

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

YVES BOT

??? 22?? ??????????? 2016 (1)

?????? C?471/15

**Sjelle Autogenbrug I/S**

????

**Skatteministeriet**

[?????? ??? Vestre Landsret (????????? ??? ??????? ????????????, ????)  
??? ??? ?????? ????????????, ???]

«????????????? ????????? – ?????? 2006/112/?? – ?????? ??????? ?????? ??????????????  
????? – ?????? ??????? ??? ?????????? ??? ?????? ?????? – ??????? ???  
????????? ??? – ?????? ?????????? ?????????? ?????? ?????? – ??????  
“????????????? ???”»

1. ??? ?????? ?????? ???????, ??????? ?? ???? ?????????? ?? ?????????????? ??? ??  
????????????? ?????????? ??????? ?? ??????? ?? ?????????????? ?? «????????????? ???  
?????», ??? ?? ?????? ??? ?????? 311, ?????????? 1, ??? ?????? 1, ??? ?????? 2006/112/E?  
(2).

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

3. ?? ??? ?????? ?????? ?? ??????? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??  
????? 311, ?????????? 1, ?????? 1, ??? ?? ??? ?????? ?????? ?? ?????????? ??? ??????????  
????? ??? ? ??? «????????????? ???» ?????????????? ?? ?????????? ?????????? ??? ??????  
????????? ?? ???, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????????? ??????????  
????????? ??? ??????, ?????????????? ?? ?????????? ?????? ?????????????? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????????? ?????? ??? ?????? ???.

I – ?? ?????? ???????

? - ?? ?????? ??? ?????

4. ?? ?????? 1, ??????????? 2, ??? ??????? 2006/112 ????

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

[...] »

5.      ?? ?????? 73 ??? ?????? ??????? ?????? ?? ????:

6. ? ?????? XII ??? ?? ??? ????? ???????, «?????? ???????????», ?????????????? ?? ??????? 4,  
?? ??? ????? «?????? ??????? ?? ??????????? ?? ?????????????? ?? ?????????????? ?? ??? ??  
?????????? ?? ???????????, ??????????? ? ??????????? ?? ?????????????? ?? », ?? ????? ??????????  
?? ?? ????? 311 ?? 343.

7. ??????? ?? ?????? 311, ?????????? 1, ?????? 1 ??? 5, ??? ?????? 2006/112:

«1.    ??? ????? ??????? ??? ???????? ?????????? ??? ?? ??? ?????????? ???? ??? ??????????, ??? ??????? ??:

1) “????????????????? ?????”, ?? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ?????? ??  
?????????????????????, ?? ?????? ? ???? ??? ???????, ?????? ??? ??????????????  
?????????????, ?????????? ? ?????????????? ?????? ??? ?????? ??? ?????????? ?????????? ?  
????????? ?????, ??? ?????????? ??? ?? ?????? ???,

[...]

5) «????????????? ??? ?????? ?????? ??????????????», ??? ?????????????? ?????? ??? ? ??????, ???  
????????? ??? ?????????????? ??? ????????????????, ?????????? ? ?????????? ??? ??? ?????? ???  
????????????? ??? ? ?????????? ?? ?????? ??? ?????????????? ???, ?????????????????? ?????? ? ???  
????????????? ???, ?????????????? ? ?????????????? ???, ?????? ?????????? ??? ??? ?????? ???  
????????????? ???, ?????????????? ? ?????????????? ???, ?????? ?????????? ??? ??? ?????? ???

8.      ?? ?????? 312 ??? ?? ??? ??????? ??????? ?? ???;

«???? ???? ??????? ??? ??????? ????????????, ??????? ??:

1) “????? ???????”, ?? ?????? ?? ??????????? ?? ??????????? ? ?? ??????????? ?

????????????? ??? ????? ??????????? ??? ??? ?????????? ? ??? ??? ?????? ???????,  
????????????????? ??? ??????????? ??? ?????????? ??? ?????? ?? ??? ?????, ??? ?????,  
???????????, ????????, ??? ?????? ?????, ??? ??????????? ??????, ????? ?????  
???????????, ??????????, ?????????? ??? ?????????, ?? ?? ?????? ????????????  
???????????, ??? ?????? ?????? ??????????? ??? ?????????, ?? ?????? ??? ?????? ?????? 79,

2) "???? ??????", ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? 1), ?? ?????? ?????? ?  
?? ?????? ? ?????????? ??? ??? ?????????? ??? ?????? ?????? ??????????»

