

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

JULIANE KOKOTT

??? 16?? ?????? 2015 (1)

?????? C?264/14

Skatteverket

????

David Hedqvist

[?????? ??? Högsta förvaltningsdomstol (???????)
??? ??? ?????? ?????????????? ?????????]

«?????????? ?????????? — ??? ?????????????????? ??? — ?????????? ??? ??????????
????????? “bitcoins” ?? ?????????? ??????? — ??? 2, ?????????? 1, ?????????? ?, ??
?????? 2006/112/?? — ?????????? ?????????? ?????????????? ?? ?????????? ?????? — ???
135, ?????????? 1, ??????? ?, ??? ?????? 2006/112/?? — ?????????? ??? ??????? ??
?????? ??????? ?????????? — ??? 135, ?????????? 1, ??????? ?, ??? ???????
2006/112/?? — ?????????? ??? ??????? ?? ?????? ?????????? ?????????? — ??? 135,
????????? 1, ??????? ?, ??? ?????? 2006/112/?? — ?????????? ??? ??????? ?? ??????
?????? ??????»

I – ????????

1. ??? ??????? ??????? ?? ?????????? ?? ?????????? ??? ??????? ??? ?????? ?? ?? ??????? ???
????????????? ??? ?????????? ??? ?????????? ??? ?????????? «bitcoins» ?? ??????????
?????????, ??? ?????? ??? ?????????????? ????. ?????????? ?????????????? ?????? ??
????????? ?? ?????? ?????????? ??? ?????????? ??? ?????????????????? ??????.

II – ?? ?????????? ???????

2. ??? ?? ?????? 2, ?????????? 1, ??????? ?, ??? ?????? 2006/112/?? ???
?????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ?????????? ??? ??????????????
????? (?? ???: ?????? ???), ?????????? ??? ??

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

3. ????????, ??? ?? ?????? 135, ?????????? 1, ??? ?????? ???, ?? ?????? ???
????????? ??? ?????????? ????:

«[...]»

?) ??? ???????, ?????????????????? ??? ??????????????????, ?? ?????? ???????
??????????, ?????????????? ?????????????, ???????, ?????????? ?????????, ??????????
????????? ??? ????? ?????????, ?? ??????? ??? ?????????? ?????????? ??????????
?) ??? ???????, ?????????????????? ??? ??????????????????, ?? ?????? ???????
??????????, ?????????????? ??? ?????????? ??? ?????????? ?????? ??? ???????, ??
????????? ?? ?????????? ??? ?????????????? ??? ?????? ??? ?????, ?????? ? ???
???? ?????? ?????????, ?????? ??? ?????????????, ?? ?????? ??? ??????????????
????????? ?? ?????? ??? ?????? ?????? ?????????? ? ?? ?????? ?????????????? ??????????
???) ??? ???????, ?????????????????? ??? ??????????????????, ?? ?????????? ?? ??????? ??
?? ???????????, ?? ?????? ?????? ??????? ??? ??????? ?????????? ???????, ??????????
??? ??????? ???????, ?? ?????? ?????? ?????? ?????? ??? ?????????????? ?????????????? ??? ??
????????? ??? ?????? ?????? 15, ?????????? 2,

[...]».

4. ??? ?????????? ?????????? ?????????????? ??? ?????? 13, ?????? ?, ?????????? ?, ??????? 3
?? 5, ??? ?????? ??????? 77/388/??? ??? ??????????, ?? 17?? ?????? 1977, ???
????????????? ??? ?????????? ??? ?????? ?????, ??? ?????????? ?? ??? ?????? ?????? ??????
????????? – ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ?????????? ?????, ?
????? ?????? ?????? ??? 31 ?????????? 2006 (2). ??? ?????? ??? ? ?????????? ??? ??????????
???? ?????????? ?????????? ??? ?????? ??? ?? ??????????, ?? ?????? ??????????
????????? ?? ?????????????? ??? ?????? ?????? ??????.

