

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

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

JULIANE KOKOTT

??? 1?? ??????? 2017 (1)

?????? C?326/15

«DNB Banka» AS

(?????? ??? Administrat?v? apgabaltiesa  
[????????????? ??????????? ????????????, ?????????]  
??? ??? ????? ????????????)

«?????????? ????????? – ??? – ????? 132, ?????????? 1, ?????????? ???, ??? ??????  
2006/112/?? – ??????????? ??? ??? ?????? ?????????? ?????????? ?????????? ??? ?? ???  
???? – ????? ?????????? ?????? – ?????? “????????????? ?????? ??????????”»

## I – ????????

1. ??? ??????? ??? ??????? ?????????????? ?????????? ??? ?????????? ??? ??  
?????????, ?? ?????????? ?????????? ?? ??????? ?? ??????? 132, ?????????? 1, ?????????? ???,  
??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ???  
?????? ??? ????? ?????????????? ??? (2) (??? ????: ?????? ??? ???). ? ??????? ??? ???  
??? ??? ??? ?????????????? ??? ?????? ??? ?????? ??????? ?? ??? ??? ??????????  
????????? ??? ??? ????? ?????????????? ??? ??????. ??? ??? ?????????????? ??????????  
??? ????? ??? ?????, ? ??????? ??? ??? ?? ?????????? ?????????????? ?????????? ???  
????????? ?? ?????????? ??? ?????? (3). ??? ?? ?????? ??? ??????????  
?????????, ??????? ??? ??????????, ?????? ?????? (4) ??? ?????? ??????????????  
????? ??? ?? ??? ?????????????? ??????????.

2. ??????, ? ?????? ?????????? ?? ??????? ?? ?????? ?????????? ?????? ?????? ???  
?? ?????????? ?????? ?????????? ?? ??????????. ??????????, ??? ?????????? ?????? Aviva  
(5) ?????? ?? ?????????? ?????? ?? ?????? ???' ??? (?????? ??? ?? ??????????)  
??? ??? ??? ??? (?????? ??? ?? ?????????? ?????????????? ??????) ?????? ??????  
??? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? ?????? ??? ??? ?? ?????? ???  
????? ?????? ?? ?????????????? ? ?????? ?????????? ??? ?????????? ??? ??????????.

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

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

4. ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ???? ?????????????? ???  
?? ??????? ??? ???? (????????? ????) ?????????? ???????, ??? ?? ?????????? ??  
????????????? ??? ???? ??? ?????? ??? ???????????, ??????? ?? ?????????? ??????????  
?? ?????????? ??? ?????? ??? ???? ??? ???? ?????????? ????. ??? ???????????, ?  
????????? ?????????? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ??????  
???? ? ???? ??? ?????????? ??? ?????????? ???????, ??? ? ?????????? ??????????  
????????? ?? ?????????? ?????????? ??? ?????? ??? ???? ?? ??? ??? ??? ?????? ???  
??? ??? ?????????? ????. ???????, ??? ?????, ?????????? ?????????? ?????????? ??  
?????? ??? ?????? ?? ?????????????? ??? ???? ??? ?????? ??? ?????????? ??? ???? ??????  
??? ??? ?????????? ?? ?????????? ????????. ??? ?????? ??? ?????????? ??????????  
??, ? ??????? ?????????? ?????? ?????? ?????? ?????????? ?????????, ???' ?????????,  
?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ??  
?????? ??? ?????? ?????????? ?. ??? ?????? ?????? ??? ?????? ???, ??? ?????? ?????????? ??  
?????? ??? ?????? ??? ?????? ???????, ?????? ??? ?????? ?????????? ???' ?????? ??? ?????.  
?????.

5. ?????, ??? ??? ??? ?????????? ??? ?????? ?????????? ?????? ?????????? ?????????????? ???  
?????, ?????????? ?????????? ??? ?????? ???, ??? ?????????? ???????, ?????? ?  
????????? ??? ?????? ?????????? ?? ??? ?????????? ?????????? ?????? ??? ??????????  
????????? ??? ??????, ??? ??? ?????? ?? ??? ?????? ?????????? ??? ?????? ??? ??????  
????????? ?????????? ??? ?????? ????. ?????????? ?????? ???, ?????? ?? ?????? ??? ??????  
????????? ?????? ?????????? ?????????? ?? ?????????? ?? ?????????? ??? ?????? ??? ??????  
????????? ?????? ??? ?????????? ?????? ??? ?????? ?????????? 132, ?????????? 1, ??????????  
??, ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???, ??? ??? ?????? ???  
????? ??? ???? ????. ???' ?????? ??? ?????, ? ?????????? ??? ?????????? ??? ?????? ??? ??????  
????? ??? ?????????? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ???? ??? ?????? ???  
????????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ??????.