9. ?? ????? 313, ?????????? 1, ??? ???? ????? ??????:

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

10. ??? ????? 314 ??? ?????? 2006/112 ?????????? ?? ????:

«?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????????????? ??????  
?? ?????????????? ??????????????, ?????????????? ? ?????????????? ?????? ??  
????????????????? ??? ?????????? ??? ?????? ??????????, ?????? ?? ?????? ??? ??  
????????????? ??? ?????? ??? ?????????? ??? ??? ?? ?????????? ??????:

) ??? ?????? ?? ?????????? ????,

[...]».

11. ?? ????? 315 ??? ???? ?????? ?????? ?? ????:

«? ??? ?????? ??? ?????? ??? ???? ?????????? ?????? ??? ?????? 314 ?????????? ???  
????????? ??? ?????? ??? ?????????????? ? ?????????????? ??? ?????? ??????????, ??????????  
????? ?? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??????.

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

12. ?? ????? 318 ??? ???? ?????? ???? ?? ????:

«1. ??? ?????????? ?? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??  
?? ?????????? ??, ?? ?????? ??? ?????? ?? ?????????? ??? ??????????, ??? ?????????? ?????? ? ??  
????????? ?????????? ?????????? ??? ?????? ??????????, ???, ??? ??? ??????????  
????????????? ?? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ?????? ?, ???  
????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 250.  
???

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

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

?????:

?) ??? ?????????? ?????? ??? ?????????? ??????, ?? ?????? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?????? ?????????? ?????????? ?????? ?????????? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
???, ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

?) ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? 314, ??? ?????? ??????????????,,  
????? ?? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ???,  
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

3. ?? ?????? ??? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????????????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? 1 ??? ?????? ?????????? ??????????????  
????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

? – ?? ?????? ????

13. ? momsloven (????? ????), ??? 23? ?????????? 2013 (??? ????: ?????? ???? ???  
??? 2013), ?????????? ??? ?????? ?????? ??? 2006/112. ??? ?????????? 17 ???  
????? ????, ?? ????? «????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???  
????????? ?????????? ?????? ??? ?????????? ??? ?????????? ???», ?? ?????? 69,  
????????? 1, ?????? 1, ??? ?? ?????? ?????? ?????????? ??? ?? ?????????????? ???, ?? ??????  
????????? ???, ?????????? ???, ?????? ???, ?????????????? ???, ?????, ?????? ??? ??????????  
????????? ???, ?????????? ??? ?????????? ???, ?????, ?????? ??? ?? ?????????? ??  
????????? ??? ?????? ??? ?????? ?? ?? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

14. ?? ?????? 69, ?????????? 3, ??? ?????? ??? ?????? ??? 2013 ?????? ???, ??  
????????? ???, ?????????? ?? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

15. ?? Vestre Landsret (????? ??? ?????? ?????? ?????????? ???) ?????????? ???  
????????? ???, ??? momsloven (????? ????), ??? 18? ??? 1994,  
????????? ??? ? ?????? ??? ?????? ?????? ?????? ??? ? ?????? ??? ?????? ???  
????????? ??? ? ?????? ??? ?????? ??? ? ?????? ?????? ?????? ????. ??? ?????? ???  
??? ?????????? ???, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???  
?? ?????????? ???, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
«????????? ???» ?????? ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ???  
????????? ???, ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? (3).

16. ?? ??????????? ??????? ??? 10?? ??????????? 2006 ??????? ?? ??? ??????? ??  
??? ?? ??????? ??????? ?? ???, ? ??????? ??????? ??? ??????????? ??? ?? ??????? ??  
??? ?? ??? ??? ?????????????? ??????? ??? ??????????? ??? ??????????? ???  
????????????? ??? ?????????????? ??? ?????????????? ??? ??????????? (??????  
?????????????), ?????? ??? ?????????? ??? ?????????????? ? ??????????? ??? ???????,  
????? ?? ??? ?????????????? ?? ???????????.

II – ?? ??????????? ??????????? ??? ?????? ?????? ??? ?? ??????????? ???????

17. ? Sjelle Autogenbrug I/S ????? ?????????? ?????????????? ??? ??????? ???  
????????????????? ???????, ? ????? ?????????????? ??? ?????? ?????????????? ???  
????????? ?????????????? ?????????????? ??? ?????????????? ??? ?????????????? ???  
??? ?????? ??? ?????? ????.