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

III – ? ??????? ??? ?????? ????

6. ? D. Hedqvist ?????????? ?? ?????????? ??? ?????????? ?????????????? ?????????????? ??????????????
?? ?????????? ?????????? ?????? «bitcoins» (??? ????: bitcoins) ?????? ??????????
?????. ? ?????????? ??? bitcoins ?? ?????????? ??? ?????? ?????????????? ??? ??????????
????????????? ?????????? ??? ?????? ?????????? ?????????? ?????????????? ??? ?????? ???
????????????? ? ??? ??? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????????????? ??
????????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????.

7. ?? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ??????
????????????? ??? ?????????? ?????? ?????? ?????????? ?? bitcoins ?? ??? ?????? ??????.
?? bitcoins ?????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ? ??? ??????
????????? ??? ??????, ??? ?????????????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????
???? ?????????? ??? ?????? ?????? ?????? ??????. ?? ?????? ?????? ?? bitcoins ???
????????????? ?????????? ?? ?????? ??????.

8. ??? ??? ??? ?????? ??? ?????????????? ???, ? D. Hedqvist ?????? ??? ???
Skatterättsnämnd (????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ???) ??? ??????
????????? ?????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?? ??? ?????? ??????????????
bitcoins ?????????? ?? ??? . ??? ??? ?????????? ??????, ? ?????????????? bitcoins ??????
????? ?????????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ???, ???

?? bitcoins ?????????? ??? ?????????? ?? ??? ????? ?????????????????? ??? ?? ???? ?? ?????? ???
?????????. ??? ?? ??? ????? ?????????? ?????????? ?????? ?????????? ? ?????? ????.
????????? ???.

IV – ? ?????????? ??????? ??? ??????????

9. ?? ?????????? ??? ?????? Högsta förvaltningsdomstol, ?????????? ??? ?????? ???
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???, ?????? ??? 2 ??????
2014 ??? ?????? ??? ?????? ?????? ??? 267 ???:

1. ??? ?? ??? 2, ?????????? 1, ??? ?????? ??? ?? ??? ?????? ??? ?? ??????
????????????? ?????????????? ??? ?? ??? ?????? ?????????? ?????????? ?????????? ??
????????? ?????? ??? ?????????? ?, ?????? ?????????????? ?????? ?????? ??????????
??? ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??????????????
?????????, ?????????? ?????? ?????????? ?? ?????????? ??????;

2. ?? ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? 135, ?????????? 1,
??? ?????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????????
????????????? ?????????? ??? ??????;

10. ?????? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? (Skatteverket), ? D.
Hedqvist, ? ?????????? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?
????????? ???????. ??? ?? ??' ?????????? ?????? ??? 17? ?????? 2015 ??????
??? ?????? ??? ? D. Hedqvist, ?? ?????? ??? ?????? ?, ?????????? ?????? ?????????? ???
????????? ??? ? ??????.

V – ?????? ??????

11. ? ??? ?????? ?????? ??? ?? ?????????? ?????? ??? ?????? ????. ?? ?????? ?????? ??
????????? ?????? ?????? ???, ??? ?? ?? ?????????? ?????? ?????? ?????? ??????????
????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? (?. ?????? ?????? ??? ?).
????? ?????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ???, ?? ?????? ??? ?????? ???
????? ?? ?????????? ??? ?????? ?? ?? ?????? ??? ?????? ?????? ???, ??? ?? ???
????????? ??? ?????? (?. ?????? ?????? ??? ?).

? — ? ?????? bitcoins ?? ?????? ?????? ?? ?????? ??????

12. ?? ?? ?????? ?????? ??? ?? ?????? ?????? ?????? ??? ?? ?????????? ?? ?? ??
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ? D. Hedqvist ?????? ?? ??????????
????? ?????? ??? ?? ?????? ??? ?????? ?? 2, ?????? 1, ?????? ??, ??? ??????
??, ??? ?????? ?? ?????? ??? ?????? ??? ?? ???.