II – ?? ?????? ???????

? – ? – ?? ?????? ??? ??????

6. ??? ?????? ??? ?????? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? . ?????? ???  
?????? 2, ?????????? 1, ??????? ??, ??? ?????? ???, ??? ?????? ???, ??? ?????? ??? ???????, ??????  
?????, «?? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? »..

7. ???????, ??? ???? 132, ?????????? 1, ??????? ???, ??? ?????? ???, ??  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ??? ???:

«?? ?????? ?????? ?? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???,  
??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????? ?????????? ??? ?? ??? ????? ????? ????? ????? ??????????? ?? ??????????? ??????????????? ?? ??  
?????? ?? ????? ??????? ??????? ?? ????? ??????????, ?? ?? ?? ?? ?? ? ??????? ?? ?? ??  
?????????? ?? ?????? ??????????? ?? ?? ??? ?? ?? ??????????????» (6).

? – ? – ?? ?????? ??????

8. ????? ?? ?????????? ?? ???? ??????? ?? ???? ?????? ?????? ??????, ? ?????????? ??????????  
???? ?????????????? ?????? ?????? ?????? ? ?????? ?? ?????????? ?? ?????? 132, ?????????? 1,  
????????? ???, ??? ?????? ????? ??? ????? ?????????? ?????? ?????.

III – ? ??????? ??? ?????? ????

9. ? ??????? ?? ?????? ?????? ?????? ??? ?????????????? ??? ??? ??? ??? ?????? ?????? ???  
????????? ???????? ?????? DNB Banka AS ??? ?? ??? 2009 ??? 2010.

10. ? DNB Banka ??????? ????. ?????? DNB. ????? ?? ???????? ???, ? DNB Banka ???????  
???????????????, ??' ??, ????????, ??? ????? ?????????????????????? ?????????? ??? ??????  
????????? ?????????? ??? ????? ?????????? ??? ?????, ??? ??? ?????? ? DNB Banka ???????,  
????????, ??? ????? ?????????? ??? ?????????? ??????????????, ??? ?? ?????????? ???  
?????????. ??? ????? ??? ?? ??? ????? ??????????, ?????????????? ??? ????? ???  
????????????? ??? ??? ????? ?????? ??? ?????? 132, ?????????? 1, ????????? ???, ???  
???????? ??? ?. ??????, ???????, ?????????? ?????????? ???:

- ?????????????????????? ?????????? ?????????????? ??? ?? ??????? ??????? DNB Nord AS  
?? ??? ???? ?????

– ?????????? ?????????? ?????????? ??? ?? ?????? ?????? ?????? DNB Nord IT AS?

- ???????????, ?????? ?????????? ???????, ?????? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???? ?????? ??? ?????? ? ? ?????? ??? ?????? ?????? ?????? DNB Bank ASA ??? ?????? ??? ?????? ??????.

11. ?? ??????? ????????, DNB Nord ??? DNB Nord IT, ???????, ??? ?? ?????? ?? ?????? ??? DNB Banka ?? ?????? ??? ??????? ??? ?????????? ?????? ??? ?????? ?????????????? ?????? 5 %. ???????, ???????????? ? DNB Nord IT ??????? ?? ??????? ??? ?????? ?????? ?????? ??? ?????? ??????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??? ??? ???.

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

12. ??? 1? ??????? 2015, ?? Administrat?v? apgabaltiesa (????????????????? ????????????, ??????????, ?????????), ??????? ??? ?????? ?????????? ?????? ? ???????, ??????? ??? ?????????? ?? ??????? ?????????? ?????????? ?????????? ?????????? ?????????? 267 ????:

1) ?????????? ?????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? 132, ??????????  
1, ??????? ???, ??? ?????? ??? ?? ?????????? ??? ?? ??? ???? ??? ?????? ??????????????  
?? ?????????? ??? ?????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?  
????????????? ?????? ??? ?? ??? ?????? ?????? ??? ?????????? ??? ?????????????? ???, ??  
????? ?????? ?????????? ?????? ???;

2) ?????? ?????? ?????? ?? ??????????? ?? ?????????????? ??? ?????? 132, ??????????? 1,  
????????? ???, ??? ?????? ????? ?? ?????????? ?????? ?????? ?????? ?????? ???, ??  
????????? ???, ??????? ? ?? ??? ????? ?????????? ??? ?????? ?????? ?? ?????? ???