18. ????????????, ? Sjelle Autogenbrug ?????????????? ??? ??? ?????? ???  
???????????, ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??? ?????? ???, ?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ??????????  
????? ??? ?????????? ?????? ??? ?????????? ??? ?????????????? ?????????? ??? ???  
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????????.

19. ? ?? ?????? ??? Sjelle Autogenbrug ????? ?????? ??? ?????????? ??? ??????? ???  
????? ???, ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
?????????????, ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???  
????????? ??? ?????? ??? ??? ?????????????? ??? ??????????.

20. ? Sjelle Autogenbrug ?????????? ??? ??? ??????? ?????? ??? ??????? ?? ???  
???????????, ????????. ??? 15 ?????? 2010, ?????? ??? ?? ?????????? ??? ??  
????????? ??? ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ??????  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ???.

21. ??? 6 ?????? 2010, ? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?? Sjelle  
Autogenbrug ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????? ???  
????????? ???, ?????? ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ???  
??? ?????????? ??? ?????????? ??? «????????????? ??? ??????».

22. ?? ?????? ??? 12? ?????? 2011, ?? Landsskatteretten (?????????? ??????????)  
??????????, ?????) ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?? Sjelle  
Autogenbrug ?????? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
??????????.

23. ?? Vestre Landsret (?????? ??? ?????? ?????????? ??????????), ?????????? ?????????? ??  
????? ??? ?????? ??? ?????? 311, ?????????? 1, ?????? 1, ??? ?????? 2006/112,  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ??  
????????? ?????????? ??? ??????:

«?????????, ??? ??? ?????????? ??? ?????? ??? ?????????? ??????????, ?? ?????????? ?????????? ???  
????? ??? ?????? ???, ??? ?????????? ?????????? ?????????????? ??? ?????? ???  
????????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??? ?????? ???  
????? ?????????? ?? ?? ?????????? ?? ?????????? ??? ?????????? ?? ?????? «????????????? ???  
?????», ??? ??? ?????? ??? ?????? 311, ?????????? 1, ?????? 1, ??? ?????? 2006/112;»

III – ???????

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

26. ?????????? ?????????? ?????? ?? ?????????? ??? ? ?????? ?????? ?????? ?????????????? ???  
????? ??????????. ???????, ??? ???? ????? ?????????????? ??? ?????? ?????? ??????, ?  
????????????? ??? ???? ????? ?????????????? ??? ?????? ??? ?????? ?????????? ?? ?????????????? ???  
?????. ??????, ?????? ??? ????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??????????????????  
????? ??? ???? ??? ?????????? ??? ?????? ??????, ??? ?????? ?? ?????? ??? ??? ??? ?? ???  
??? ?????? ?? ?????????? ??? ??????, ??? ???? ?????? ?????????? ?????????????? ??? ???  
??? ?????????? ??? ?? ?????????? ??? ?????? ?????? ??????. ?? ??? ?????? ?????? ??????????  
????????? ??? ?????? ??? ?????????????? ??? ??? ?????? ?????? ?????????? ??? ?? ??? ???  
?????.

27. ??? ?????????? ??? ??????????? ???????, ??? ?????????????? ??? ??? ?????? 94/5/?? (4)  
??? ??????????? ??? ???? 311 ??? 343 ??? ??????? 2006/112, ?????????? ??? ???  
????????????? ??? ???? ??? ??????????. ????????, ??????, ??? ?????????? ??? ??????????  
??? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ?? ??? ???  
?? ??? ???? ??? ??????? ?????????????? ?? ?????????????? ???????????, ???, ???????,  
???? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??????  
????????? ??? ??? ??? ?????? ?????????? ??? ?????????? (5).

28. ??????????? ?? ??????? ?? ?????????? ???, ? ?????????????? ???. ???? ??????????????  
?????? ?? ??????? ?? ?????????? ???. ???? ?????? ???. ???? ?????????? ???. ???? ?????? ???. «?????????????????  
?????», ??????? ?? ?? ?????? 311, ?????????? 1, ?????? 1, ??? ?????? 2006/112.

