

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

JULIANE KOKOTT

??? 6?? ??????? 2014 (1)

?????? C?499/13

**Marian Macikowski —??? ??? ???????? ??? ?????????? ?????????? ??? S?d Rejonowy w Chojnicach (????????????? ??? Chojnice)**

????

**Dyrektor Izby Skarbowej w Gda?sku (????????? ??? ?????????? ??????????)  
????????? ??? Gdańsk)**

[?????? ??? Naczelnny S?d Administracyjny (????????? ??? ????????)  
??? ??? ?????? ?????????????? ???]

«????????? ?????— ??? ?????????????? ????? (???)— ??? 193, ??? 199,  
????????? 1, ????, ??? 204 ??? 206 ??? 2006/112/?—  
????????? ?????? ??? ?????? ?????????? ??????????— ???  
????????? ?????? ??? ?????? ?? ???????, ?? ?????? ??? ?? ?????? ??? ?? —  
????? ??? ?? ?? ?????????? ??? — ??? ??? ??????????— ??? ??  
????????? ??? ?????????»

I – ????????

1. ?????????? ?????????? ??? ?????? ?????? ?????????? ??? ??? ?????????????? ?  
????????????? ????. ??? ?????????? ?????? ?? ?????? ??? ?? ?????? ??? ??  
????? ?????????? ?? ?????????? ?? ?????? ?????? ?? ?????? ????. ???????????,  
??? ?????????? ?????? ?????? ?? ??? ?????? ?????? ?????????? ??????????? ??  
????????? ??? ?? ?????? ?? ?????? ?????? ?????? ??? ?? ???.

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

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

!! – ?? ??????? ????????

A – ?? ?????? ??? ??????

4. ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? 2006/112/?? ?? ????????????, ?? 28?? ?????????? 2006, ??????? ?? ?? ?????? ??? ?????? ??? ?? ?????????? (2) (?? ?????: ?????? ???).

5.      ??? ? ? ?????? 9, ??????????? 1, ??? ??????? ???, ?? «????????????? ??? ????» ??????  
«????????????? ???, ??? ?????? ?????????? ??? ?? ?????????????? ???, ?????, ??????????  
?????????????, ?????????? ??? ??? ?????????????? ?????? ??? ?? ?????????????? ???  
????????????? ????.»

6. ? ?????? XI ??? ??????? ??? ??? ?? ?????????????? ??? «????????????? ??? ??????????????  
???? ??? ??? ?????????? ???????? ?? ?????????????? ??? ???». ??? ??? ??? ??????  
(«????????? ??? ?????????») ??? ?? ??? ????? ?????? ?????????????????? ??? ??? 192? ??? 205  
????????? ??? ?????? ?? ??? ????? ?????? «??? ??? ??? ?????? ??? ??????????».

7.      ?? ?????? 193 ??? ??????? ??? ??????:

8.      ????? ?? ?????? 199, ??????????? 1, ??? ??????? ???, «?? ?????? ???? ??????? ?? ?????????? ?? ?????????? ?? ?????????? ??? ??????? ??? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? :

[...]

?) ?????????? ?????????? ??? ?????????? ??? ??? ?????????? ?? ?????????? ?????????? ?????????? «.

9.     ?? ?????? 204, ?????????? 1, ??? ?????? ???:

«????, ???' ?????????? ??? ?????? 193 ??? 197 ??? ??? ?????? 199 ??? 200, ? ?????????? ???  
????? ????. ?????????????? ??? ?????? ?? ?????????????? ??? ?????? ?????? ??? ??????  
????????? ? ???, ?? ?????? ??? ?????? ?? ??? ?????????? ?? ?????? ?????? ??????????  
????????? ?? ??????.

???????, ??? ? ???????????? ?????? ?????????????????? ??? ?????????????? ??? ?????? ??  
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ? ??? ??? ??? ??????, ?? ?? ???  
??? ?????? ? ??? ???????????? ?????? ??? ?????????? ??? ?????? ???, ????? ?????? ??????  
???? ?????????? ?????????? ?????????? ?????????? ?? ?????? ??? ?????????????? ??? ??? ??????  
76/308/??? ??? ??? ??? ?????????? (??) ?????. 1798/2003, ?? ?????? ??? ?????? ??  
????????? ?????????? ??? ?? ?????????? ??? ? ?????????? ??? ?????? ?????? ???  
????????????? ?????????????? ??? ?????? ?????? ? ?? ?????????????? ?????????????? ???  
????.»

10.    ?? ?????? 205 ??? ??????? ??? ??? ?? ????:

«???? ?????????????? ??? ?????????????? ??? ?????? 193 ??? 200 ??? ??? ?????? 202, 203 ??? 204,  
?? ?????? ??? ?????????? ?? ?????????????? ??? ?????????? ??? ?????? ??? ??? ?????????? ??? ?????? ???