13. ??????? ?????? ?????? ??? ?????? First National Bank of Chicago, ??? ??
?????????? ?????? ??? ? ?????????? ?????????????? ??? ?????? ??? ?????? ? ??????
????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????
????? ?????? ?????? ?????????? ?? ?????? ??? ?????? (3). ??? ?????????? ??????, ??????????????
????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ? ?????????? ???
????????????? ?????? ?????? . ??????????, ??? ? ??????????, ?? ? ?????? ??????????
??? ?????????? ?????? ?????? ??? ?????? ?????????? , ?????? ?????????? ??? ?????????? ???
??? ?????????? ?????? (4). ?? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ??
????????? ?????? ?????????? ?????????? ?????????? ? ?????? ?????? ?????? ??? ??????
????? ??? ??? ?????? ?????????? ??? ?????????? ??????????????.

14. ? ??????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ???
????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ?????? ??? ??? (5). ??? ??????
(6) ?????? ??? ?? ?????????? ?????????? ?????? ?????????? ?????? . ????????, ?
??? ?????? ?????? ??? ?????????? ??? ??? ?????? ?????? ?????????? ?????? ?????? (7). ?? ??????
?. ?? ??? ?????? ?? ???????, ?? ?????? ?????????? ?????? ? ?????? ?????????? ?????? ???
? ?????? ?? ?????? ???????, ?? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
??????????, ??? ?????? ??? ?????? ??? ?????? ?????? . ??? ?????? ??? ?????? ??? ?????? , ? ??????????
????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ?????? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ???
?????.

15. ?,?? ?????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?? ?????? ???
?????????, ??? ?????? ? ?????????? ?????????? ??? ?????? ??? . ?????? ?????? ???
??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??
????, ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??????????
?? ?? ?????? ??? ?????? ??? ?????? ?? ??????, ?? ??? ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? (8), ?? ??????????
????????? ??? ?????? ??????????????.

16. ? ??????? ?????? ??? ?? ?????????? . ? ?????????? ?????????????? ?? ??????
????? ???????—?? ?????????? ?? ?????????? ?? ?????????? ??? (9) ? ??? ??????
«?????» ??? ?????????? ??? ?? ?????????? ?? ?????????? (10)—, ???
????? (11) ?? ??? ??? ?????? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ??????.

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

18. ??? ???????, ? ?????????? ??? ??? ?????? First National Bank of Chicago
????????? ??? ?? bitcoins. ?? ?? ?????? , ? ?????????? ??? ?????? ??? ??????
????????? ??? ?? ?????? . ?????????? ??? ?????? ??? ? D. Hedqvist ?????????? ??
????????? ??? ?? ?????? bitcoins ?????? ?????????? ?????? ??? ?????? ??? ?? ??? ??????
????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? , ???
????? ?????????? , ? ?????????? ??? , ??? ? ?????? , ?????? ?????? ?????? ?????? ?????? ??
????? ?????? ?????? ??? ?????? ??? ?????? 2, ?????????? 1, ?????? ???, ??? ??????
????? ???.

? — ?????????? ??? ??????????? bitcoins ??? ??? ???

19. ??????????? ???, ?????? ?? ??????????????? ?? ? ?????? ?????????? ?????????? ??????????????
????? ?????????? bitcoins ?? ?????????? ?????? ?????????? ?? ??? ???? ??? ??????????
????????? ??? ?????? 135, ?????????? 1, ??? ?????? ?????? ????. ??? ??????
????????????? ??????????, ????? ??????????????? ?? ?????????????? ?????????? ??? ??? ????
????? ??? ?????????????? ??? ?? ?????????? ?, ?? ??? ??? ??? ?????????? ????. ??????
?? ??? ?????? ??? ?????? ??? ?? ?????? ?????????? ?? ?????????? ??? ?????????? ???.

