

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

YVES BOT

??? 7?? ?????????? 2016 (1)

?????? C?33/16

A Oy

[?????? ??? Korkein hallinto-oikeus (?????? ?????????????? ????????????, ????????) ??? ??
?????? ?????????????? ???????]

«?????????? ??????? – ??????? – ????? ?????????????? ?????? (???) – ??????
2006/112/?? – ??? 148, ??????? ?? – ?????? ?????????? – ?????? – ??????? – ??????
????????? ?????????????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????????
??? ?????????? ?????? ?????? ??? ?? ?????? ??? – ?????? ?????? ?????? ??????
??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????»

1. ? ?????? ?????????????? ??????? ??? ?????? ??? ?????? ??? ?????? 148, ???????
??, ??? ?????? 2006/112/?? ??? ????????, ??? 28?? ?????? 2006, ??????? ?? ??
????? ?????? ??? ?????? ?????????? ??? (2)

2. ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? A Oy (3)
??? ??? Keskusverolautakunta (????????? ?????????? ??????????, ??????????) ??
????????? ?????????? ??? ?????? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ?????? ?????????????????? ???
????????? ??? ?????? ??? ?????? ??? ?????????? ?? ??? ?????? ??????, ??? ??? ??????????
???? ????????, ??? ?????? ?? ??? ?????? ??? ?????????? ??? ??? ??? ??? ?????? ??????????
??? ?????? 148, ??????? ??, ??? ?????? ???.

3. ?? ??? ?????? ?????? ?? ?????? ??? ? ?????? ??? ?????? ??? ?????? ?????? ???
????????????? ??? ??? ?????? ?????? ??? ??? ?? ??? 148, ??????? ??, ??? ??
???? ?????? ??? ? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???
????????? ???.

4. ?? ??????????, ??????????, ??? ??? ?????????? ??? ?? ??? 148, ???????
??, ??? ?? ??? ?????? ?????? ?????? ??? ?????? ?? ?????? ?????????? ??? ??????????
??????, ??? ?? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ??????????
????????? ??? ? ??? ??? ?????? ?? ??? ?????? ??? ?????????, ??? ?? ?????????? ???, ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

I – ?? ?????? ????????

? –?? ?????? ??? ???????

5. ?? ????? 148, ??????? ??, ?? ??? ?, ?? ?????? ??? ??????:

«?? ??? ?????? ??? ?????????????? ??? ?????????? ??????????:

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

[...]

?) ??? ??????????, ??????????, ?????????, ?????????, ?????????? ??? ??????????
????? ??? ?????????? ??? ?????????? ?? ?????? ??? ??? ??????????, ?????????,
????????? ??? ?????????? ?????????? – ?????????????? ??? ?????????? ?????????? ??????????
?? ?????? ?????? ?????????? ??? ?????? ??? ? ?????????? ??? ??? ?????????? ???
?) ??? ?????? ??????????, ?????? ??? ?????????????? ??? ?????????? ??, ?? ??????
????????????????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?? ??? ??? ?????
????.»

6. ?? ?? ??? ????? 148, ??????? ??, ?? ??? ?, ?????????? ??? ?????? 15, ?????? 4,
????????? ?? ??? ?, ?????? ??? ?????? 5 ??? 8, ??? ????? ?????? 77/388/??? ???
?????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????? ??? ??????????
??? ?????????? ?? ??? ?????? ?????? ?????? – ????? ?????? ?????? ??????????????
?????: ?????????? ?????????? ??? (4)
, ?? ????? ??????????????.

? –?? ?????????? ???????

7. ??? ?? ????? 71, ?????????? 3, ??? Arvonlisäverolaki 1501/1993 (????? 1501/1993
????? ??? ?????????????? ???), ??? 30?? ?????????? 1993 (5)
, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ??????
?????:

«?? ?????????? ??? ?????? ??? ?????????? ??????????:

[...]

3) ??? ?????? ?????? ?????? ? ?????????? ?????????? ?????????? ?????????? ?????????? ??????????
??? ?????? ??? ?????????? ?????? ??? ??????????, ??? ?????? ??? ?????? ?????? ??????????
??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????.»

