????? ??? ?????? ??? ?????? ?? ?? ?????? 44, ??????? ??????, ??? ??????
????? ??? ? ?????????????? ??? ?????? ?????????????? ??? ?????? ?????? ???????????. ??? ???
????? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ??????????, ??? ?????? ??? ??????
????? ??? ?????? ?????????, ? ?????? ??? ?????????? ??? ??? ?????? 9, ?????????? 1, ??? ???
????????? ?? ?????? ??????????.

38. ? ?????????? ??? ?????? ??????? ??' ?????? ??? ?????????? ??? ?????? ??????. ?
????????????? ?????????? (??) 282/2011 ??? ??????????, ??? 15? ?????? 2011, ??? ??
????????? ?????? ?????????? ??? ?????? 2006/112/?? ??????? ?? ?? ?????? ?????????? ???
????????????? ??? (17) (??? ????: ?????????? ?????? ????) ?????? ???
????? ??? ?????? ?????????? ??? ?????? ?? ?? ?????? 44, ??????? ??????, ??? ??????
????? ???, ?????????? ?? ?????? ?????? ?? ?????? ?????? ??? ?????????? ??? ?? ??????
9, ?????????? 1, ??? ?????? ??????. ??? ?? ?????? 11, ?????????? 1, ??? ??????????
????????? ??? ? ?? ?????? ?????? ?????????? ??? ?????? «? ???
????????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????????? ???
??? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ».

39. ??????? ? ?? ??? ?????? ??????? ?? ?? ?????? 65, ?????????? 2, ??
????????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????????
??? ?????? ???, ?????? ?????? ??? ? ?? ??? ?????? ?????? ?????? ?????? ??? ?? ??? ??
????????? ??????.

40. ??? ?????? ??? ?????? ?????? ?????? ???' ?????? ?? ?????? ??? ?? ?????? ??? ?? ??????
????????? 1, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? 398 ??
????? ??? ???, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????
????? (18). ? ?????? ?????? ??? ?????? ?????? ??? ?? ?? ?????? ?????????????? ??????
????????????? ??? ?????? ??? ?????? ?????? ?????? (19).

41. ? ?????? ??? ?????? 11, ?????????? 1, ??? ?????????? ??? ?????? ??? ??
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 44 ??? ?????? ??? (20). ? ?????? ???, ???, ??? ? ?? ?????? ?????? ???
?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ?????? ???, ??? ? ?? ?????? ??? ? ?????? ??? ?????? ??? ?????? 11,
????????? 1, ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ???, ??? ? ?? ?????? ??? ? ?? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

42. ????????, ? ?????? ?? ?????? 11, ?????????? 1, ??? ?????????????? ??????????
???? ?? ?????? ?????? ?? ??? ?????????????? ?????? ??? ?????????????? ??? ??????????
???? ?? ??? ??? ?????? ??? ?????? ??? ?????? ? ?????? ? ?????? ?????????????? ?????? ?? ??? ??
????????? ?????? ??? ??????????, ??? ?????? ?????? ?????????????? ?????????? ??? ?????? ???
??????.

43. ????? ?????? ??????????? ??????????, ? ?????? ?????????????? ????? ??? ?????? ??? ??????
44, ??????? ??????, ??? ??????? ??? ??? ??? ?? ?????? ????? ??????????, ??? ?? ??????
??? ? ???? ?? ??????? ?????????? ??????????? ?? ???, ??? ?????????????? ??? ?? ?'
????????????? ?????????? ??? ??? ?? ?????????? ??? ?????????????? ?????????? ??? Gdask
??? ??? ?? ???????, ??? ?????????? ?? ?????? ?? ?????????? ?????????? ??? ?? ??????
?????. ? ?????? ?????? ???, ?? ?????????? ?? ?????? ?????? ??? ? ?????????? ??????
?????? ?????? ?????????? ??? ???????, ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ????
??? ?????????? ??? ?????????? ?????????? ?????????? ??? ?? ?????????? ?????????? ???
????? ?????????? ?????? ??? Welmory ?????? ??? ?????????? ??????????.. ???????, ???
????????????? ?????? ??? ???????, ??? ???????, ??? ???????, ??? ?????? ?????? ??? ?????? ??? ??
?????? ?????????? ??? ??????? ?????? ?????? ?????? ?????? ?? ?????????????? ?????????? ???
??? ??????? ??? ??????? ??? ?? ??? ?????? ?????? ?????????? ?? ?????????? ?? ??????? ??? ?? ???? ?
????? ??????.. ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?? ???? ?
????? ??? ?????????????? ??? ??? ??? ?????????? ??? ??? ?????? ?????? ?????? ?????? ?? ?? ???? 43,
????? 2, ??? ?????? ???, ??? ?? ?????? ?? ?????? 44, ?????? ??????, ?? ?????????? ??? ?????????? ??? ?? ????.