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

20. ????? ?? ?????? 135, ??????????? 1, ???????? ???, ??? ??????? ????,
????????????? ??? «?? ?????? ??????? ??????? ??? ?????? ??????? [...] , ??????????
?? ??????? ??????».

21. ? ?????????? bitcoins ?????? ?????????? ?????? ?? ?????????? ?? ?????????? ???
????? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????? ??? ?????? «???????
?????» ??? ?? ?????? ??? ?????????? ???.

22. ????????, ?? ????????, ?????? ?????? ?????? ?? ???? 135, ?????????? 1,
???????, ??, ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ?? ????
???????, ?????????? ?????????? ?????? ?????????????? ?????? ?????????? ?????? ??? ??????????
????????? ?? ?? ?????????? ??? (12). ??? ???? ?????? ?????? ??? ?? bitcoins
????????? ?? ?????? ??? ??? ?????? ?????????? ??????????.

23. ?????????????? ????. ?????????????? ?????????? ??? ?????????????? ? ?????????? ??? ??????
135, ?????????? 1, ??????? ???, ??? ?????? ????.

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

24. ??????????? ??????? ?? ??????? ?? ?????????? ??????????? ? ?????????? ??? ??????? 135,
?????????? 1, ??????? ??, ?? ??????? ????? ???. ??????? ?? ??? ?? ???????,
?????????????? ??????? ?? ??????? ??????? «??????????, ??????????????? ??? ???????????
??? ??????? ????? ?? ??????? ??????».

25. ?????????? ?????????? ?????????? ?????? ?????????? ?????? ???? ?????????? ?????? ???? ?????? ?????? ???? ?????? ?????? ???? ?????? ???? . ?????? ?????? ?????????? ?????? ?? ???? ?????? ?????? ?????? ???? ?????? ???? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? ?????? ????, ??? ?????? ?????? ?????? ???, ??? ?????? «currency, bank notes and coins», ?? ?????? ?????????? ??? ?????????? ?????? ?????????? ?????? ?????????? ?????????? ?????????? ?????? ??? ??? —????? ??? ?????????? ?????? ???? «Devisen» (?????????) ??? ?????????? ??????— ??? ???? ?????? ??????????.

26. ?????????????? ??????? ?????? ? ?????????? ??? ?????? ?????? ?????? ?? ?????????? ???
????????? ? ??????????, ?? ??????? ?????? ??? ????? ?????????? ?????? ?????? ??? ?????????? ???
«??????» ????. ??????????. ? ??????? ?????????? ?????? ??????????? ??????, ??????? ????.
????? ? ?????? ?????????? ?? ?????? ??????, ?? ?????? ???????, ?????? ??? ?????? ??????. ????.
?? ?????? ?????? ?? ?????????? —???' ?????????? ????. ?? ?????????? ?????? ???, ??????? ???.
????????? ??? ?????? 135, ?????????? 1, ??????? ???, ??? ?????? ?????? ??? ?????? ???, ??????? ???.
????????? ?? ?????? ?????? ?????? (13) — ?? ?????? ?? ?????? ?????? ?? ???????????????,
?? ?????????????? ?? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ????.
?? ?????? ?? ?????? ???????.

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

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

28. ????????, ? ????????, ??? ?????? ?????? ?????? ?????? ?? ?????????? ?? ?????????????? ??? ?
?????????, ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ??? ??? ??? ??? ???
????? ??? ?????????? ??????. ?????????????? ?????? ?? ?????? ?? ?????????? —?????
????????????? (14)— ? ?????? ??? ?????????? ?? ??????????. ? ?? ??? ?????? ?????? ??????????
«?????» ??? ?????????? ??? ?????? ??? ?????? 135, ?????????? 1, ?????????? ?, ???
????? ??? ??? ?, ?????????? ??? ?????? ?????? ??????, ? ?????? ??? ?????? ??????????
????????? ??? ?????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??????????.