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

8. ? ?, ? ?????? ?????? ?????????? ?????? ??? B Oy, ?????? ??? ?????????????? ??? ??
??? ??????, ??? ?????? ?????????? ?????????? ??? ??????????, ??????????????,
????????????? ??? ?????? ??? ?????????? ??????????.

9. ??? ?????? ??? ?????????? ??? ?????? ??? ? ?????????? ?????????????? ???????????

????????????????? ?????? ?? ?????? ?????????????????? ??? ?????????????? ?????????? ?????????? ?????
??? ?? ?? ?????? ??????? ?????????? ?????????????? . ?? ?? ??? ?????????? ?????????? ?????????? ??
????????? ? ?????? ??? ?????? ??? ? ???, ?? ????????, ? ? ??? ?????? ??? ?????? ?????? ?????
???, ???, ??? ??????????, ??? B Oy, ??? ?????? ??? ??????????, ??? ?????? ???, ???
????????? ?????????? ? ??? ??????????. ?? ?????? ?? ? ?????????? ?????? ??? ?????? ???
????????? ?????? ?????????? ?????????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ???
????????? ??? ?????? ? ?????????? ??? ??? ?????? ??? ?????? ??? A.

10. ?????? ?????? ?????? ??? ? ??? ?????????????? ??? ?????? ??? ?????????? ??, ???'
????????? ??? ?????? 71, ?????????? 3, ??? AVL, ?? ?????????? ?????????????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??????
????????? ??? ??? ?, ? Keskusverolautakunta (????????? ?????????? ??????) ??????, ??
????????? ??? 1?? ?????????? 2014, ??? ?? ?????????? ?????????????? ??? ?????? ??
????????? ?? ?????????????? ??? ??? ??? ??? ?????? ??? ?????? 71, ?????????? 3,
??? AVL –?? ??? ?????? ?????????? ?? ?????? 148, ????????, ?? ??? ??, ??? ?????? ??? ??
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???, ??
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?? ??????
????????? ??? ?????????? ???, ??? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????? ??? ??????
????????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
?????.

11. ?????? ??? ?????? ??? ?????? ?????? ??? ?????????, ?? ?????? ??? ?, ???? ??? ?? ???
?????????, ?? Korkein hallinto-oikeus (????????? ?????????? ??????????, ?????????)
????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??
????????? ?????????? ??????:

«1) ??? ?? ?????? 148, ????????, ??, ??? [????????? ???] ??? ?????? ??? ? ?????? ??? ?
????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ?????? ???
????? 148, ????????, ??, ??? ?????? ???;

2) ?????????? ??? ?????? ??? ?????? 24 ??? ?????? [?? 14?? ?????????? 2006,
????? (6)
], ??? ?? ?????? ?????? ?????????? ??? ?? ??? ?????? ?????? ?????????? ??? ??????????????
????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? 148, ??????????
??, ??? [????????? ???] ??? ?????? ??? ?????? ??? ?? ?????? ?? ??? ?? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? A
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? A ??? ?????? ?????? ?????????? ??? ?? ?????? ??? ??????;

3) ?????????? ??? ?????? ??? ?????? 24 ??? ?????? [?? 14?? ?????????? 2006,
????? (7)
], ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?? ?????? ?????? ?????????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 148, ?????????? ??, ??
[????????? ???] ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ??? ?????? ??? ??????;»

III – ????????

? –????????????? ????????????

12. ?????????????? ?????????? ??? ?? ?????????? ?????????? ??? ?????????? ?????? ???
??? ?????????? ??? ???' ??? 148 ??? ?????? ??? ?????????? ??? ??? ??? ???.