? ?????????????? ??? ??? ?????????? ??? ?????????? ??? ??? ???, ??????????, ? ?????????????? ????  
?????? ? ?????????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ??? ?????? ??????  
????????????????? ?? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????????? ?? ??? ??????????  
??? ?????????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????????????? ??? ??? ??? ???  
????????????? ???; ;

3) ? ?????????? ??? ?????????? ??? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ???,  
??? ?????? ??? ??? ??? ?????? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???  
????? ?????????????? ???, ?? ?????????? ??? ? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????? ??? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ?????????, ?????? ??? ?????? ? ???  
????????????? ??? ??? ??? ?????????? ?????? ?????? ?????????? ?????????, ?????? ??? ?????? ? ???  
????????????? ??? ??? ??? ?????????? ?????? ?????? ?????????? ?????? ?? ?????????? ??? ??? ???  
????? ??? ?????????? ??? ?????? ?????????, ??? ? ?????????? ??? ?????? 196 ??? ??????;

4) ? ?????? ? «????????? ??? ?????? ??????», ??? ???? ?????? ??? ?????? 132, ??????????  
1, ?????????? ???, ??? ?????? ???, ?? ?????? ?????????? ?????? ?????? ?????? ? ?????? ???  
????? ?????? ?? ?????????????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ??????  
????? ??????; ;

? ? ?????????? ??? ? ? ?????????? ??? ?????? ??? ? ?????????? ??? ?????? ?????????? ??? ? ?????? ???  
????? ? ? ?????? ?????? ?????? ??????, ?????? ? ? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????? ?????? ?????? ?????? ???  
????? ? ? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??????????  
????, ??? ? ? ?????? ??? ? ? ?????? ?????? ?????? ??? ?????? ? ? ?????????? ?????? ??? ?????? ??????  
????????? ?????? ?????? ? ? ?????? ?????? ?????? ??? ? ? ?????? ?????? ??? ?????? ?????? ??? ? ???  
?????????; ;

5) ? ?????? ?????? ??? ? ? ?????????? ??? ? ?????????? ??? ?????????? ??? ?????????? ???  
????? 132, ?????????? 1, ?????????? ???, ??? ?????? ??? ? ? ?????????? ??? ?????? ???,  
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??????????; ;

6) ? ?????? ?????? ? ?????? 132, ?????????? 1, ?????????? ???, ???  
????? ? ? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???; ??? ?????????? ???,  
????? ? ? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????????? ??? ? ? ?????? ???; ;

13. ??? ? ? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ? DNB Banka, ?  
????????? ??????????, ? ?????????? ??? ?????? ??????, ?? ?????? ?????? ??? ?????????? ???  
? ?????????, ? ?????????? ??? ?????? ??????, ? ?????????? ?????? ?????????, ?? ?????? ???  
??? ?????? ?????? ??? ?????? ?????? ?????? ??????, ?????? ??? ? ?????????? ?????? ???.  
???' ?????????? ??? ?????? ??? 30? ?????? 2016 ?????????? ? DNB Banka, ? ??????????  
??? ?????????, ? ?????????? ?????? ??? ?????? ???, ?? ?????? ?????? ???  
????????? ???, ? ?????????? ??? ?????? ???, ?? ?????? ?????? ??? ? ??????; ;

V – ?????? ???????

14. ??? ?????? ?? ?????? ??????????, ??? ?????? ?????? ?????? ?????????? ???, ???  
??? 1? ?????????? 2014, ?????? ??? ?????? ?? ?????? 132, ?????????? 1, ?????????? ???,  
??? ?????? ??? ??? ??? ?????? ?????? ????. ?? ?????? ?????? ?????? ??? ? ??????; ;

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

15. ????' ?????? ??????? ?????????? ? ?????????? ??? ?????????? ?????????????? ?? ??? ??  
????? ?????????? ?? ???? 132, ?????????? 1, ???????? ???, ??? ?????? ????.

16. ????? ?????? ??????????, ?? ??????? ??????? ?? ?????????????? ?????????? ??  
????????? ???????, ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ?? ?????????? ??  
????????? ???????, ?????? ?? ?????????? ??????, ??? ?????? ??????????????, ?????  
????????????? ??????? ??? ?????????? ?????? ?????????? (7).

17. ????? ?????? ???????????, ??? ???????? ??? ??????? ??? ??????? ??????, ??? ??????  
??????????????, ??????????? ?????????, ??? ?????????? ?????????? ? ?????? ??? ???????????  
??? ?????? ?????????? ??? ??? ??????????? ??? ??? ?????????? ??? ? ??? ?????? ???  
????????????? ??? ? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ???  
(8).