29. ??????, ??? ?????????? ??? ??????????, ??? ?????? ??? ?????????? ?????????? ??? ??????,
?? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??????, ?????? bitcoins, ??
????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??????, ?????????? ?? ??? ?????? ??????:
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??????;

30. ?? ?????? ??? ?????? 135, ?????????? 1, ?????????? ?, ??? ?????? ??? ?????? ??? ??? ???
????????? ??? ?????????? ??? ?????? ???.

31. ?????? ?? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ?? ?????????? ??? ??????
????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????????? ??? ??????
????? ?????? («????????? [...] , ??? ?????? ??? ?????? ??? ?????? ???»).

32. ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «currency» ??? ??????. ?? ??
??????, ?? ???? ?? ?????? ??? ??????, ?? ??????, ?? ??? ??????????, ?? ?????????????? ?? ??
??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ? ??????????
?????.

33. ?????? ??? ?????? ??? ? ?????????? ??? ?????? ?????????? ?????????? ? ?????, ??? ??????
?? ??????????, ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??????????, ??? ?????? ??? ??????
?? ?????????????? ??? ?? ?????? (15). ???????, ??? ?? ?????????? ??? ???
????????????? ??? ?? ?????? ?????? —??? ??? ?? ?????????? ??? ?? bitcoins— ??
????????? ?? ?????????? ??? ??? ??????.

34. ?? ?????? ??? ??????, ??????, ?????????? ?????????? ?? ??? ?????? ?? ?? ?? ??????????
???? ?????? ?? ?????? ??? ?????? ??? ?????? ??? «?????». ??? ?? ?????? ???
????????? ??? ?? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? «con valore
liberatorio». ?? ?? ??????, ??? ?? ?????? ??????, ?????? ??? ?????? ??? ?????? ?? ??????????
????????? ??? ?? ?????? ??????. ??????, ??? ?????? ?????? ??? ??? «corso legale», ???
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????????????,
????? ????, ??? ??? 10, ?????????? 2, ??? ?????? 974/98 (16), ??? ??? ????
????? 344, ?????????? 1, ?????? 2, ??? ?????? ????. ??????, ?? bitcoins ?????? ???
????? ?? ?????? ?????????? ??????????, ?????? ?????? ?????? ?????????? ??? ??? ?????? ??????
?????????????????.

35. ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??????, ?? ??????
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 135, ?????????? 1,
????????? ?, ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? (17). ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ???

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

36. ??? ?????????????? ??? ?????? ?? ??????????, ?? ?????????? ?? ?????? ???
????????????? ?? ???? 135, ?????????? 1, ?????????? ?? ???, ??? ?????? ??? ????
????? ?? ?????? ??? ?????? «????????????????? ??????» ??? ??? ??? (18). ?? ???
?????????, ?????????? ?????????????????? ?????? ??? ? ?????????? ?????? ???
????????? ?? ??? ?????—???? ?????? ??? ?????? ?????? ??????— ?? ??? ??? ???
????? ??? ?????? ??????. ????? ?????? ??? ??? ?? ?????? ???, ??? ?????? (19),
? ?????????? ?????? ?????? ?????? ??????—???? ?????? ??? ???— ??? ??
????????? ??? ??????.

37. ??????, ?? ?????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?? ??? ??????
????? ??? ?????????? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? ???, ?
????? ?????? ?????? ?????????? ?????? ?????? ??????.

38. ? ?????? ??? ??? ??? ?????? ?? ?????????? ?? ?????? ??? ?????? ???
??????. ??? ?????????? ??? ?????????, ?? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???. ??? ?????? ???
?? ?????????? ??? ?????????? ??????, ?????????? ??? ?????? ??? ?????? ?????? ???
????? ?? ?????????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

39. ??? ? ?????????? ??? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? ??
????? ????. ?????? ??? ?????? ?????? ??? ?? ?????????? ??? ?????? ?????? ???.
????????, ?????????????? ??? ?????? 135, ?????????? 1, ?????????? ??, ???
????? ??? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????????? ?????? ??????
????????? ??? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??????.