13. ??????, ?? ?? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ???
?????? ??? ??????, ?? ?? ??? ??????, ?? ?????????? ??? ?? ?????????? ?????????? ???
????????? ??? ??? (8)

14. ???????, ?? ?? ??? ?????? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ???
?????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?? ?????? ??? (9)
. ?? ?????? ??? ?????? ?????? ?? ?? ?????: ??????, ??? ?????? ??? ?? ?????? ???
????????? ??? ??? ?????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????? ???
????????????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? (10)
???, ???????, ??? ?????? ??? ?????????? ??????????????, ? ?????? ?????????? ??
????????? ??????????, ??? ?????? ??? ?????????? ??? ???, ??? ?????????? ???
????????? ??? ??? ?????? ??? (11)

15. ??????, ?? ??? ??? ?????????????? ??? ?? ?????????? ??? ?????? ??? ?????? ???
148 ??? ?????? ??? ?????? ?? ?????????? ??? ??????????, ?????????? ??? ?? ???
????????? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?? ?????????? ???
???? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???
????. ??????????, ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? (12)

16. ??? ?? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?? ?????? ?????? ???
????????? ??? ?? Korkein hallinto-oikeus (?????? ?????? ??????) ???
????????? ???.

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

17. ?? ?? ?????? ?????? ??? ?? ?????? ?????????? ???, ???' ??????, ??
????????? ??, ???' ??? ?????? ?????? ??? 148, ?????? ??, ??? ?????? ???, ?
????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ???
????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??????.

18. ?????? ??? ?? ?? ?????? ??????, ??? ?????, ??? ?? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????????
?????????, ??? ?????????? ??? ?????? ?????????? ???.

19. ?????????? ??? ?? ?????? 148, ?????? ??, ??? ?????? ??? ?? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?????? ???, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ?????? ???» (13)

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

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

21. ??? ??????????????????, ? ?????????????? ??? ?? ??????? ??? ?????? 148, ?????????? ??,
?? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????????? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ? ?????????? ??? ??? ???
?? ?????????????? ??? ?????? ??? ?????????????? «??? ??? ?????? ?????? ??? ?????? [...]
??? ??? ?????? ???» (14)

22. ?????????????? ??? ?????? ??? ?? ?????????? ?????????? ??? ?????? 148, ?????????? ??,
?? ??????? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? «?????
???? ?????????? ??» ??? «??? ?????? ???». ???????, ??????? ??? ??????????, ??????
?????, ??? ??????????, ??? ???????, ??? ???????, ?? ??????? ??? ??? ?????? ?????? ???
?? ??? ?????? ??? ?????? ??? ?????????????? ?? «????? ?????? [...] ?? ??????
????????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????», ??? ?????????? ???, ?????? ???, ??? ??????????, ?? ??????????, ?? ??????????, ?? ??????????
??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????????? ?? «?????
????????? [...] ?? ?????? ?????????????? ??? ??? ?????? ?????? ??? ?????? ???
????????? ?? ??? ?????? ???» (15)

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

23. ??? ?????? ??????????, ??????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??
????????? ??? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????? ???
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?, ?????????? ??? ?????? ?????????? ??? ???
??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? (16)

24. ?? ??????????, ?????????? ? ?????????? ??? ?????????? ??? ?????? ?????????? ???
????????? ??? ?? ??? 148, ?????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?? ??? ?????? ???, ?????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ???
????????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ??? ??? ?????? ???

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

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

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

27. ????????, ? ??????? ?? ?????????? ?????? ?????? ??? ?????? ?? ?????? 148 ??
?????? ???, ? ?????? ??? ?????? ??? ??????? ??? ?????? ?????????? ??? ?????????? ??????????
????????? ??? ?????????? ??? ?????? ??? ?????????? , ??? ?????????????????? ??? ?????? ?? ???
????? ?????????? ???, ??? ?????? ??? ?????????? ?????????? ??? ?????????? ?? ?????????? ??? ???
????????? ??? ??? . ??? ??? ?????? ??? ?????? ??? ?????? ???, ? ????????, ? ??????
????????? ??? ??? ?????? ??? ?????? ?????????? ???, ?????, ??? ??? ??? ??? ???, ??
????????? ??? ??? ?????? ??? ?????? ?????????? ??? ?????????????? ??? ??? ??? ????
????? ??? ?????? ??? ?????? ???.

28. ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ??? ????
????????? ??? ?????????? ???, ???' ??? ?????? ?????? ??? ?????? 148, ?????????? ??, ???
?????? ???, ? ?????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ?? ??? ??? ??????
?????? ??? ??? ?? ?????????? ?? ??? ?? ??? ?????? ?????? ?????? ? ??? ?????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???.