18.    ?? ?????? 132, ??????????? 1, ?????????? ???, ?? ??????? ?????? ??? ?????? ?????? ?????? ?????? ??????????????  
????????? ????????????, ??????? ??? ??????????? ?????? ??????????? ?????? ?????? ??? ?????? ??? ??????  
????, ??? ??????????? ?? ??? ?? ??????????? ??? ?? ??? ????? ??????? ??? ?????? ??? ?????? ??? ?????? (9).

19. ???????, ??????????, ?? ?????????? ?? ??????? ????? ???????, ????? ???, ??? ??  
 ?????????? ??????? ?? ??????? ?? ??????? ????? ?????? ???????????, ?? ??  
 ??????? ?? ?????????? ??????? ?????????? ?????????????????? ?? ????? ??????? ??????? ?? ???????  
 ?????????? ??????? (10).

20. ?????????????????? ?????????????? ??? ?????????????? ??????????????, ???' ??????, ??? ??? ??  
????????? ??? ?? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ??  
????????? ?????????? ?????????????????? ?????? ?????? ?????? ?? ?????????????? ? ?????????? ??? . ??  
????????? ?????????? ?????? ??? ?????? ?????? ?????? ?? ?????????? ?? ??? ?????? ??????????  
????????? ?? ?????????????? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????????? ??? . ??  
????? ?? ??????, ??? ?????? ?? ?????? ?????? ??? ?? ?????? 132, ?????????? 1, ?????????? ???,  
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???????????.

21. ? ?????????????? ??????? ?? ?????????????? ??????? ?????? ?????? (????? 11 ???  
?????? ?????? ???) ??? ??????? ?? ?????? ????? ?????? ??????, ???? ??? ?????? ???  
????? ?????????? ? ?????????? ?????? ?????? ?????? ?????? ??????. ??????????, ?  
????????? ??? ?? ?????? ?? ?????????? ?? ??? ?????? ?????? ??? ? ?????????????? ??? ?????  
132, ?????????? 1, ??????? ???, ??? ?????? ????.

22. ???????, ? (?????????) ?????????? ??? «????????????? ??? ??????????????» ??????  
«?????» ??? ?????? ?????? ?????? ?? ??? ??????, ??? ????? ?????? ?? ??????????,  
????? ?? ?????????? ?? ????? ?????? ??? ?? ?????? ?????? ?????????? ?? ?????????? ?? ???  
????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ?????????? (11). ??? ? ??????  
????????? ?? ?????? ?? ????? ?????????? ?????????? ??? ??? ?????? ?????? ??? ??  
????????? ????, ??? ????? ??????????, ??? ?????????????? ??????. ????????, ? ??????  
??? ?????? ??? ????? ?????? ?????????? ?????????? ?????????? ???, ??? ?????? ???,  
?? ?????? 132, ?????????? 1, ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??????????

?????????

23. ??? ?? ??????? ?????? ????????????, ? ?????????????? ??????? ?? ?????? ?? ?????? ???  
?????????? ??????. ?????? ??????, ??? ?? ??????????, ??? ?? ??????? «?????????  
????????? ?????? ?????????????? ??????» (12). ??? ?? ?????? ????, ?? ??????? ???  
?????? ?????? ?? ?????? ?????????? ?????? (13).

24. ??? ??????????? ??????, ? (?????????) ?????????? ??? «????????????? ???  
?????????????» ?????? «?????» ??? ?????? ?????? ?????? ??? ?????? ?? ??????????????  
????? ?? ??????????. ??? ?????? ???, ?? ?????? ??? ?????? ?????? ?????? ?????? ??????

25. ????? ?????, ?? ?????????? ??? ?????? ??? ?? ?????? ?????????? ?? ?????? ?? ??  
????? 13, ?????????? 1, ??? ?????? ???, ?? ?????? ?????? ?????? ?? ?????????? ??  
????????? ?????? ??????, ?????? ???, ??? ??? ??? ?????? ?????? ?????????? ??  
????????????? (14). ?????? ??? ?? ? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??????????  
?????????, ?????? ??? ?????????? ?? ?????? ?????????? ??? (15).

26. ????????, ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? 132,  
????????? 1, ????????, ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??????????,  
??? ??? ??? ?? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ?????? ?? ?????? ??  
????? ??? ?????? ??? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??

27. ??? ?????, ??????, ?? ?????????? ??? ?? ??? ?????? ??? ??????. ??? ?????? ?????? ?  
????? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????,  
??????, ?????? ??????. ??????, ? ?????????? ??? ?????? ??? ?????? ?? 132,  
????????? 1, ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??