29. ????? ??? ??????? ????????, ?? ??????? ?????????????? ?????? ??????? ?? ????????????????,  
???' ??????, ?? ? ??????? ????? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ? ???  
«????????????? ?????» ?????????????? ?? ?????????? ?????????????? ?????????? ?? ??????,  
????? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????  
????????????????? ?? ?????? ?? ?????? ?? ?????????????????? ?????????? ?????????? ??  
??????, ?????????????? ?? ??????????????, ?????????????? ?? ??? ?????? ?????? ??  
????????? ?? ??? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????????? ??????????.

30. ? ?????? ?????????? ?????? ??? ? ?????, ??? ? ?????? ???????, ??? ???? «?? ??»  
????????? ??????? ???, ?????????? ??? ?????? ?? ?????????????? ?? «?????????????»  
?????», ??????? ?? ?????????? ??? ?????????? ???, ?????? ??? ??? ?????????? ?? ?  
????????????? ?????? ? Sjelle Autogenbrug ??????, ???????, ??? ?????? ??????. ??????, ?  
????????? ??? ?????????????? ???, ?????? ??? ?? ???? ????? ?????????????? ?? ?????????? ?

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

31. ??? ?????????????? ??? ?????? ??? ??? ?????? ?????????? ??????.

32. ?????????? ???, ??????? ?? ?? ?????? 311, ?????????? 1, ?????? 1, ??? ??????  
2006/112, ?? ?????????????? ??? «?? ?????? ?????????? ??? ?? ?????? ??? ?????? ?? ??????  
????? ?????? ?? ??????????????????, ?? ?????? ??? ?????? ??? ?????????, ?????? ???  
????????????? ??????????????, ?????????? ??? ?????????????? ?????? ??? ?????? ???  
????????? ?????????? ? ?????????? ???, ??? ?????????? ??? ?? ?????? ??? ?????? ???».

33. ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
?????? ??? ? ?????????? ??? ?????? ?????????? ?? ?????????? ??? ??? ??? ?????? ??? ??  
????? ??? ??????????, ??????, ??? ??? ??? ?????? ??????, ??? ?????????? ??  
????????????? ??? ???, ??? ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????? ???.

34. ? ????, ??? ?? ??? ??????, ??? ??? «?? ?????? ?????? ?????? ??  
????????????????? » ?????????? ???, ?????????? ??? ?????? ?? ?????? ??  
????????????? ?? «????????????? ???», ??? ??? ?????? ??? ?????? 311, ?????????? 1,  
????? 1, ??? ?????? 2006/112, ?????? ?? ?????? ?? ?????????? ?? ???,  
????????????? ??? ?????? ?????????? ??????. ? ?? ??? ?????? ?????? ?????? ?? ?????? ??  
????? ??? ?? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ???  
?????????????. ??? ?????, ??? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
«?? ???? ? ??? ?????? ??? ??????».

35. ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????, ?? ?????????? ?????????? ??? ??  
????????????? ??? «????????????? ???» ?????, ??? ??? ?????? ???, ??? ??  
????????????? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ???????????.  
????????? ???, ??? ?????? ???, ??? ?????? 2, ?????? 6, ??? ?????? 2000/53/?? ??? ??????????  
????????????? ??? ??? ??????????, ??? 18? ?????????? 2000, ??? ?? ?????? ??? ??????  
??? ?????? ??? ??? (6), ? ?????????? ??? ?????? ??? «?????????????» ??  
«????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ». ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???, ?????????? ??  
????? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????.

36. ??????, ?????? ?????? ?? ?????????? ??? ?????????????? ???  
????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? ??? ??? ?????? ??? ??????. ??? ?????????? ??? 5 ??? ??????  
2000/53, ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? Sjelle  
Autogenbrug, ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
??? ?? ?? ?????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ???.

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

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

38. ????????, ?? ?????????? ?????????????? ??????????? ?? ?????, ??? ?????????????? ??? ?????  
??? ?????? ?? ?????? ??? ?????? ?? ?????? ?????? ?????????????????? ??? ?????? ???  
????????????????????? ?????????? ?????????? ??? ???????, ?????????????? ?? ??????????????  
?????? ?? ?????????????? ?? «????????????? ???».