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

29. ?? ?? ?????? ?? ?? ?????? ?????? ???, ?? ?????? ?????? ?? ?????????? ??? ??????,
?? ?????? ?????????? ???, ???' ????, ?? ?????????? ?? ?? ?????? 148, ?????????? ??,
??? ?????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ??? ?????? ????
????????? ?????????? ?? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ?? ??? ?????????? ??? ?????? ??? ?????????? ???, ?????????? ??? ?????????? ???.
????????? ? ??? ?????? ??? ?????? ??? ??????.

30. ?????????? ??? ? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ?? ?????????? ??? ?????? 15, ?????? 8, ??? ?????? ??????, ?
????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???, ? ?????? ?? ??? ??????
??? ?? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
148, ?????? ??, ??? ?????? ???.

31. H ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? 26?? ??????
1990, Velker International Oil Company (17)
, ??? 14?? ?????????? 2006, ?????? (18)
, ??? ??? 3?? ?????????? 2015, Fast Bunkering Klaip?da (19)

32. H ?????? ??? 26?? ?????? 1990, Velker International Oil Company (20)
, ?????? ??? ?????? ??? ?????? 15, ?????? 4, ??? ?????? ??????, ?? ?????? ??????????
????? ?????? ?????????? ????. ? ?????? Velker International Oil Company Ltd NV ???
????????? (21)
????????? ??? ?????? ??????, ?? ?????? ??? ?????????? ?????, ??? ?????? Forsythe
International BV ??? ?????? (22)
, ?? ?????? ??? ?????? ?? ?????? ??? ?????????? ?? ?????????? ??? ?????? ???
?? ???????, ?????????? ?? ?????? ?????? ???????, ?? ?????? ??? ?????????? ????
????. ?? ?? ?????? ??? ?????? ?????? ?????????? ?????? ?? ?????????? ??? ?????????? ???

?????? ??? ?? Verker ??? ?? Forsythe ?????????? ?? ?????? ?????????? ??? ?? ??? ?? ????.
??????????, ??? ?? ?????? ?? ???? «????????? ?????, ?? ??? ?? ?????????? ??? ?? ????.
????????? [...] ???» ?????? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????? ?? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ??? ?? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
?????.

33. ?? ?????????? ??? ?????? ??? ??????? ??? «?? ?????????? ??? ?????? ??? ?????????? ???
??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ». ??? ?????? ???
?? ??? ??????: ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?????? ??? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

34. ??????, ??? ?? ??????????, «[?]?? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?????????? ??? [?? ?? 15, ?????? 1,] ?????? ??? ?????? ??? ?????????? ???
?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
?? ? ?????????? [?? ?? 15, ?????? 4,] ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ?????? ??? ?????? » (23)

35. ??????, ?? ?????????? ??? ??????? ??? «? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????? ??? ?????? [?????], ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
«[?]?? ?????? ??? [...] ?????? ??? ?????????? ??? ?????? ??? [????] ??? ???
????????? ??? ?????? ??? ?????? ??? “????? ??? ?????? ??? ?????? ???...
?????”, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 15 ??? ?????? ???» (24)

36. ? ?????? ?? 14?? ?????????? 2006, ?????? (25)
, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 15,
????? 8, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
Oceanic International Bunkering SA, ? ?????? ?????? ?? ?????? ??? ?????? ???
????? ???.

37. ?? ?????????? ???, «????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ???», ? ?????????? ??? 15, ?????? 8, ??? ?? ??? ??????
????? «????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
(26)
. ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ??? ?????? ??? ?? ???
?? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? 22 ?? 24 ???
Velker International Oil Company (27)????????? ?? ??? ?????? ??? 15, ?????? 4, ???
????? ??? ?????? ??? ?????? ???.

38. ?? ??? ?????? ??? 3?? ?????????? 2015, Fast Bunkering Klaip?da (28)

,???? ??????????? ? ??? ???? ? ?? ?????? ? ?????????? ? ?? ?????????? ?? ??????????? ??
?????????? ???? ? ???? ???? ?????????? ??? ???? ?????????????????? ?? ??????????? ????
??? ???????, ???????, ??? ?????? ?????????? ??? ???' ??? 14, ?????????? 1, ???
?????? ? ?? ?????? ?????? ?? ?????????? ?????? ?? ???????, ??????? ?????? ??? ? ??????? ??
????????? ?? ?????? ?????????? ??? ??? ?????????????? ?????? ?????????? ??? ?????????? ???
?????? ?????, ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ???
????????? ??? ??? ?????? ?????????? ??? ?? ??? ?????????? ?????, ?????? ?? ?????????? ??
?????? ?????????? ??' ?????? ???.