28. ??????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????? ????????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?? ?????? ?????????? ??? ?? ?????? 132 ??? ?????? ??? ??, ?????? ? ??????  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(16). ??????, ??? ?? ?????? 14, ?????????? 1, ??? ?????? ??? ??, ? ?????? ???  
????????? ??? ??????????, ??? ?????? ??????????, ??? ?????? ?????? ?????????? ???  
????????? ?? ?????? ?????? (17), ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

29. ????????, ?? ?????? 132, ?????????? 1, ????????, ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ?????? ???, ??? ?? ?????? ??? ?????? ???  
????????? (18).

30. ??????, ?????????? ??? ?? ?????? 132, ?????????? 1, ????????, ??? ?????? ???  
??? ??????, ??? ?????? ??????????, ?????????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ???.

? – ??? ?? ?????????????? ??????????

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

31. ??? ?? ???, ????????, ?????????? ?????????? ?????????? ?? ?????? ??? ?????? ???  
??????, ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ??  
????????? ??? ?????????? ??? ?????????? ?? ?????? 132, ?????????? 1, ????????, ???,

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

32. ??????????????, ?? ?? ?????? ?????????????? ???????, ?? ?????? ?????????????? ??????,  
????' ??????, ?? ?????????????? ?? ??? ?????????????? ?????? ?????????? ?????? ??? ?????? ???  
?????? 132, ?????????? 1, ??????? ???, ??? ?????? ??? ?????? ?? ?????? ?? ?????? ??????????  
?????????? ?????? ? ?? ?????? ?? ?????????? -????? ??? ?????? ?????? ??? ?????? ??????- ???  
?? ?????? ?????????? ??????????, ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ???  
?????????.

33. ??????, ?????????? ???' ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
?????? 132, ?????????? 1, ??????? ???, ??? ?????? ??? ?????? ?? ?????? ?? ??????, ???????,  
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? 9 ??? ?????? ???  
???.

34. ??????????, ?? ?????????? ???, ???' ??????, ??? ??????, ?? ?????? ?? ?????? 132,  
????????? 1, ?????????? ???, ??? ?????? ???, ???, ?????????? ??? ??????????????,  
?????????, ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? (19), ???  
????????? ???' ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???  
????????????? ??? ??? ?????? ??? (20). ??? ?? ?????? ??? ??? ?????????? ?????????? ??? ??  
????????? ?????????? ?????????????? ??? ??? ?????????????? ?? «?????????» ???  
????????? ??? ??? ??? ?????? ???, ? ?????? ?????? ?? ?????????? ??? ?? ??? ??? ???  
????? ?? ?????????? ??? ???.

35. ??? ??????, ?????????? ??? ? ?????????? ?????????? ?????? ??? ?????????? ???  
????????? ?????? ? ??? ??? ? ?? ??? ? ?? ???, ? ?????? ?????? ?? ??? ??? ?????????? ???  
????????????? ??? ??? ??? ??? ?????? ??? ?????? 9 ??? ?????? ??? ??? . ??????????, ???  
?? ???????, ?????? ??? ?????? 2, ?????????? 1, ??????? ???, ??? ?????? ??? ??? ???,  
????????? ??? ??? ??? ?????? ?????????? ??? ?????? ?????????? ?? ?????? ??????????  
????????????? ??? ??? ??? ?????? ?? ?????????? ?????????? ??? ?????????????? «??? ??????????  
????? ??? ??? ?????? ?? ??? ?????????? ??? ???».

36. ?????????? ?? ??? ? ?????????? ?????? ??? ?? ?????? 132, ?????????? 1, ??????????  
??, ??? ?????? ??? ??? ??? ? ?? ?????? ?? ?????????? ??? ?????? ??? ?????????? ???  
? ??? ? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ??????, ??? ?????? ??? ??????  
? ??? ?????????? ?????? ?????????? (? ??? ? ??????????) ??? ?????? ??? ??????  
????????? ??? ?????? ?????????? ??? ?????? ??? . ???, ??? ? ?????????? ??? ?????? ???  
????? ?????? ?? ?????? ??? ?????? ?????? ?????????? ??? ??? ?????? ??? ??????????????  
????????????? ??? ??? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ??????????  
????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? ???.

37. ????, ?? ?????? ??? ?????? 132, ?????????? 1, ??????? ???, ??? ?????? ???  
??, ?? ?????? ??? ?????? ?? ?????????? ???, ??? ?????? ??? ?????? ??? ??? ??????  
????????? ?? ?????? ??? ?????? ?? ?????? ?????????? ??? ?? ?????? -????? ?????????? ???  
????????? ??? ??? ??? ?????? ?????? ??? ?????? ?????????? (21)- ????  
????????????? ??? ?????? ??? ?????????????? ???, ???, ??? ?????????? ??? ??? ??? ???  
????? ??? ?????? 9 ??? ?????? ??? ???.