39. ??????? ??? ?????????????? ??????, ?????? ?? ?????????? ?? ?? ?????????? ???  
?????????? ?????? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????? ??? ?????????? ??  
???????????. ???????, ??????? ?? ?????? ?????? ?????? ?????????????? ??? ?????? ???  
«????????????? ??????», ?????? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ? ?????? ?????? ?? ?????? ?? ? Sjelle Autogenbrug ?????? ?? ?????? ??? ??????  
????????? ??? ?????????? ?????? ?????? ??? ?????????????? ??? ?????????? ??????. ???  
????? ??????????, ??? ?????? ??? ?????? ?? ?????? 267 ??? ?????????? ?????????? ???  
????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??  
????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????????? ??  
????????? ?? ?????? ??? ?????? ?????? ?????? ?????? (7). ???????, ?????????? ?? ??????  
????????? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ?? ? ?????????? ???  
????????? ?????????????? ??? ?????? ??????, ??? ?????? ?????????? ?? ?????? ?????????? ???  
????????? ??? ?????????? ??? ?????? ?????? ?????? Sjelle Autogenbrug.

40. ?? ?????? 315 ??? ??????? 2006/112 ??????? ??? ? ??? ??????????? ??? ?????? ???  
?????????? ??????, ?????? ?? ?????????? ??????? ??? ?????????????? ??? ?????? ??? ???????????  
?????????? ??? ??????? ??????? ??? ?????? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????? ???  
???? ??????????? ??? ??? ?????? ?????? ???.. ?? ?????????? ??? ??????????? ??? ??????????? ?? ???????????  
?????? ??? ?????????? ??? ?????? ??????. ???????, ?? ?????????????? ??????????? ??? ?????????? ???  
???? ???????, ??? ?? ?????? ??? ???????, ?????? ??? ???????, ??? ?? ?????? ??? ??????? ?  
?????????? ??? ?????? ?????????????? ??????? ??? ??????? ??? ??????? ???.

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

43. ????????, ?????????? ???, ??? ???? ?? ????? 313, ?????????? 1, ??? ?????? ??????, «[?]?

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

????????????? ?????????? ??? ?????? ?????????? , ?????? ?????????? ?????????? ???

????????? ??? ?????? ??? ?????????????? ? ?????????? ?????? ??? ??????????» (8). ?

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

44. ?? ??????? ??? ?????????? ?????????? ??????? ?????? ??? ?????? ?????? ??? ?????  
??? ?????????? ?????????????? ?????????? ??????, ?? ?????????? ??? ?????????????? ??? ? ??? ? ???  
????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??? ?????? ?????????? ??? ? ? ??? ? ???  
????? ?????? ??? ?????? (9). ????, ??????, ?????? ??? ??? ? ?????????? ??? ?????????? ???  
????? ?????? ??? ? ? ??? ?????, ? ?????? ?????? ??? ?????? ?????? ???, ?????????? ???  
????? ?????? ??? ? ? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????? ?????? ??? ? ? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ??? (10).

45. ??????, ?? ?????????? ??? ?????? ??? ? ??? ? ?????? ?????????? ??????????????  
????? ?? ?????????? ??? ??? ?????? ??? ? ?????????? ??? ?????? ?????????? ??? ? ?????????? ???  
????? ?????????? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ? ?????????? ???  
??? ?????????? ??? ?????? ?????? ??? ?????? ??? ? ?????? ?????????? ??? ?????????? ??? ? ???  
????? ?????? (11). ??????, ?? ?????????? ??? ?????? ?????? ??? ? ? ??? ? ??? ? ?????? ??????????  
?? ?????????? ??? ??????????, ?? ??? ? ??? ?, ?????? ?????? ?????? ?????????, ?? ??????  
?????, ?? ? ? ??????, ?????????? ?????? ??? (12). ?? ?????????? ?????? ??? ? ??? ? ??? ? ???  
??? ?????????? ?????????? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ? ?????????? ??? ? ???  
??????????, ?? ?????? ?????????? ??? ?????? ??? ? ?????? ??? ?????? ??? ? ?????????? ??? . ?? ??  
?????, ? ?????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ? ???  
(13).

46. ??????, ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??????, ?????? ??? ? ???  
??? ?????????? ?????????? ??? ?, ? ?????? ??? ?????? ?????????? ??? ? ??? ? ??? ? ??? ? ???  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? , ?????? ??? ? ??? ? ??? ? ???  
????????????? ??? ??????. ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ? ??? ? ??? ? ???  
????? ??? ? ?????? 47 ??? 48 ??? ?????? ??? 3?? ?????? 2011, Auto Nikolovi (C?203/10,  
EU:C:2011:118).