39. ????????????? ??? ???? ???? ?????????? ??? ???? ?????? ?????? ???? ???? ???? ????
????????? ??? ???? ?????????? ??? ???? ?????? ??? ?? ?????? ?????????????? ??? ???? ???? ???? ????
??? ?????????? ??? ?????????? ??? ?????? ?????? ?? ?????????????? ?????????? ???? ???? ???? ????
????????? ???, ?? ?????????? ???, ???????, ???????, ?????? ?? ??? ?????? ?????????? ???
??? ?????????? ?????? ???????, ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ???
?????????, ?? ?????????? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ??????????????
?????????, ?????????? ???, ??? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
??? ??????, ? ?????? ??? ?????? ?????? ?????? ??????????, ?????? ??????????, ?????? ??????, ???,
??? ?? ?????? ??? ?????????? ??? ?????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ??
?????????, ??? ?????, ?? ?????? (29)

40. ?? ?????????? ??? ?????? ?? ??? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ????
????????? ??? ???? ?????? ?? ?????????????? ?? ?????????? ??? ???? ?????????? ??? ???? ???? ???? ????
????????? ??' ?????? ???, ??? ?????? ?? ?????????? ?? ?????????? ??? ???? ???? ???? ???? ????
????????????? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ?? ?? ??? ??????, ??
????? ??? ?????? ??? ?????? 148, ?????? ??, ??? ?????? ??? (30)
. ? ?? ??? ?????? ??? ?????????? ??????????, ???????, ??? ?????? ??? ?????? ??? ?????????? ??? ???? ???? ????
????????? ?????? ?? ?????????????? ??? ???, ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ???.

41. ????????? ??? ???? ???? ?????????? ???????????, ?? ?????? ?????? ??? ???? ???? ????
????????? ??? ???? ?????? ??? ?????? ?????? ??? ???? ?????? ?? ???? ?????? ?????????? ??? ???? ????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ???? ????
????????? ???, ??? ??? ?? ?????????? ??? ?????? ??? ?????? ?? ???? ?????? ??? ?????????? ??? ????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???,
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????
????????? ??? ?????????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???.

42. ? ?????????? ??? ?????? ??? ?????????? ?????????????? ??? ?????????? ??? ???? ???? ????
????? ?????????? ???? ???? ?????? 148, ?????? ??, ??? ?????? ???.
?????????????, ? ?? ??? ?????? ??????, ??? ?????? ?????????? ??? ???? ?????????? ??? ???? ???? ????
????? ??? ???? ?????? ?????????? ??? ?????? ??? «??? ?????? ?????????? ??? ???? ???? ???? ???? ????
????? ??????» (31)
?? ?? ??? «??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??????» (32)
, ?????? ?? ?????? ?? ??? ??????.

43. ??? ??? ?????? ???????, ??? ?????? ?????????? ?? ??? ???? ???? ???????, ? ?????????? ???
? ?????????? ???????, ?? ?????? 148, ?????? ??, ??? ?????? ??? ?????? ?? ?????? ??? ?????? ???
????????? ??? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ????
????????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ????
?????, ??? ??? ?????????? ??? ?????? ??? ??????.