38. ??? ?????????? ??????, ??????, ??? ?????????? ?? ?????? ?????? ?????? ??????. ??????????,  
?? ?????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
??? ?????? ??? ?????? 9 ??? ?????? ??? (22). ?????????? ?????? ?????? ???, ???????,  
????? ?????? ??? ??? ?????? ??? ?????? ?????? ??? ?????????? ?????????? ???  
????????? ?????????? «????? ??? ?????? ??????????» ??? ??? ?????? ??? ?????? 9,

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

39. ?? ?????????? ??? ?????????? ????, ??? ?????????? ??? ??????? ?? ??  
????????? ??? ?????????? ??? 9, ?????????? 1, ??? ?????? ???, ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
???' ?????? ??? ?????? ??? ?????? 10 ??? ?????? ???, ?? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? (23), ??? ?????? ???  
????????? ??? (24) ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(25).

40. ???? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? 132, ?????????? 1, ?????? ???, ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? (26) ? ?????? ???, ??????, ?????? ???  
????????? ?? ??? ??? ?????? ??? ??????, ?? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? (27). ??????, ??? ?????? –????? ? ?????? ?????????? ???  
? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? – ???  
?????????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????, ?? ??????, ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? 9, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ???  
????????? 132, ?????????? 1, ??? ?????? ???, ??? ?????? ???.

41. ? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
11 ??? ?????? ????. ????, ?? ?????? ??? ?????? ?? «????????[?] ?? ???  
????????? ??? [...] ??????, ?? ?????? ??? ?????? ??? ?????????? ???  
????????? ????, ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ????. ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

42. ??? ?????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ?? ?????? ???  
????? ????, ????, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ????.  
????? ? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?  
????? 132, ?????????? 1, ?????? ???, ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
?????, ?????? ??? ?????? ???.

43. ??????, ? ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ?????? ???,  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?  
?? ?????? ???, ??? ? ???.

44. ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ?????? ???,  
??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ??? ?????? ???.  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ? ???.

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

45. ?? ?? ??????, ?? ???????, ?? ?????? ??? ?? ??? ?????????????? ???????, ?? ??????  
????????? ??? ?????? ?? ??????????????, ?? ?????, ?? ??? ??? ????? ?????????????? ??????? ??  
????????? ??? ?????????? ?? ?????????? ?? ?????? 132, ?????????? 1, ?????????? ???, ???  
????????? ??? ??? ?? ?????????? ??????? ?? ?????????? ??????.

46. ????? ?????????? – ??? ?????????? ??? ? ?????????????? ?????????????? ???  
????????? – ?? ????????, ??? ? ?????????????? ??? ?????? 132, ?????????? 1, ?????????? ???,  
??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????????????? ?? ?????? ??????????  
????????????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????? 135 ???  
????????? ????. ??? ?????? ?????? ??? ?????????? ??? ??? ??? ?????? Aviva (28), ???  
??? ??????. ?? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? ???, ???, ??? ???  
????????????? ??? ?????? ??? ?????? ?????????? ?????????? ???, ?????? ?????? ??????  
????????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ?????? ?? ?????? 132  
??? ?????? ????. ??? ?????? ?????? ??? ?????? ??? ?????????????? ?????.  
????????????? ??????.

47. ?????????? ????, ??? ??? ?????? ??? ?? ??? ?????? ?? ?????????? ?? ?????????? ??????????  
????????????? ?????????? ??? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ???, ???  
????????? ????. ??? ?????? ??????, ??? ?????? ??? ?????? ??? ?????????? ?? ??? ??? ??????????  
Aviva (29), ??? ??? ??? ?????? ??????. ?????????, ?? ??? ?????? ?????????? ?????????? ??? ???  
????????? ??? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? ???, ???'  
?????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ???  
(?????????????) ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? (?)  
??? ?? ?????? ????. ??? ?? ?????????? ?????? ?????????? ?????????? ??? ??????????, ?? ??????????  
????? ???? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ?????? (30) ??? ?? ??????, ?????????, ?? ??????????????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ????.

3. ??? ??? ?????? ?????????? ???????????: ?????????? 5 % ??? ??? ??????

48. ?? ?? ?????? ?????????? ???????, ?? ?????? ?????????? ?????? ?? ???????????,  
???' ??????, ?? ? ?????????? ??? ?????? ?? ?????? 132, ?????????? 1, ?????????? ???,  
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? – ??? ?????????? ?????? ?????? 5 % – ?????? ?? ??? ?????????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???.

49. ?????? ??? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? ???, ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ?????? ??? ??? ??? ??? ??  
????? ?????? ??? ?? ??? ??? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??????».