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

48. ?? ?????????? ?????? ?????????? ??? ??????, ?????? ?????? ?????? ?????? ?????? ???  
??????, ?????????? ?? ?????????? ??? ? ??? ? ?????? ??? ? ??? ? ??? ? ??? ? ??? ? ??? ? ??? ?  
??? ??? ?????. ?????? ??? ?????? ?????? ??? ?????? ??? ? ?????????? ??? ? ??? ? ??? ? ??? ?  
????????? ??? ???? ???? ?????? ??? ?????? ??? ???? ???? ?????? ??? ???? ???? ???? ???? ?  
????? ??? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ???? ???? ?  
????????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?  
????????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?  
????????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?  
????????? ??? ???? ???? (14).

49. ?? ??? ??? ???? ???? ???? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?  
????????? ???, ?????? ?? ?????????? ??? ? ?????? ?????? ??? ? ?????? ?????? ??? ? ?????? ??? ?  
2006/112 ?????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ?  
????? ??? ?????????? ??? ???? ???? ???? ?????? ??? ???? ???? ?????? ??? ???? ???? ???? ?

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

50. ? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ?????? ??? ??  
????????????? ??? ??? ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??  
????? ?????? ?? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ??  
????????????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??????????  
?? ?????? ?????????? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ???  
????? ??? ???, ??? ? Sjelle Autogenbrug, ???, ??????, ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?????? ??????.

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

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

53. ??? ??? ?? ?????????? ???, ???, ?????????? ?? ?????? ??? ??????????  
????????? ??? ?????????? ???, ??? ?? ?????? ??? ?????? ?? ?????????? ?? ?????? ???  
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ? ???  
????? ??? ??? ?????? ?????????? ??? ???? ?????? ?????? ??? ?????? ??? ?????????? ??  
????? 30 % ??? ?????? ?????? (15).

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

55. ??????, ?????????? ??? ?? ?????? 310 ??? *Bulletin officiel des finances publiques-Impôts* (France) [????????? ?????????? ??? ?????? ?????????? ?????? – ??? (?????)] (16)  
????? ??? «[?]» ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ?????????? ??????????  
????????? (????????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
?????????) ?????????? ?? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??????» (17).

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

????????? ?? ??? ?????? ??? ???? ??????????? ??? ??????????? ????????. ????????, ??  
????? 318 ??? ??????? 2006/112, ??? ??????????? ?? ???? ?????? 70, ??????????? 5, ???  
????? ??? ??? ??? 2013, ?????? ??? ?? ?????? ??? ?????? ??????? ?? ??????????? ??? ????  
????????? ??? ?????? ??????????? ??? ?????? ?????? ??????????? ??? ?????? ?????????? ??????,  
????? ??? ?????? ?????? ??????? ??? ??? ??????????? ??????. ??? ?????????? ???, ? ???  
????????? ????, ??? ?? ?????????? ?????? ???????, ?????????? ??? ?????????? ??? ???????,  
??????, ??? ?????????? ?????? ??? ?????????? ???????, ?????????? ??? ?????????? ??? ???????,  
????????? ?????? ??? ?????? ?????? ??????????????? ??? ??? ?????????? ??? ?????????? ???  
????????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ???????, ?????? ???  
????????? ?????? ??? ?????? ?????? ???????, ???, ???????, ??? ?????????? ??? ?????? ???  
????? ??? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ?? ???????, ??? ??? ?????????? ???  
????????? ???, ?????? ??? ?????????? ?????? ??? ???????.

57. ?? ??? ???? ???? ???? ???? ???? ???? ? Sjelle Autogenbrug ??????? ???, ??? ????  
????????????? ??? ??? ??????? ??? ?????? ?????? ???????, ? ??????? ??? ?????? ??? ????????  
????????? ??? ?????? ?? ?????????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ????????  
?? ??? ?????? ??? ??????? ??? ?????????? ??? ??? ??? ?????? ?? ?????????? ??? ? ?? ??????  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ???  
????????? ???, ??? ? ??? ??? ?????? ?????? ??? ???????.

58. ???????, ? ??????? ??? ??????? ??? ?????????? ??????????? ?? ????????, ??? ???? ???? ???? ?,  
?? ?????????? ??? ??????? ??? ?????? ?????. ???' ?????? ?? ?????, ?? ????????  
?????? ?? ?????????? ?? ??? ?????????? ?????? ?????????? ?????? ??? ?????????? ??? ????????  
?????? ?????? ??? ?????? ??? ?????????? ?????? ?????? ??? ?????????? ?????? ??? ????????  
?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????. ?????????? ???  
????????? ?? ?????????? ??? ?????? ???, ?? ??????? ?? ?????????? ??? ?? ??? ??? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ??? ??? ?????????? ???  
????????? ??? ??? ?????????? ???????, ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??? ?? ??? ??? ?????? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ?????? ??? ???????.