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

41. ??????, ?? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? ???, ?????? ??
????????? ?? ??? ?????? ?? ??? ?????? (20) ??? ?????? ?? ??? ?????? ??? ??????
????????? ??? ?????? ?? ??? ?????? 20 ??? ?????? ??? ?????? ?????? ???????.
?????, ?? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ?? ??? ?????? (21).

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

43. ?????? ??? ??? ???????? ?????? ?????? ?????????? ??????? ?????? ??? ????.
44. ?????? ?? ?????????????? ??? ?????????????? ?????????????? ??? ?????????? ??? ??
bitcoins ??? ?????? ??????? ??? ??? ??????? ?? ?????????????? ??? ?? ?????????? ???
??? ?????????? ??? ?????????? ??????. ?????? ??? ??? ?????? ?????? ?????? ?????? ???
????????? ?? ?????????? ??????, ??????? ??? ??????????, ??? ?? ?????? ???
?????????, ?? ??? ?????????? ?????? ?????? ?????????? ?????? ??? ?????????? ???
??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??????. ??? ?? ?????? ???
??? ?????? ?????????? ??? ??? ?????? ?????. ????????, ??? ?? ?????????? ?????????? ???
????? ??? ??? ?????????? ?????????? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ???????, ? ?????????? ??? ??? ?????? ?????? ??? ?????????? ??? ?? ???
????????? ??? ??????? ??? ?????? ??? (22).. ??? ?????? ???, ??? ?? ?????? ?????? ?????????? ???
????????? ??? bitcoins ????? «????» ? «????» ??????.

45. ?????????? ? ???????? ??? ?????? 135, ?????????? 1, ?????????? ?, ??? ?????? ???
??? ?????????? ??? ?? ?????????? ??? ???? ?????, ??? ?? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ?????? ??? ?????????? ??? ???? ?????, ?? ?????? ??? ?????? ??? ?????? ???
????? ??? ??????, ??? ?? ?????? ??? ?????????? ??? ???? ?????, ?? ?????? ??? ?????? ???
????? ??? ??????.

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

46. ???? ??????????????, ??????, ?? ??????????? ?? ??????????????, ???? ??? ?????????? ????
??? ??????, ??? ? ??????? ?? ?????? ??? ?????? ?????? ?????? ?? ?????? 135, ?????????? 1,
????????? ?, ??? ??????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??
bitcoins ??? ?????????? ?????? ??? ??????. ??? ??? ?????????? ??? ?????? ?????? ?????? ???
????????? ?? ?????????? ?? ?????????? ? ?????? ?????? 135, ?????????? 1,
????????? ?, ??? ?????? ????.

47. ??????? ? ?? ??? ?????? ?????????? ?? ??????? ?? ?????? ?? ?????? ?????? «???????,
????????? ??????», ?? ??? ?????? ?????????? ?????????? ?? ?????? ?? ?????????? ?? ??
?????????. ?????????? ?? ?????? ?????? ?????????? ?? ??? ?? ?????? ?????????? ? ??????????
????????? ?? ?????? ?? ??? ?? ?????? ?????? ?????? ?????????? ?????? ?? ??????????.

48. ????????, ??? ?? ???? 135, ?????????? 1, ??????? ??, ??? ?????? ??? ?,
????????????? ??? ?? ??????? ?? ?????? ?????? «?????????», ?????????? ??? ??????
?????????». ?? ?? ?????? ?????????? ?? ?????? ?? ?? bitcoins ?????????? «?????
?????????» ????? ?? ?????? ??? ?? ????? ??????????.