44. ???????, ??? ?????? ?????????? ??????? ?? ?????? ??? ?????????? ??? ?????? 44
??? ?????? ??? ?? ?????????? ?????? ??? ? ?????? ?????????? ??? ?????????? ???
????????????? ??? ?????? ??? ?????????? ?????????????? (21). ? ?????? ??? ??
????????????? ??? ?????? ??? ?????????? ?????? ??? ? ?????? ?????? ?????????? ??
????????? ??? ?????? ?? ??? ??? ??? ?????? ??? ?????????, ??? ??? ?????? ?????? ?????????
????????????? ??? ?????? ??? ?????????? ?????????? ?????????? ?? ?? ?????????? ?????????
?????????????. ? ?? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?? ?? ?????? ??? ??????
44 ??? ?????? ??? ?? ??? ?????? ?????????? ?? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????? ??????, ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ??????????
?????????????, ??? ??? ?????????? ??? ?????? ?????? ??? ??????, ??? ??? ?? ?????? ??? ??????
?? ?????? ??????????.

? — ?????????? ??? ??? ?????????? ??? ?????? ?????? ????

45. ???????, ??? ??????? ?????? ?????? ??? ?????? ??????, ?? ?????? ?? ?????? ?????? ??? ?
?????? ?????? ?????? ??? ?????? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ???
????????????? ? ?????? ?????????????? ??? ?????? ?????? ?????? ?????????????? ??? ??????????
?????? ?? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ?????????? ?? ?????????? ??? ??
????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
?????????????. ?? ?????????? ?? ?????? ?? ?????? ??? ?????? ?????? ??? ??? ?????? ?????? ??????????????,
????? ?????? ?? ?? ?????? 44, ?????? ??????, ??? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ???
????????? ?? ?????????? ? ??? ??? ?????????? ??????????.

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

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

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

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

49. ? ??????? ??????????? L. ?. Poiares Maduro ??? ?????? ?????????????? ??? ?? ?????????? ??
?? ??????? ??????????? ?? ??????? ?????? ?????? ?????? ?????? ?????????????? ??? ??
????????? ??? ?? ??????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?? (22). ?? ?????????? ?????? ???????????????, ??? ?????? ?????? ??
????????? ??? ?? ?????? ?? ?????????? ??? ?????? ?????????????? ??? ?????????? ???
??? ?? ??? ?????? ??? ??, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ??
???? ?????? ?????? ?????? ??? ??, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ??
???? ?????? ?????? ?????? ??? ??, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ??
???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? ?????? ?????? (leasing) ??? (23) ??? ?????? ?????? ?????? ??????.

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

51. ????? ??? ??????? ??? ?? Welmory ?? ?????????? ?????????? ?? ???????
?? ??????? ??? —?? ?? ?????? ??? ?????? ?????????? ?????????????? ??? ?????????? ???????—
?????? ?? ?????? ??? ?????????, ??? ?????? ?????? ??? ?? Welmory. ? ?????? ?????? ???,
????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??
????????? ??? ?? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??
????? ?????? ?????? ?????????, ?? ??? ?? ?????????? ??? ?? ?????? ???, ?????? ??
????????? ?????? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ???, ??? ?? ??? ?? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
??????, ??? ?? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??.

52. ?? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ??? ??
?????? ?? ??????? ? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ?? ??? ???. ???
????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ??? ??, ? ???
????? ?? ??? ?? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ?? ??? ??
????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??.

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

54. ????????, ??? ?????????? ?? ??????? ?????????? ??? ??????? ?????????? ?????????? ??? ????
???????? ?????????? ??? ?????? ?????? ?????????????????? ?????????? ?? ??????? ??? ?????????? ??? ??????????
????????????? ??? ?????????? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? Welmary, ????,
????????????? ??? ?????????????? ?? ?????? «?????» ??? ???? ?????? ??? ?????? 44, ??????
??????, ??? ?????? ??? ???, ?? ?????? ?? ?????? ?? ?????????? ?????????? ??? ??????? ??? ??????
??? ??????.

55. ????? ?????? ?????????? ?? ?????? ??????????? ?? ?????????? ????? ??????????????
????????????? ?????? ?????????????? ? ?????????? ??????? ?? ??? ?????????????? ??
????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ???
????????????? ??? ?? Welmory ?????????? ?????? ??? ?????????? ??????????????
????????????????? ?????? ??? ??? ?? ??? ?????? ??????????????.

?— ??? ??? ???????? ??? ???????????? ???????????? ??? ???????? ??? ??? ??? ??? ??????