???????????? ???? ?????? ??? ?? ??????? ??? ???..»

11. ?? ?????? ??? ?????? ?????? ??? «????????????? ??????». ??????????, ?? ??? 206  
??? ?????? ??? ?????? ??? ?????? ??? ??????:

«???? ?????????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? 250. ??????, ?? ?????? ???  
????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ???  
????? ??? ?????? ??????????..»

12. ??? ?????? ??? ?????? ?????? («?????????») ??? ?????? XI, ?? ??? 250 ???  
????? ??? ?????? ??????:

«1. ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

[...]»

13. ?? ??? 252 ??? ?????? ??? ??????:

«1. ? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ????. ? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ???  
?? ??? ??? ?????? ??? ?????? ???.

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

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

14. ?????, ??? ?????? ?????? («????????? ??????») ??? ?????? XI ?? ??? 273 ???  
????? ??? ??????:

«?? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ???  
?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? 3.»

? – ? ?????? ????????

15. ?? ??? 18 ??? Ustawa o podatku od towarów i usług, ??? 11?? ?????? 2004 (???  
????: ?????????? ??? ?????? ??? ?????? ??? ?????? ???), ??????:

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

??? ?????????? ??? ?????? ?????????? ?????????? ?????????????? ??? ????? ?????????? ?????? ???  
????????????????? ??? ?????? ??? ?????????? ?????? ?????????? ?????????? ?????? ???  
????? ?????????? ??? ?????? ?????????? ??? ?????? ? ?????? ?????????? ??? ?????? ???  
??? ??? ?????? ??? ?????? ??? ?????? »

16. ?? ??? 8 ??? Ustawa Ordynacja podatkowa, ?? 29?? ?????????? 1997 (???:  
????????? ?????????? ??????), ?????????? ?? «????? ??? ?????? ?????? ??? ??????»,  
????? ????, ?? «????? ?????? ? ?????? ?????? ? ??? ?????? ?????? ?????? ??? ?????? ???  
????????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???  
?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

17. ?? ??? 30 ??? ?????????? ?????????? ?????? ?????? ?????? ????:

«§ 1 ? ?????????? ??? ?????????? ??? ??????, ? ?????? ??? ?????????? ??? ?????????????? ???  
????? 8 ?????????? ???, ?????????? ??? ?? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ???.

[...]

§ 3 ? ?????????? ??? ?????????? ??? ?????? [...] ?????????? ??? ??? [??? ?????????? 1]  
????????? ??? ?????????? ??? ?????????? ???.

§ 4 ? ?????????? ???, ??????, ??? ?? ?????????? ??? ?????????? ??? ?????????? ???,  
????????? ??? ?????????? ?? ?????????? [??? ?????????? 1], ?????? ??? ?????? ???  
?? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? [...], ?? ??? ??????  
????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????? ?? ?????????? ???.

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

18. ? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ????. Macikowski ???  
??? ??? ?????????? ??? ?????????? ?????????????? ??????????????.

19. ??? ?????????? ??? 2007 ?. Macikowski ?????????? ??? ??? ?????????? ???  
????????? ??????????, ??? ?????? ?????????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????, ?????????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????? ??? ?????????? ??????. ?? ?????????? ??? ?????????? ???  
????????? ?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????? ?????????? ??? ?????? 2007.

20. ??? ?????? ??? 2009 ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? 18 ??? ??????????  
????? ??? ??? ?????? ?????? ??????, ?? ?????????? ?? ?? ?????? 8 ??? 30, ?????????? 1, 3  
?? 4, ??? ?????????? ?????????? ??????, ????? ?????????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ??????, ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? 2007 ??? ? ?????? ?? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
Macikowski ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? 2009 ?????? ??  
?? ?????????? ??? ?????? ??? ?????? ??? ??????.

21. ? ?. Macikowski ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???  
Gdansk ??? ?????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

???? ?????? ????, ???? ??? ??????? ??? ?????? ?????? ?????? ?????? ??? ?????????????? ????, ?? ??  
???? ?????? ?????? ??????????? ?? ????. ?????? ?????? ?????????? ??? ???? ??? ???? ??????  
??? ?? ?????????????? ??? ???? ?????? ??? ?????? ?????? ?????? ??? ???? ?????????????? ????  
????????? ??? ???????????. ?????? ???? ?????? ?????????? ??? ???? ??? ???? ?????????? ????  
???? ?????????? ??? 2008 ??? ??? ?????? ?????????? ?????????? ??? ???? ??? ???? ?????? ???,  
???? ?? ??? ?? ?????? ??? ??? ???.