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

44. ??? ?? ??????? ????????, ??? ??? ?????? ?????????????? ? ?????????? ?????????? ??? ?
????????? ???????, ?? ??????? ?????? ?????????? ??? ?????????? ?????? ?????? ??
????????? ??? ??? ?????? ??? ?????? ?????? ?????????? ??????, ??? ?? ?????? ?????? ?????? ???
????????? ???, ????????, ?????????? ??? ?????????? . ? ?????????? ?????????? ??????????,
?????????, ??? ?? ?? ??? ?????? ?????????? ??? ?????????? ?? ?????????????? ??? ?????? ??? ???
????????? ??? ?? ??? ?????? ?????????? ?????? ?????????? ??? ??? ?????????? ??? ?????? ??? ??
????????? ??? ??????. ?? ?? ??????, ??? ??? ?? ??? ??????????, ?? ?????????? ??? ?????????? ???
????? ?? ?????? ??? ?????????? ??? ??? ?????? ??? ?????????? . ??? ?????????? ??? ??????????
???, ??? ?? ??? ?????? ?????? ??????, ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ??????????,
????????? ?? ?????????? ?????? ??? ?????? 148, ?????????? ??, ??? ?????????? ???, ? ??????????
????????? ??? ?? ??? ?????????? ?????? ??? ?????????? ?????? ?????? ??? ??????????
?????????, ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????????? . ????????, ??? ?????????? ??? ?????????? ?????? ??? ?????????? ???
????? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ???
????? 148, ?????????? ??, ??? ?????????? ???, ??? ?? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ???
????????? ?????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ?????? ??? ?????????? ???
?? ?? ?????????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ??????
148 ??? ?????? ??? ?????????? ??? ?????? ?????? . ????????, ? ?? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ???

45. ?????? ?? ??? ??? ?????? ?????????? ?????????? ?? ?????? ?????????? ???.

46. ?????????? ?? ??? ??? ?????? ?????? ? ?????????? ??? ??? ?????? ? ?????????? ??????????
????? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ???.

47. ? ?????? ??? ?????? ?????? ??? ?????????? ??? ???' ???' 148, ?????????? ??, ???
????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?? ??? ?????? ???
? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???
????????? ??? ??? ?????? ? ??? ?????????? ????. ?? ???????, ??????, ???
????????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ?????? ?????????? , ? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? , ?????? ?????? ??????????
????????? ??????, ?? ?????????? ?? ?????????? ?????? ?????? ?????????? ?????????? ??? ??????
?????????.

48. ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? 148 ??? ?????? ???, ? ??????,
????? ??? ??? ??????, ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ?????? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ???
(33)
. ??? ? ?????? ???, ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ???

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

49. ??????????, ??? ???? ?????? ?? ??????????? ??????, ?????????????????? ??????
????? ??? ?????? ??? ?????? ???????????, ??? ???? ?????? ?????? ?? ?????????? ? ???
??? ???????, ??? ???? ?? ?????????? ? ?????????? ??? ?????????? ??? ???? ?????????? ???
?????????? ??? ?????? ??? ??? ??? ??? ??????, ?????????? ?????????? ??? ??????????
??? ???????.

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

52. ? ??????? ??????, ??? ?????? ?????? ??????????? ???????????, ??????????? ??? ?? ????
?????????? ??? ???????????, ??? ??? ??????, ??? ??????? ??? ??????????? ???????????, ?
?????????? ??? ??? ??? ??????? ?? ???????????, ??? ??????????? ??????????? ??? ?? ???
??????????, ??? ???????, ??? ??? ??????? ??, ?? ?????? ??????????? ??? ???????????
??????????, ??? ??? ??????? ??? ??????????? ??????? ??????? ???????????, ??? ??????????? ??
??? ??????? ??? ??????? ??, ?? ??????? ??? ??????? ??????? ??????????? ??
?????????? ??? 26?? ??????? 1990, Velker International Oil Company (34)
, ??? ??? 14?? ??????????? 2006, ??????? (35)
, ???????, ???????, ??????????? ?????? ?????? ?????? ??? ??????? ??????????? ??? ??????
???? ?????????? ?????? ?????, ???, ??? ?????? ??? ?????? ?????? ???????, ?????????? ??? ??????
?? ?????????? ??? ??? ?? ??????? ??? ??? ?????? ???, ??? ?????? ?? ?????? ???????,
????? ?????????? ??? ??????? ??? ???????, ??? ?????? ??????? ?????? ???????.

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

54. ?? ??????????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ??????????? ???.
?????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???.
???. ?? ??????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ??????? ???. ???.
????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ??????? ???.
????????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????? ???.
????????? ???. ?? ??????????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ?. ???.
???. ?? ??????????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ?. ???. ???. ???.
???. ?? ??????????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ?. ???. ???. ???. ???.
???. ?? ??????????? ???. ?? ??????????? ???. ?? ??????? ???. ?? ??????????? ???. ?? ?. ???. ???. ???. ???.