49. ????? ??????? Granton Advertising ?? ?????????? ???????? ??? ??? ?????????? ???
????? ?????????? ???????? ?????? ?????????? ?????????? (23). ??? ?????????? ??? ??? ?
????? ?????? ??? ?????? ?????????? ???, ??? ?????? ???, ??? ?????? ??? ??????????
????? ?? ?????????????? ?? ??????????, ?? ?????? ??? ?????????? ?????? ??
?????????? ?? ????, ?? ?????????? ?????? ??? ?????? ?? ?????????????? ??? ??? ??
(24).

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

51. ??????, ?? ??? 135, ?????????? 1, ??????? ??, ?? ?????? ?????? ??? ?????? ??
?? ?????? ?????? —??? ??????????, ??????? ?? ?????? «?????»—, ??? ???
?? ??? ?? ???????. ??? ?????????? ?????? ??? ?????????? ??? ?????? ??
????????? ?? bitcoins, ??? ?? ??? ?? bitcoins. ??? ??????, ??? ?????? ??

????????????? ?? —???? ??????????? ? ??????????? ??? ???????— ??? ?? ??? ???????????
????????? ??? ? ??? ? ??? ??????????? ?? ??? ? ??? ?????? ??? ?????? ??? ???????.

52. ????????, ??? ??? ??????? ??????? ?? ??????? ??????? ??????? ??????? ??????? ???????
????????? ???, ??? ??????????? ??? ??????? 135, ?????????? 1, ??????? ??,
??? ??????? ??? ?, ? ?????????? ?????????? ??? ?????? ?????????? ??? ??????????
?????. ?? ??????? ??? ?? ?????????? ?????????? ?????????? ??? ?? ??????? ?? ??????
?????? ?????? ?????? ??????? ???????, ??? ?? bitcoins, ??? ?????????? ??? ?? ???
????????? ??? ?? ??? ??????? ??? ? ?????????? ?????????? ??? ??? ??? ??????????
?????? ?????? ???????, ??? ? ??????? ??????? ??? ?????? ??? ?????????? ?? ??????????????? ??
???' ?????? ???????????, ??? ??????????? ???????, ??? ??? ??????????. ?????? ??? ???
????? ??????? ??????? ??? ?????????? ??? ?? ??? ?????? ??? ?????????? ?????????? ???
????????? ??? ?? 135, ?????????? 1, ??????? ??, ??? ?????? ??? ??,
????? ??????????? ?? ?????????????? ???, ??? ??? ??????????????. ?????????????? ?? ???
??? ?????? ?? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???.

53. ?? ?? ??????, ? ??????? ?? 135, ?????????? 1, ??????? ??, ??? ???????
????? ??? ??? ??????? ?????????? ??? ?????????? ??????????.

VI – ???????

54. ??? ???????, ??????? ?? ?????????? ?? ?????????? ?? ?????????? ??? ?????????? ???
??? Högsta förvaltningsdomstol ?? ???:

1. ? ??????? ?????? ?????? ?????? ??????? ?? ??????? ??? ??????? ?????? ???????????, ?
????? ?????????????? ?????? ?????? ??? ??????? ??? ??????? ??? ?????? ??? ??????????
????? ??? ?????????? ??? ?????????????? ???????, ??????? ?????? ?????? ?????????? ??
????????? ?????? ??? ?????? ??? ?????? ??? ?????? 2, ?????????? 1, ??????? ??, ??? ???????
????? ???.

2. ??????? ?????? ?????????????? ??? ??? ??? ??? ?? 135, ?????????? 1,
?????? ??, ??? ?????? ??? ??.

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

2 — ?? L 145, ?. 1.

3 — ?????? First National Bank of Chicago (C?172/96, EU:C:1998:354, ?????? 25 ??? 35).

4 — ?? . ?????? First National Bank of Chicago (C?172/96, EU:C:1998:354, ?????? 25).