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

51. ?????????? ?? ??? ? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ???

132, ?????????? 1, ??????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ?????? ???  
????? ??? ?????????????? ?????? ??? ?????????????? ?????? ??? ?????????????? ?????? ???  
????? ?????????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? . ?? ??? ???? ???  
????? ?????????? ?????? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? «Erstattung [?????????] ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
????? [?]» (31) ??? Rückzahlung [?????????] (32) ? Rückerstattung [?????????] (33)  
????????? ??? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??  
????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 132, ??????????  
1, ??????? ???, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? Aviva (34). ? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????????? ?? ?????????? ??????, ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ??????  
????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??????  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????  
?????????.

52. ??????, ??? ?????? ?????????? ?????? ?????? ??? ?????? ???? ?????? ???? ?????? ???  
????????? ??? ?????????? ?? 132, ?????????? 1, ??????? ???, ??? ?????? ???  
??? ?????????? ??? ??? ??? ?????? ?????????? ?????? ?????????? ?????? ???  
????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ?????? ???  
?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???' ?????? ?????? ??? ?????? ???.

## VI – ??????

53. ?????? ??? ?????? ??????, ?????? ??? ?????????? ?? ?????????? ??????????  
????? ?????? ?????????? ?????? ??? Administrat?v? apgabaltiesa (?????????)  
????????? ?????? ???:

1. ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 132, ?????????? 1,  
????????? ???, ??? ?????????? ?? ?????? ?????? ?????? ???, ??? ?? ??? ???? ?????? ???  
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1, ??? ?????? ???  
????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ???  
?????????.

2. ??? ?????????? ??????, ?? ?????? 132, ?????????? 1, ?????????? ???, ??? ??????  
????? ??? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????????? ??? ?????? ?? 132, ?????????? 1, ??? ?????? ???.  
????????? , ?????? ?????????? ?????? ?????? ?????????? ?????????? ??? ?????? ???  
??? ?????? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? ???.

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

4. ? ?????? ??? ?????? ?? ?????? 132, ?????????? 1, ?????????? ???, ??? ??????  
????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??????????  
????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
????? ?? ?? ?????????? ??? ?????? ?????? ?????????? , ?????? ???' ?????? ??? ?????? ???  
?? ??????.

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

2 ?? 2006, L 347, ?. 1.

3 ?????????? ??? 15?? ??????? 1989, Stichting Uitvoering Financiële Acties (348/87, EU:C:1989:246), ??? 20?? ?????????? 2003, Taksatorringen (C?8/01, EU:C:2003:621), ??? ?? 11?? ?????????? 2008, Stichting Centraal Begeleidingsorgaan voor de Intercollegiale Toetsing (C?407/07, EU:C:2008:713).

4 ????????????, ??? ???? ??? ??????? ????????????, ????????? ?? ?????????? C?274/15 (????????? ??? ??????????????), C?605/15 (Aviva) ??? C?616/15 (????????? ??? ??????????).

5 ?????? ?????????? ??? ??????????: C?605/15.

6 ? ?????? ??? ????? ?????????? ??? ?????????? ??? ?????? 13, ?, ?????????? 1, ?????? ???, ??? ????????????, ?? ?? ?????, ????? ?????? 77/388/??? ??? ?????????? ??? 17?? ??? 1977 ??? ????????????, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? – ??? ?????? ??? ?????? ?????????????? ??? ?????: ?????????? ?????????? ??? (?? ????. ??? 09/001, ?. 49? ??? ????: ??? ?????). ? ?????? ?? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

7 ??., ?????? ????, ??????? ?? 19?? ?????????? 1982, Becker (8/81, EU:C:1982:7, ??? 25), ??? 22?? ??????? 1989, Costanzo (103/88, EU:C:1989:256, ??? 29), ??? 10?? ?????????? 2002, Kügle (C?141/00, EU:C:2002:473, ??? 51), ??? ??? 7?? ?????? 2016, Ambisig (C?46/15, EU:C:2016:530, ??? 16)? ?? . ??? ?????? ??? 4?? ?????????? 1974, Van Duyn (41/74, EU:C:1974:133, ??? 12).

8 ??., ?????? ????, ??????? ?? 23?? ?????????? 1994, Comitato di coordinamento per la difesa della cava ?.?. (C?236/92, EU:C:1994:60, ??? 9), ??? 26?? ?????????? 2006, Pohl-Boskamp (C?317/05, EU:C:2006:684, ??? 41), ??? 1?? ?????? 2010, Gassmayr (C?194/08, EU:C:2010:386, ??? 45), ??? 15?? ?????? 2014, Almos Agrárkükkereskedelmi (C?337/13, EU:C:2014:328, ??? 32), ??? ??? 7?? ?????? 2016, Ambisig (C?46/15, EU:C:2016:530, ??? 17).