22. ?? Naczelnego S?d Administracyjny (?????????? ??????????), ?? ??? ?????? ?????? ??  
????????? ?????????? ??? ???????, ?????????? ??? ???? ?? ?????????????? ??????????  
????????? ?????????? ?? ???? ?????? ??? ?????? ??? ???? 16 ?????????? 2013  
??? ??????????, ??????? ?? ???? 267 ???, ?? ?????? ??????????:

1. ?????????? ??? ???? ?????? ??? ?????????? ??? ???? ?????????? ??? ???? ?????????? ??? ???? ??  
????????? ??? ???? ?????? ???, ??? ?????????? ??? ???? ?????? ??? ???? 9 ?? 193 ??  
????????? ?? ???? 199, ?????????? 1, ??????? ??, ? ?????????? ?????????? ???  
????????? ???????, ??? ?????? ??? ?????? 18 ??? ?????????? ?????? ??? ???? ??? ????  
????? ???????, ? ??????, ?? ?????? ??? ?????? ?? ???? ?????????? ?????? ??? ????  
????????? ??? ?????????? ??? ??????? ??? ?????, ?????? ?????????? ??? ???? ??? ????  
????? ??? ??????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ???? ??? ???? ???  
????????? ??? ???????, ? ?????? ?????? ??? ?????? ?? ???? ?????????? ?????? ??? ???? ???  
??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ???, ?? ??? ?????????? ???  
????? ??? ?? ??? ?????????? ?????????? ??? ?????; ??

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

2.1 ?????????? ??? ???? ?????? ??? ?????? ??? ??????????????, ? ?????? ?????? ?????? ???  
????? ??? ?????? ??? ??????, ? ?????? ?????? ?????????? ??? ?????????? ??????, ??? ????  
??? ?????? 18 ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??????, ??? ???? ??? ????,  
?????, ? ???????????, ? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??????  
????????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????????  
???? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????  
??? ?????????? ??????????, ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????????  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?? ?????????? ??? ?????????? ???;

2.2 ??????????, ??? ???? ?????? ??? ?????? 206, 250 ??? 252 ??? ?????? ??? ???? ???  
????????? ??? ???? ?????? ??? ?????? ??? ??????????????, ? ?????? ?????? ?????????? ???  
????????? ??????, ??? ?????? ??? ?????? 18 ??? ?????? ?????? ??? ???? ??? ???? ??? ????  
????? ???????, ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ???? ??? ????  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ????  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ????  
??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????;  
????? ???;

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

????????? ??? 4?? ???????????? 2014 ?????????? ? ?????????? ??? ?????????? ?????? ???  
Gdansk, ? ?????????? ??? ?????? ??? ? ??????.

#### IV – ?????? ????????

24. ?????????????? ?????????? ??? ??? ?????????? ??? ??? ?????? ?????????? ?????? ?  
????????? ?????? ??? ?????????????? ?????? ?????????? ?? ?????? ?????????? ?????? ??????  
????????? ?????? ??? ?????? ?????? ??????.

25. ??????, ??? ??? ?????? 18 ??? ?????????? ?????? ??? ??? ?????? ?????? ?????? ?????? ??????????  
??? ??? ?????? 8 ??? ?????????? ?????????? ??????, ? ?????????? ?????? ?????????? ??????  
??? ?????? ?????????? ?????? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ??????  
???? ?????????? ?????? ???, ?? ?? ?????????? ??? ?????? ??? ?? ?? ?????? ?????? ??????????  
??? ?????????? ????. ???????, ? ?????????? ?????????? ???????, ?????????????? ??  
????????? ??? ??? ?????????? ????, ?? ?????? ??? ?????? ??? ?? ?? ?????? ?????? ???  
????????? ?????? (?? ?????: ?????? ??????????).

26. ???????, ? ?????????? ?????????? ?????? ?????? ?????????? ??? ?????????? ?????? ??????????  
?????? ??? ??? ????. ???????????, ?????? ? ?????????? ?????????? ??? ?????????? ???  
?????? ?????????? ??? ??????, ???????, ??? ?? ??? 30, ?????????? 1 ??? 3, ???  
????????? ?????????? ????, ?? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?? ?????????? ???  
(?? ?????: ??????).

? – ??? ??? ?????????? ??????????

27. ?? ?? ??? ?????? ?????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ??  
????????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ?? ?????????? ??? ??????  
????????? ??? ?????? ??????.

1. ??? ??? ?????? 193 ??? 199, ?????????? 1, ??????? ??, ??? ?????? ???

28. ?? ??????, ?? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ?? ?????? ??????????  
????????? ?????????? ?? ?? ??? 193 ??? 199, ?????????? 1, ??????? ??, ???  
????? ???.

29. ??? ??? ?????? ?????? ??? ?????? 193 ??? ?????? ???, ? ??? ?????????? ??? ???  
????????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ?????? ? ??????  
????? ??? ?????? ??? ? ?????? ?????? ?? ?????? ?????? ?????? ?? ?? ??? 194 ??? 199  
??? ?? ?????? 202 ??? ?????? ??? «??? ??? ??????». ??? ?????? ?????? ?????? ??  
????? 199, ?????????? 1, ??????? ??, ??? ?????? ????. ?????? ??? ?????? ???  
????? ?? ?????? ??, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??  
????????? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ? ?????????? ??? ?????? ???  
?????????.