5 — ??., ??' ??? ??? ??? ??????, ?????? Mirror Group (C?409/98, EU:C:2001:524, ?????? 26).

6 — ??? ?????????? ?? ??? ?????? ??? ?? ?????????? ?????? ?????? ?????????? ?? ?????
????? ?????????? ? ?????????????? ??? ???????, ??? ??? ?????? ??? ?????? 135,
????????? 1, ??????? ??, ??? ?????? ??? ??.

7 — ??., ??' ??? ??? ??? ??????, ?????????? Netto Supermarkt (C?271/06, EU:C:2008:105, ??????
21 ??? ??? ?????????? ??????????) ??? Dresser Rand (C?606/12, EU:C:2014:125, ?????? 28
??? ??? ?????????? ??????????).

8 — ??., ?????? ?????, ?????????? ??????? ??? ?????? (C?481/98, EU:C:2001:237, ?????? 22), NCC Construction Danmark (C?174/08, EU:C:2009:669, ?????? 44) ??? Zimmermann (C?174/11, EU:C:2012:716, ?????? 48).

9 — ??., ??' ??? ???? ??? ??????, ??????? Argos Distributors (C?288/94, EU:C:1996:398).

10 — ???. ??????? Macdonald Resorts (C?270/09, EU:C:2010:780, ?????? ??????? 21 ??? 32).

11 — ? ??????? Astra Zeneca UK (C?40/09, EU:C:2010:450) ?????? ?? ??????????? ???????????.

12 — ???. ??????? Granton Advertising (C?461/12, EU:C:2014:1745, ??????? 27 ??? 31).

13 — ??., ?????? ?????, ?????????? CSC Financial Services (C?235/00, EU:C:2001:696, ?????? 33) ??? Deutsche Bank (C?44/11, EU:C:2012:484, ?????? 37).

14 — ??., ???????, ?????? 18.

15 — ?? ?????????? ??????? ?????? ??? «valuutta sekä laillisina maksuvälineinä käytettäviä seteleitä ja kolikoita», ?? ????? ??????? ?????? «?????????? ??? ?????????????? ??? ?????????? ??? ?????? ?????? ?????????????? ??? ?????? ».

16 — ?????????? (??) 974/98 ??? ??????????, ??? 3?? ????? 1998, ??? ??? ?????? ??? ?????? (?? L 139, ?. 1), ??? ?????????????? ??? ??? ?????????? (??) 827/2014 ??? ?????????? ??? 23?? ?????? 2014.

17 — ???. ??????? T. (C?373/13, EU:C:2015:413, ????? 62 ??? ??? ??????????? ??????????).

18 — ???. ??????? Granton Advertising (C?461/12, EU:C:2014:1745, ????? 29 ??? ??? ?????????????? ??????????).

19 — ???. ?????? 14 ??? 16 ??? ??????? ??????????.

20 — ??., ??????, ?????????? Sturgeon ?... (C?402/07, EU:C:2009:716, ?????? 48), ?????? (C?149/10, EU:C:2010:534, ?????? 43) ??? ??????? ????? Strack (C?579/12 RX?II, EU:C:2013:570, ?????? 40).

21 — ??., ?????? ?????, ?????????? ??????? ??? ?????????? (C?109/02, EU:C:2003:586, ?????? 20), JP Morgan Fleming Claverhouse Investment Trust ??? The Association of Investment Trust Companies (C?363/05, EU:C:2007:391, ?????? 46), ??? ??????? ????? ?????????? (C?480/10, EU:C:2013:263, ?????? 17).

22 — ???. ??????? GfBk (C?275/11, EU:C:2013:141, ?????? 32).

23 — ??., ??' ??? ??? ??????, ??????? Granton Advertising (C?461/12, EU:C:2014:1745, ?????? 37).

24 — ???. ??? ?????????? ??? ??? ?????? Granton Advertising (C?461/12, EU:C:2013:700, ?????? 41).