9 ???. ??? ??? ?????? ??, ?? ??? ?? ??? ????????????, ??????? ??? 28?? ?????????? 2013, MDDP (C?319/12, EU:C:2013:778, ??? 49).

10 ?????? ??? 16?? ??????? 2015, Larentia + Minerva ??? Marenave Schiffahrt (C?108/14 ??? C?109/14, EU:C:2015:496, ??? 50).

11 ???. ?????? ??? 20?? ?????????? 2003, Taksatorringen (C?8/01, EU:C:2003:621, ??? 59).

12 ??????? ?? 23?? ?????????? 1994, Comitato di coordinamento per la difesa della cava ?.?. (C?236/9,2 EU:C:1994:60, ??? 10), ??? 17?? ?????????? 1996, Cooperativa Agricola Zootechnica S. Antonio ?.?. (C?246/94 ??? C?249/94, EU:C:1996:329, ??? 19), ??? 29?? ?????? 1997, Klattner (C?389/95, EU:C:1997:258, ??? 33) ??? ??? 1?? ?????? 2010, Gassmayr (C?194/08, EU:C:2010:386, ??? 45).

13 ??., ?????? ????, ??????? ?? 25?? ?????????? 1983, Smit Transport (126/82, EU:C:1983:14, ??? 11), ??? 4?? ?????????? 1997, Kampelmann ?.?. (C?253/96 ??? C?258/96, EU:C:1997:585, ??? 38), ??? 9?? ?????????? 2004, Meiland Azewijn (C?292/02, EU:C:2004:499, ??? 61), ??? 19?? ?????????? 2012, Orfey (C?549/11, EU:C:2012:832, ??? 53), ??? ??? 6?? ?????????? 2015, T?Mobile Czech Republic ??? Vodafone Czech Republic

(C?508/14, EU:C:2015:657, ?????? 53).

14 ???. ?? ??????? ??????? ??? ??????????, ?? ????? ?????????????? ??? ?????? 4,  
?????????? 5, ??????? ??????, ??? ????? ??????.

15 ???. ?????????? ??? 17?? ?????????? 1989, Comune di Carpaneto Piacentino ?.?.?. (231/87  
??? 129/88, EU:C:1989:381, ??????? 32 ??? 33), ?????? ??? ??? 8?? ??????? 2006,  
Feuerbestattungsverein Halle (C?430/04, EU:C:2006:374, ?????? 31), ??????? ?? ? ? ???? 4,  
?????????? 5, ??????? ?????? ??? ????? ??????.

16 ??., ?????? ????, ??????? ??? 25?? ?????????? 1999, CPP (C?349/96,  
EU:C:1999:93, ?????? 15), ??? 14?? ??????? 2007, Horizon College (C?434/05, EU:C:2007:343,  
????? 15), ??? 21?? ?????????? 2013, Žamberk (C?18/12, EU:C:2013:95, ?????? 17), ??? ???  
??? ??????? 2015, De Fruytier (C?334/14, EU:C:2015:437, ?????? 17).

17 ??., ?????? ????, ??????? ??? 8?? ????????????, Shipping and Forwarding  
Enterprise Safe (C?320/88, EU:C:1990:61, ?????? 7), ??? 15?? ?????????? 2005, Centralan  
Property (C?63/04, EU:C:2005:773, ?????? 62), ??? ??? 3?? ?????????? 2015, Fast Bunkering  
Klaip?da (C?526/13, EU:C:2015:536, ?????? 51).

18 ???. ??????? ??? 20?? ?????????? 2003, Taksatorringen (C?8/01, EU:C:2003:621,  
?????? 58 ??? 65).

19 ??., ???????????, ??????? ?? ?????? ??? ??? ???? ?????? ??? ?????????? ??? ??????????,  
?????????? ??? 26?? ??????? 1990, Velker International Oil Company (C?185/89,  
EU:C:1990:262, ?????? 19), ??? 16?? ?????????? 2004, Cimber Air (C?382/02, EU:C:2004:534,  
????? 25), ??? ??? 2?? ??????? 2015, De Fruytier (C?334/14, EU:C:2015:437, ?????? 18).

20 ??????? ??? 15?? ??????? 1989, Stichting Uitvoering Financiële Acties (348/87,  
EU:C:1989:246, ??????? 13 ??? 14), ?? ?????? ?? ?? ?????? 13, A, ?????????? 1, ???????  
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