30. ? ?. Macikowski ?????????? ??? ?? ?????? 193 ??? 205 ??? ?????? ??? ??????????  
????? ??? ?????? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?????????? ?????? ? ??????  
????????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????.

31. ??? ??? ?? ??? ?????? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ??? ???  
«????????? ??? ??????» ??? ??? ?????? ??? ?????? «????????? ?????????? ??? ??????» ??????  
?? ?? ?????? ????, ?? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ??? ???

?????????? ??? ?? ??????? ???. ?? ?????? 193 ??? 205 ??? ??????? ??? ??????????  
????? ?? ?????? ????. ?????? ??????? ??? ?????.

32. ?? ?????????? ?????????? ??? ?????? ?????????????? ?????????????? ??? ?????????? ???  
????? ??? ?????????? ?????????? ?????? ??? ??????. ?? ?????? ?????????????? ??? ??????  
?????????? ?? ??????????, ?? ?? ??? ?? ???????, ?? ?????? ??? ?????????? ??? ??????  
????????????? ??? ?????????? ???????, ?? ?????? ??? ?????????? ??? ?????????? ??? ??????  
??? ?????? ??? ?????????? ??????. ??????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????? ?????????? ?????????? ?????????? —??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? — ? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 193 ??? 199, ?????????? 1, ??????  
??, ??? ?????? ???.

33. ?????? ????, ?? ?????? 193, ?? ?????????? ?? ?? ??? ?????? 199, ?????????? 1,  
????????? ??, ??? ?????? ??, ??? ?????????? ??, ??? ?????????? ?? ?????? ?????? ??? ?????? ??  
????????? ?????????? ?? ?????? ?? ?????? ?????????? ?????????? ?????????? ?????? ??????????  
???? ?????????? ?????????? ?? ?????? ?? ?????? ??? ?????????? ?????????? ?????? ?????????? ???  
?? ?????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ??? ?????????? ???.

2. ??? ??? ?????? 204 ??? ??????? ???

34. ? . Macikowski ?????????? ??? ?????? ?????????? ??? ?? ?????? 204 ??? ?????? ???  
????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ? ??????????  
????????? ?????? ?? ?????? ??? ?????? ?? ?????????? ?????????? ?????? ?????? ??????????  
?? ?????????? ??? ?????? 204 ??? ?????? ???.

35. ??? ?? ?????? 204, ?????????? 1, ??? ?????? ???, ??? ?????? ???, ?? ?????? ???  
????????? ?? ?????????? ?? ?????? ?????????? ?????? ??? ?????????? ?? ??????????, ????  
????????? ?? ?????? ?????? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ????  
??? ?????? ?????????? ? ????. ???? ?? ?????? ?????? ??? ?????? ??? ??????????, ? ?????????? ????  
???? ?????? ?? ?????????? ?? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ?????? ????  
????? ?? ?? ??? ?? ?????? ??? ?????? ?????????? ?????? ??? ?????????? ??? ?????? ???, ????  
????? ?????? ??? ?????? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????? ?????? ??? ?????? ?????? ?????? 7 ??? ?????? 2000/65/?? (3), ??? ??????  
????????? ?? ?????? 204, ? ?????????? ?????????? ??? ?????? ??? ?????????? ??????????  
????????? ?? ?????? ??? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????? ?? ?????????? ????. ? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ????  
????? ?? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????? ?????? (4).

36. ?????? ??? ?????????? ??? ?????? 204 ??? ?????? ??? ?????? ? ?????????? ???  
????????? ???, ??? ?????? ???, ?????????? ??? ? ?? ?????? ??? ? ?????????? ??? ??????  
????????? ?? ??? ?????? ???, ??? ?????? ??? ? ?? ?????? ??? ? ?????????? ??? ?????? ????  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? (5). ?????? ???  
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??????????  
????? ?????? ?? ?? ??????, ?? ?????? 204 ?????? ??? ?????? ??? ?????? ??? ?????????? ????  
????????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ????  
????????? (6).

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

??? ??????????? ??????????? ?? ?????????? ?????????????? ???' ????? 204 ??? ?????? ???.  
????? ?????????????? ??? ?? ???? ???? —??? ?????????? (7)— ? ????? ?? ?????? ???  
????? ??? ?????? ?????? ?? ?????? ?????????? ??? ?????????? ??? ?????? ????. ??  
????? ?????????? ??? ?????? ?? ?????? ?????????? ?????? ??? ?????? ??? ??????????  
????????? ?????????? ??????????, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???  
????????? ????. ???????, ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????  
????????? ??? ?????? ? ?????????? ?????????? ?? ?????????? ??? ?????? 204, ?????? ??  
?? ??? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ?????????????? ???  
????.