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

58. ???' ????, ???????, ?????????? ??? ??????? ??? ?????????? ??? ????? ? ?????? ?????????? ???
??? ??????? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ???
????? 44 ??? ?????? ??? ???? ? ?????? ?????????? ??? ?????? ??? ?????? ??? ???? ????
??? ?????? ?????????? ??? ???? 31 ?. ??? ?????? ??? ???? ????. ? ?????? ????
??? ?????? ?? ?????????? ? ?????????? ?? ?????????? ??? ? ?????? ??? ??????????
????????? ?????????? ??? ???? ?????? ?????? ?????? ?????? «????????? ???
????????? ?? ?????????? ??????, ?? ??????, ?????? ???», ?????? ?? ??? ?????? ???
????????? ??? ???? 14, ?????????? 1, ??? ?????? ????. ?????? ?? ??????
?? ??? ?????? ?? ?????? ??? ???? ??? ?????? ?? ?????????? ?????? ?????? ??
????? ?????? ?? ?????? ??? ???? ?????? ?????????? ??? ??????????????. ?? ?? ???
????? ?????? ??? ???? ?? ?????? ??? ?????? ?????????? ??? ??????????, ??? ?? ??????
????????? ??? ?????? ???.

59. ?? ?????????? ?? ??? ??????? ??? ????? ?? ?????????? ?? Welmory ??????
?????? ??????? ?? ?????????? ???

60. ? ?????????????? ??? ?????????? ??? ?????????????? ??? ? ??? ?????????????? ??? ? ???

? ?????????? ??? ?????? ? Welmory ??? ?????? ??? ???????????????? ?????????????? ???
??????????????? ?? ??? ????? ??? ??? ????? ????. ????????????, ? ?? ??? ??? ????? ??????
????? ?? ???????? ??? ????? ??? ?????? 73 ??? ?????? ??? ?? ?????????? ??? ?????? ??? ??????
?????: ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????
??????? ??? Welmory ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???
?????????.

61. ??? ???? ?? ??? ?????????? ?? ??? ????? ?????????? ??? ??? ?????? ??? ??????
—????????? ?? ???— ??? ?? ?????????? ??? ?? Welmory ?????????? ??? ??? ??
????????? ??????, ??? ????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? Welmory, ??
????????? ??? ????? ?????????? ????. ?? ??? ?????? ??? ?? ?????? ?????????? ?, ????
????????????? ?? ?????????? ??? ?????? ??? ?????? 44, ??? ?????? ??? ?????? 31 ?. ??
??????? ????.

62. ??? ???? 73 ??? ?????? ????, ? ??? ?????? ??? ?????? ??? ?? ?????????? ???
«????????? ?????? ??? ?????????? ??? ?????? ??? [..] ??? ??? ?????? ??? ???? ?
????????? [..] ??? ??? ?????? [...] ? ?????? ??????». ?????? ??? ?? ??????
????????? ??? ? ??? ?????????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????
??? ??? ?????? ??? ?????? (24), ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ? Welmory
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ?????? ??????????
????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ???
?????.

63. ??? ???? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????????? ??? ?????????? ??? ?? Welmory ??? ??? ?????? ???
??? ??? ?????? ??? ?????? ??? ?????? ??? (25). ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???
?? ?? ????.

64. ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? Welmory
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? Welmory ??? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

V – ??????

65. ??? ??? ?????????? ??? Naczelnny S?d Administracyjny ??????
????? ??? ?????? ??? ?????? :

?????????? ?????????? ??? ?? ?????? ????? ? ?????? ?????????? ?????????? ?????? ???
?????? ??? ?????? 44, ??????? ??????, ??? ?????? 2006/112/?? ??? ???????????, ??? 28??
????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ??????????????? ?????, ???
????????????? ?? ??? ?????? 2008/8/??, ????? ?? ?????????????? ? ??????????? ???
????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ???
??? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
?? ?????????? ??? ?????? ?????, ??? ????? ?? ??? ????? ?????? ?????????? ??? ???
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???
?? ??? ?????.

1 — ?????? ??? ??????????: ? ???????.

2 — ?. ?????? ?? ??? ??? ?????? ?????????? ??? ?????????? Berkholz (168/84,
EU:C:1985:299), Faaborg-Gelting Linien (C?231/94, EU:C:1996:184), ARO Lease (C?190/95,
EU:C:1997:374), Lease Plan (C?390/96, EU:C:1998:206) ??? Cookies World (C?155/01,
EU:C:2003:449).

3 — ?????? 2008/8/?? ??? ??????????, ??? 12?? ?????????? 2008, ??? ??? ??????????
??? ?????? 2006/112/?? ??? ?????? ??? ?????? ?????? ?????????? (?? L 44, ?. 11).

4 — ?? L 347, ?. 1.