59. ?? ??? ???????, ??? ???? ???????, ?????? ??? ???????, ??????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ???????.

60. ?????? ??? ?????? ?????? ??? ???????, ?????? ??? ???????, ??? ?????? ??? ???? 311, ?????????? 1, ??????  
1, ??? ?????? 2006/112 ?????? ?? ?????????? ??? ??? ?????? ??? ???? «????????????? ???  
?????» ?????????? ?? ?????????? ?????????? ?????????? ?? ??????, ??? ?????????? ???  
????? ??? ?????? ??? ?????? ??? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ???  
????????????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????, ?????????? ??? ???? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ???????.

#### IV – ???????

61. ?????????? ??? ?????? ??? ???????, ?????? ??? ???????, ?????? ??? ?????????? ???  
????????? ??? Vestre Landsret (??????? ??? ??????? ???????????, ????) ?? ???:  
?? ?????? 311, ?????????? 1, ?????? 1, ??? ?????? 2006/112/?? ??? ?????????? ??? 28??  
????????? 2006, ??????? ?? ?? ?????? ??????? ?????? ?????????? ???, ?????? ????

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

1 – ???? ???? ??????????: ? ??????.

2 – ???? ???? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ???? ?????? ??????  
????? ?????????? ?????? (?? 2006, L 347, ?. 1).

3 – ?. ?????? 2.1, ?. 11 ??? ?????????? ??? ??????????.

4 – ???? ???? ??????????, ??? 14?? ?????????? 1994, ??? ???? ?????????? ??? ??????  
????????? ?????? ?????????????? ?????? ??? ?????????????? ??? ?????? 77/388/??? –  
????? ?????????? ??? ?????????? ??? ?????????????? ?????? ??? ?????? ??? ??????????????  
?????????????, ?????????? ? ?????????????? ?????? (?? 1994, L 60, ?. 16).

5 – ?. ?????????? 51 ??? ?????? 2006/112 ?????? ??? ?????? ??? 3?? ??????  
2011, Auto Nikolovi (C?203/10, EU:C:2011:118, ??? 47 ??? ?????? ?????????????? ??????????).

6 – ?? 2000, L 269, ?. 34.

7 – ?. ?????? ??? 28?? ?????????? 2016, Oniors Bio (C?233/15, EU:C:2016:305, ?????? 30  
??? ??? ?????????? ??????????).

8 – ? ?????????? ????

9 – ?. ?????? ??? 23?? ?????????? 2015, GST – Sarviz Germania (C?111/14,  
EU:C:2015:267, ??? 34 ??? ?????? ?????????? ??????????).

10 – ?. ?????? ??? 2?? ?????? 2015, NLB Leasing (C?209/14, EU:C:2015:440, ?????? 40  
??? ??? ?????????? ??????????).

11 – ?. ?????? ??? 10?? ?????????? 2011, The Rank Group (C?259/10 ??? C?260/10,  
EU:C:2011:719, ??? 36).

12 – ?. ?????? ??? 19?? ?????? 2012, A (C?33/11, EU:C:2012:482, ?????? 32 ??? ???  
????????? ??????????). ??., ??????, ?????? ??? 15?? ?????????? 2012, Zimmermann  
(C?174/11, EU:C:2012:716, ??? 48).

13 – ?. ?????? ??? 19?? ?????? 2012, A (C?33/11, EU:C:2012:482, ?????? 33 ??? ???  
????????? ??????????).

14 – ??., ??? ??? ?????? ???, ?????????? ??? 23?? ?????? 2009, Puffer (C?460/07,  
EU:C:2009:254, ?????? 45 ??? 46 ??? ?????? ?????????? ??????????), ??? ??? 22??  
????? 2012, Klub (C?153/11, EU:C:2012:163, ??? 42).

15 – ??., ??????????, ??? 297 A, III, ??? code général des impôts (????????? ??????  
?????????, ??????) ??? ????? 56 ter-1, ?????????? 4, ??? loi concernant la taxe sur la valeur  
ajoutée (????? ??? ?????? ?????????? ?????, ??????????????).

16 – BOI?TVA?SECT?90?20?20150506.

17 – ? ??????????? ????.