38. ??? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????? 204 ??? ?????? ??? ?????????? ???  
????? ?????????? ??? ?????? ? ?????????? ?????????? ???.

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

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

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

41. ??? ??? ?????? ?????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ?????? ?? ??? ?????? ?????? ?????????? ??????????, ??? ?????? ??? ??????  
????????? ?????????? ? ??? ?????? ?????? ?????????? ?????????? ?? ??? ?????? ?? ??????????  
?????????, ??? ??? ?? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
????????? ?? ??? 206, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
??? ??? ?????? ??? ??????. ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ??????, ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ???.

?) ??? 273 ??? ?????? ???

42. ?? ?????? 273 ??? ??????? ??? ?? ?????????? ?? ?????????? ?????? ??? ?? ????  
?????? ?????? ??????? ??????????. ?? ??? ?? ??? ?????? ?????????? ?????????? ??? ?????? ???  
?????? ?? ??????????, ?????? ??? ?????????? ??? ?????? ???, ??? ?????? ?????????? ???  
?????? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ???  
??? ??????????????. ??? ?? ?????? ??? ?? ?????? ??????, ? ?????? ?????? ?????????? ?????????? ???  
?? ?????? ??? ?? ?????? ??? ?????????? ?????? ?????? ?????? ??? ?? ?????? ???  
????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ?????? ???  
????????? ??? ?????? ??? ?????????????? ?????????? ?????????? . ???????, ??? ?? ?????? 273,  
????????? 2, ??? ?????????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ???  
????? ??? ?? ?????? ?????????? ?????????? ??? ?????? ???.

43. ?? ?????? ?????????? ??? ?????? ? ?????????? ?????????? ?????????? ?????????? ??????????  
????? ??? ?????? ??? ?????? 273, ?????????? 1, ??? ?????? ????. ?????? ??? ??????  
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????  
????????????? ?????????????? . ?????? ?????????? ??? ?????????? ??? ?????????? ???  
??? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ???????, ?????? ??? ?????? ?????? ?????? ??????.

44. ??????, ??? ?????????? ??? ? ?????????? ?????? ??? ?????????? ?????? ?????????? ???  
????????? ?????? ??? ?????? ??? ? ?????? ?? ?????? ?????????? ?????? ?????????? ???  
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ???.  
?????????, ??? ?????? ??? ? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ???  
????????? ?????????? ??? ??? ??? ???????, ??? ?????????? ??? ?????????? ???  
????????????? ???' ??? 273, ?????????? 2, ??? ?????? ??? ?????? ?????????? ??????????  
??????????, ??? ? ??? ?????? ?????? ?????????? ?????????? ?????????? ???  
????????? ??? ?????????? ?????? ?????? ?????? ?????????? ?????????? ??? ??????????  
?????????.

45. ????? ?????? ?????? ??? ?? ?????????? ?????????? ??? ?????? ?????? Federation of  
Technological Industries ?., ?????? ?? ??? ?????????? ??? ?????? 273 ??? ?????? ???  
??????, ??? ?????? ??? ?? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ?? ??? ?????? ?????? ??? «[...] ??? ?????? ?????????? ??? ??? [...] ?? ??????  
??? ?????? ?????????? ??? ??? ?????? ?????? ??? ??? ?????? ???, ??? ??????»  
????? ?????? (8). ??? ?????? ???, ?????? ??? ?????? 273 ??? ?????? ??? ??? ?? ???  
????? ? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?????????? ???, ? ?????? ???  
????? ?????? ??? ?????. ?? ?????????? ??? ?????? ???, ?????? ?? ??????????  
????????? ?????? ?? ??? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????? ?????? ?????? ??? ?????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????? ?????? (9). ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 273 (10).

46. ?????? ??? ??? ??????? ?????? ??? ??????????? ?????? ?????? ?? ??????????? ?????? ??  
?????????? ?????? ??? ??? ?????? ??? ?????? 273, ?????? ?????? ?? ???????????, ?????? ?  
?????????? ??????????? ??? ?????? ?????? ?????? ??????????? ?? ?????? ?? ?? ???????????  
?????????? ??? ?????? ?????? ??? ?????? ??????????? ???, ?????? ??? ?????? ?????? ?? ??????  
??????????, ?????? ?????? ??? ? ?????? ??????????? ??? ?????? ???' ?????? 9, ??????????? 1,  
??? ?????? ???, ?????? ?????? ??????????? ??????????? ??? ?? ?????? ??? ?????? ??? ???????????  
?????????? ???????????.

47. ??????, ?? ?????? 273 ??? ?????? ??? ?????????? ?????????? ?????? ??? ?? ??  
????? ?????????? ??? ?????? ? ?????????? ??????????.

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

48. ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?? ??  
????? ??? ???????????.