5 — ?. ?????? ??? ?????????? ??? ?????? RR Donnelley Global Turnkey Solutions
Poland (C?155/12, EU:C:2013:57, ?????? 30 ??? ??? ??? ?????????? ?????????? ??? ???
?????? 9 ??? ????? ?????)- ?. ?????? ??? ??? ?????????? ?????????? ??? ?????? 44 ???
?????? ??? ??? ??? ?????????? ?????? ??? ?????????? ??? 20?? ?????? 2005, ???
????? ??? ?????????? ??? ??? ?????????? ??? ?????? 77/388/E?? ??? ?????? ??? ???
????? ?????????? (COM[2005] 334 ??????, ?. 5 ??? 6).

6 — ?. ??? ?????????? ??? ?????? Design Concept (C?438/01, EU:C:2002:767, ?????? 29
??? 30) ??? ??? ?????? 9 ??? ?????? ??????.

7 — ?. , ??? ??? ?????? ???, ?????????? Hamann (51/88, EU:C:1989:132, ?????? 18) ???
????????? ??? ?????? (C?429/97, EU:C:2001:54, ?????? 49).

8 — ?. , ??? ??? ?????? ???, ?? ?????? 4.3 ??? ?????? ??? ?????????? ??? 23??
????????? 2003, ??? ?????? ??? ?????????? ??? ??? ?????????? ??? ?????? 77/388/E??
????? ??? ?????? ??? ?????? ?????? (COM[2003] 822 ??????).

9 — ?? L 145, ?. 1.

10 — ?????????? Berkholz (EU:C:1985:299, ?????? 17), Faaborg-Gelting Linien (EU:C:1996:184,
????? 16), ARO Lease (EU:C:1997:374, ?????? 15) ??? Lease Plan (EU:C:1998:206, ?????? 24).

11 — ?????????? ARO Lease (EU:C:1997:374, ?????? 16)- ?. ?????? ??? ?????? E. ON Global
Commodities (????? E.On Energy Trading) (C?323/12, EU:C:2014:53, ?????? 46) ??? ??? ?????
1 ??? ?????? ?????? 79/1072/?? ??? ?????????? ??? 6?? ?????????? 1979, ???
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
????????? — ?????? ?????????? ??? ?????? ?????????????? ?????? ?????? ?????? ?????????????? ???
????? ?? ?????? ??? ?????? ?????????????? ??? ?????????? ??? ?????? (?? L 331, ?. 11) ???
??? ??? ?????? Planzer Luxembourg (C?73/06, EU:C:2007:397, ?????? 54) ??? ??? ?????? 1,
????? 1, ??? ?????? ?????? ?????? 86/560/?? ??? ?????????? ??? 17?? ??????????

1986, ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ??? ?????
?????? ??? — ?????? ?????????? ??? ?????? ?????????????? ??? ?????? ??? ?????? (?? L
326, ?. 40).

12 — ?. ?????????? ARO Lease (EU:C:1997:374, ???? 15) ??? Lease Plan (EU:C:1998:206, ???? 26).

13 — ?????? DFDS (C?260/95, EU:C:1997:77, ????? 26).

14 — ??????? DFDS (EU:C:1997:77, ???????????).

15 — ??????? DFDS (EU:C:1997:77, ????? 17).

16 — ???. ??? ??????? Daimler (C?318/11 ??? C?319/11, EU:C:2012:666, ??????? 47 ??? 49).

17 — ?? L 77, ?. 1.

18 — ??????????????? ??????? ??? 88?? ?????????????? ??? ?????????? ???, ??? 13?? ???
14?? ??????? 2009, taxud.d.1(2009)358416 — 634, ?. 2, ?????????? ??? ?????????????? ???
????????? (http://ec.europa.eu/taxation_customs/taxation/vat/key_documents/vat_committee).

19 — ?. ??????? ?? ?? ??????? ?? ?? ?????????????????? ?????????????????? ?????? ?? ?? ???????????
??? ?? ?? ?? ?????????? ?? ?? ??????? ?? ?? ??? ?? ?? ?????????? ?? ?? ??? ?? ?????? RR Donnelley
Global Turnkey Solutions Poland (C?155/12, EU:C:2013:57, ?????? 47 ??? 50).

20 — ???. ??????? ?? ??????? 20 ??.

21 — ???. ??????? ??????? 32.

22 — ?????????? ??? ?????? RAL (Channel Islands) ?.?.?. (C?452/03, EU:C:2005:65, ?????? 52).

$$23 = ??, ?????? ???? 34.$$

24 — ???. ??? ??????? Le Rayon d' Or (C?151/13, EU:C:2014:185, ????? 34).

25 — ?. ?. ????. ????. ?????????? Naturally Yours Cosmetics (230/87, EU:C:1988:508, ??????? 11
??? 12), First Choice Holidays (C?149/01, EU:C:2003:358, ????? 30) ??? Dixons Retail
(C?494/12, EU:C:2013:758, ????? 33).