49. ??? ??? ??????? ??? ??????? ??? ?????? ??? ?????? ?????? ? ?????????? ??? ??????, ??  
????? ??? ??????? ??? ?????? ?? ??? ??? ?????? ??????????????? ?? ??????????????? ??? ??  
?????, ??????, ???????, ?????? ??? ?????? ?????? ??????????????? ?????? ??? ?????? ??? ??????????  
?? ???????, ???????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????????  
?? ???????, ???????, ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????????  
?? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? (11). ?? ?? ??????, ?? ?????? ???  
?????????? ?????? ??? ?????? 273 ??? ?????? ??? ?? ?????? ?? ?????? ??? ?????? ?????? ???  
?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???  
??? ?????????? ??? ?????? (12).

50. ??? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ???????????, ?? ?????? ???  
????????? ???' ?????? ???????, ?????? ??? ?????? 199, ?????????? 1, ?????????? ??, ??  
????? ???, ?? ?????????? ?????? ?????????? ??? ?????? ?????? ???????????  
??????????????, ?? ?????????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ??? ?? ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???  
????????????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???

51. ????????, ??? ??? ?????? ?? ?????? ?????????? ?????????? ??? ?????? ???????  
????? ??? ?????? ??????? ? ??? ??? ??????????????. ?????????? ?????? ??? ?? ?? ??????  
??? ?????????? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?? ??????? ???? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ??? ???.

52. ? ?????????? ??? ?????? ?????? ?????????? ???' ?????????? ??? ?????? ??? ??????  
????????? ??? ??? ??? ? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ?? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ???  
????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

53. ????, ?? ???? ???? ?????? ?????? ???? ?????? 273 ??? ?????? ???? ??  
????????? ?????? ?????? ?????????? ???? ?? ?????????? ?????? ?????? ?????? ????  
????????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????  
????????? ?? ?????? ???.

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

54. ????, ???? ???? ?????????? ?????? ???? ?????? ?? ?????? ? ?????? ????  
????? ???? ???? ?????????? ?? ?????? ?????? ???? ????, ?? ?????????? ??????????  
????? ???? ?????? ?????????? ???????????, ?????????? ???? ?????? ??????  
????????? ?????? ?? ?????? ???? ?????????? ???? ???????????, ???? ?????????? ???? ???? ?????????? ???  
????????? ???, ?????? ? ?????????? ?????????? ???? ?????????? ???? ?????????? ???? ?????? ??????  
????????? ???? ???? ?????????? ?????? ???? ???? ?????? ???? ?????? ?????? ???.

? – ???? ???? ??????

55. ????, ???? ?????? ?????? ?????????? ?????? (?????? 2.1) ?????? ?  
????? ???? ?????????? ???????. ?? ?????? ???? ???? ?????????? ?? ??????  
????????? ???? ??????, ?????? ???? ???? ?? ?????? ???? ?????????? ????. ??  
????????? ?????? ???' ?????? ?? ? ?? ?????? ?????? ?????????? ?????????? ????  
????????? ???? ?????? ???? ??????????????.

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

56. ????, ?? ?????? ???? ?????? ???? ?????? ???? ?????? ???' ?????? ??  
????????? ???? ?????? ?? ?????? ???? ?????????? ???? ?????? ?????? ????.  
????????? ???? ?????? ???? ?????????????? ???? ?????? ????.

57. ? ?????????? ???? ?????? ???? ?????? ?????? ?????? ???? ?? ?????? 273 ??? ??????  
??? ?????? ?? ?????? ???? ?????? ???? ?? ?????? ???? ??????.

58. ????, ? ?????? ?????? ???? ???? ?????? ?????? ?????? ?????????? ???? ?????? 205  
??? ?????? ????. ???? ?? ?????? ???? ???? ?????? ?????? ?????? ?????? ???? ?????? ????  
????? 193, ???? ?? ??????????, «?? ?????????? ???? ?????? ???? ???? ???? ????  
????? ?????? ?????????? ???? ?????? ???? ?????? ???? ???? ???? ???? ???? ????  
????? ?????? ???? ?????? ???? ?????? ???? ?????? ???? ???? ???? ???? ???? ????  
????? ???? ?????? ???? ?????? ???? ?????? ???? ???? ???? ???? ???? ???? ????  
????? ?????? ???? ?????? ???? ?????? ???? ???? ???? ???? ???? ???? ???? ????  
????? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????.

59. ???? ???? ???' ?????????? ??????????, ? ?????????? ???? ?????? ???? ? ??????  
????????? ???? ?????????? ?? ?????????? ?????????? ???? ?????? 205 ??? ?????? ???? ????

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

60. ?? ??? ? ?? ??? ?????????? ?????????????? ??? ? ?????? ??? ?? ?????????? ?????????? ???  
????????????? ?????????????? ??? ?????????? ?????????? ??? ?????? ???, ??? ??  
????????? ?????????? ??? ?????? 193 ?? 205 ?? ?????? ??? ??? ?????? ??? ?????? ?????????? ??????????.  
?? ?? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ?????? ?????? ??????  
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???  
????? ?? ?????????? ??? ?????????? ?? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ??? ??? ??  
????? 193 ?? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????????? ??? ?????? ??????????  
????????? ??? ??????. ?? ?????????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ???  
????? ?????????? ?? ?????????????? ??? ??? ?????? ??? ?????? ??? ?? ?????????? ??????????.

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

62. ????? ?? ??????, ? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??????????  
??? ?????????? ???' ???? ??? ????? 205 ?? ?????? ???.

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

63. ??? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ?????? 205 ?? ?????? ?????????? ??? ??  
????? ??? ?????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ??????  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (14). ?  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (15), ??? ?????? ??? ??  
????????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ?????????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??  
????? ??? ??? ?????? (16).

64. ? ?????????? ??? ?????????? ?????????????? ??? ? ?????????? ?????????? ?????????? ???  
????????? ?????????? ???, ?? ?? ??????, ?????? ?????????? ??? ?? ??????.  
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65. ??????????, ??? ?? ?????????? ?????? (17), ??? ??????????, ??? ?? ?????? ??? ??????  
?? ?????? ??????????, ?? ?????????? ? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ??  
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3. ??????? ??? ??? ??????? ?????????????? ????????????

66. ???????, ??? ??????? ?????????????? ??????? ?? ?????? ?? ?????? ? ??????? ? ??????? ??? ?  
????? ??? ?????????????? ??? ?????????? ?? ?????? ?????? ??? ??? ?????? ?????? ?????? ??????????  
??????????, ? ?????? ??????? ?? ??????????, ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ????  
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? – ??? ??? ?????????????? ??? ?????????????? ?????? ??? ??? ???????

67. ???, ?? ?????? ?????????? ?????? ?? ?? ?????? ?????????? ?????? (?????? 2.2)  
?? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ???  
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68. ??? ??????????? ?? ?????? ??????????, ?????????? ?? ?? ?????????????? ???  
????????????? ??? ??? ?? ?????? ?? ?? ?????????? ?? ?? ?????? 206, 250 ??? 252  
??? ??????? ??? ??? ?? ??? ?????? ?????????? ??????????.

69. ??? ?? ?????? 206 ??? ??????? ??? ?????????? ??? ? ?????????? ??? ?????? ?????? ???  
??? —????????? ?????????? ??? ?????? 250 ??? 252— ??????? ??? ??????????  
????????? ?? ??????? ??? ?????? ??? ?????? ??? ?????? ??? . ?????? ? ??????????  
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70. ??? ?? ?????? 206, ??????? ??????, ??? ??????? ??? ?????????? ??? ?????? ??? ??????  
??? ?? ?????? ??? ??????? ?????????? ??? ??? . ?? ??? ?? ?????? ??? ?????? ??????????  
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71. ???????, ??? ?????? ?? ?????? ?????? ?? ?????????? ??? ?????????? ? . Macikowski,  
????????? ??? ?????? Balocchi (18), ??? ?? ?????? ??? ??? ?????? ?????? ???  
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72. ??????, ? ?? ?????????????? ??? ?????????????? ?????? ??? ??? ?????? ???  
????????? ??? ??? ??? ??? ?????? ??? ?????????? ?????? . ??? ??? ??? ???, ??  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

????? ??? ??????????? ? ???????????? ??? ?? ?????? ??? ?????? ??? ?????????????? ???  
????????????????? (20). ???? ???? ???? ?????????????? ?? ??????????, ? ???? ????  
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????? ???? (21). ? ?????? ???? ???? ?? ?????? ???? ?? ?????? ???? ?????? ?????? ??????????  
????????? ???? ???? ?? ?????? 206, ?????? ????, ???? ?????? ????.

73. ??????, ???? ???? ?????????????? ?????? ?? ?????? ?? ?????? ? ?????????? ????  
????? 206, 250 ??? 252 ??? ?????? ???? ???? ???? ?????????? ?????????????? ????  
????????????? ?? ?????? ?????? ???? ???? ?????? ?????????? ??????????, ? ??????  
????? ?? ??????????, ?? ?????????? ???? ?? ?????? ???? ???? ???? ?????????? ??????  
??? ?????? ?????????????, ?????????????? ???? ?????????? ???? ???? ???? ?????????? ????  
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????? ???? ???? ???? ?????????? ????.

V – ??????

74. ?????? ??? ?????? ??????, ?????? ??? ?????????? ?? ?????????? ???  
????????? ??? Naczelnego S?d Administracyjny ?? ???:

«? ?????? 2006/112/?? ??? ??????????, ??? 28? ?????? 2006, ?????? ?? ?? ????  
????????? ??? ?????????????? ???? ??? ?????????? ?? ?????? ?????? ???? ????,  
?? ?????????? ?????????? ???? ?????? ???? ?????? ?????????? ??????????????,  
????????? ???? ?????? ?????? ???? ?????? ???? ?????? ???? ?????????? ????  
????????? ???? ???? ?????? ???? ?????? ?????? ???, ?????? ?? ?????? ???? ??????????  
????? ???? ???? ?????? ???? ?????? ?????? ???? ?????? ???? ???? ???? ????  
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??? ?????? ???? ????.»

1 — ?????? ??? ??????????: ? ???????.

2 — ?? L 347, ?. 1.

3 — ?????? 2000/65/?? ??? ??????????, ??? 17? ?????? 2000, ??? ??? ??????????  
??? ?????? 77/388/?? ??? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????? ???? (?? L 269, ?. 44).

4 — ?. ?????? Athesia Druck (C?1/08, EU:C:2009:108, ??? 34) ??? ??? ?????? 2,  
????????? 3, ??? ?????? ?????? 86/560/?? ??? ??????????, ??? 17? ??????  
1986, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? — ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????  
????????? ???? ???? ???? ???? ?????? ?????? ??? ?????? ??? ?????? ???? (?? L  
326, ?. 40).

5 — ?. ?????????? 4 ??? 7 ??? ?????? 2000/65 (????????? ???? ??????????  
3).

6 — ??., ??? ??? ?????? ????, ?????? ?????? ??? ?????? (C?249/05,  
EU:C:2006:411, ??? 46) ??? ?????? ??? ?????? (C?624/10, EU:C:2011:849, ??? 36).

7 — ?. ?????? 32.

8 — ?. ?????? Federation of Technological Industries ?.?. (C?384/04, EU:C:2006:309, ????)

44) ??? ??? ?????? 22, ?????????? 8, ??? ??? ?????? 77/388/??? ??? ???????????, ??? 17?? ??? 1977, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????, ??? ??????? ?? ??? ?????? ??? ?????? — ??? ?????? ??? ?????? ?????? ?????????????? ????: ??????????? ?????????? ??? (?? ??. ???. 09/001, ?. 49).

9 — ?. ???????? Nidera Handelscompagnie (C?385/09, EU:C:2010:627, ?????? 49 ??? 51), Klub (C?153/11, EU:C:2012:163, ?????? 34, 50 ??? 51), ??? ??? Mahagében ??? Dávid (C?80/11 ??? C?142/11, EU:C:2012:373, ?????? 57 ??? 59). ?. ?????? ?????? Gabalfrisa ??. (C?110/98 ??? C?147/98, EU:C:2000:145, ?????? 52 ??? 54).

10 — ?. ?????? Ablessio (C?527/11, EU:C:2013:168, ?????? 29 ??? 30).

11 — ?. ???????? Molenheide ??. (C?286/94, C?340/95, C?401/95 ??? C?47/96, EU:C:1997:623, ????? 46), Teleos ??. (C?409/04, EU:C:2007:548, ????? 52), X (C?84/09, EU:C:2010:693, ????? 36) ??? BDV Hungary Trading (C?563/12, EU:C:2013:854, ????? 30).

12 — ???????? Gabalfrisa ??. (C?110/98 ??? C?147/98, EU:C:2000:145, ????? 52), Profaktor Kulesza, Frankowski, Jówiak, Orowski (C?188/09, EU:C:2010:454, ????? 26), Ablessio (C?527/11, EU:C:2013:168, ????? 30) ??? Maks Pen (C?18/13, EU:C:2014:69, ????? 43).

13 — ?. ????? ?????? Oberbank ??. (C?217/13 ??? C?218/13, EU:C:2014:2012, ????? 52 ??? ??? ????? ?????????? ??????????).

14 — ?. ???????? Federation of Technological Industries ??. (C?384/04, EU:C:2006:309, ?????? 29 ??? 30) ??? Vlaamse Oliemaatschappij (C?499/10, EU:C:2011:871, ?????? 20 ??? 22).

15 — ?. ???????? Federation of Technological Industries ??. (C?384/04, EU:C:2006:309, ????? 32) ??? Mahagében ??? Dávid (C?80/11 ??? C?142/11, EU:C:2012:373, ????? 48).

16 — ?. ?????? Vlaamse Oliemaatschappij (C?499/10, EU:C:2011:871, ????? 24).

17 — ?. ?????? 51.

18 — C?10/92, EU:C:1993:846.

19 — ?????? Balocchi (C?10/92, EU:C:1993:846, ????? 27).

20 — ?. ????? ???????? Zimmermann (C?174/11, EU:C:2012:716, ????? 47) ??? NCC Construction Danmark (C?174/08, EU:C:2009:669, ????? 27 ??? ??? ?????????????? ??????????).

21 — ?????? Deutsche Bank (C?44/11, EU:C:2012:484, ????? 45).