55. ???????, ? ??????? ?????????? ?????????? ??? ?? ?????????? ??????? ??????????????
??? ?????????? ?????????? ??? ??????, ?? ?????? ?????? ?? ?????????? ?? ??????????,
??? ?????? ??? ?????????? ???????, ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ??????????. ? ??????? ?????? ??? ??????????, ???????, ??? ??????????
????????? ?????????? ? ?????????? ?????????? ?????????? ??? ??????? ??? ??? ??????.

56. ???????, ??? ??"?"' ?????????????? ?????????? ? ?????????? ?????????????? ??? ????
??????, ?????????? ??? ????? ?????????? ?? ?????????? ? ?????? ?????????? ? ??????????
??? ?????? ?? ?????? ??? ?????? ?? ?????????? ??? ?????? 148, ??????? ??, ??? ??????
???, ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??????????????
?????? ??? ??? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????? ??? ??????????
?????????????. ??????? ??????? ?? ?????????? ? ?????????? ?????????????? ??? ??????
????????? ? ?????????? ??? ?????? ??? ?????? ?? ?????, ?????? ?????, ???
????????????? ??? ?????????? ?????????? ?????????, ?????????????? ??? ? ?? ???
????????? ??? ?????? ?????????????? ??? ?????? ??? ?????? ?????????????? ??? ??????????????
??? ??? ?????? ? ?????? ?????????? ?????? ?????????? ?? ?????????? . ???????, ???
?????? ?????? ??? ?????? ??? ?????? ? ?????? ?????? ?????????? ?????????? ??? ?????????? ??
?????, ??? ??????????????, ?????? ?? ?????????????? ??? ?????? 148, ??????? ??, ???
?????? ????. ???????, ? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ? ?????????? ?? ??????,
????? ?????? ???????, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??
????? ?????? 148 ??? ?? ?????? ???????.

57. ??? ???. ?????????? ??????, ?????? ??? ? ?????????? ??? ?????????????? ??????? ??
????????? ?????????????? ??? ?????????? ?????? ??? ?????? ?? ?????? ?????????? ???
????????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ?????????? ??? ???????. ??????
??? ? ???' ????? 148, ??????? ??, ??? ?????? ??? ?????????? ?????? ?? ?????????? ??
????????? ?? ????. ??? ?? ?????? ??????, ??? ??? ?? ?????????? ??? ?????? ?? ??? ?????????? ??.

IV – ???????

58. ????????, ????????, ??? ???????????, ?? ?????? ??? ?????????????? ???????????, ???
Korkein hallinto-oikeus (????????? ?????????????? ???????????, ??????????) ??? ???????, ???:

????' ????? ?????????? ??? ??????? 148, ?????????? ??, ??? ??????? 2006/112/?? ??? ????????????,
??? 28?? ?????????? 2006, ??????? ?? ? ? ????? ?????? ?????? ?????? ?????????????? ?????, ?
?????? ?? ??????? ?????????? ??? ?????????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ???'
????? 148, ??????? ??, ??? ?? ????? ?????? ?????? ? ??? ?????? ??? ?????? ?????? ?????????????? ???
????????? ?????????? ??? ?????????? ?????.

?? ?????? 148, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??
??? ? ???? ?????? ??????? ?????????? ?? ?????????? ?????????? ??? ?????????? ?? ?????????? ??
??????, ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ??? ??????????
?????????? ?? ?????????? ?????????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ??? ??????????, ???
?? ??????????, ???????, ?????????? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ??????
??????.

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

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

3 ??? ?????: ?.

4 ?? ??. ??? 09/001, ?. 49, ??? ?????: ????? ??????.

5 ??? ?????: AVL.

6 C?181/04 ??? C?183/04, EU:C:2006:563.

7 C?181/04 ??? C?183/04, EU:C:2006:563.

8 ??., ?????? ??????, ??????? ??? 3?? ??????????? 2015, Fast Bunkering Klaip?da (C?526/13, EU:C:2015:536, ????? 41 ??? ??? ??????????? ??????????).

9 ??., ?????? ??????, ??????? ??? 19?? ??????? 2012, ? (C?33/11, EU:C:2012:482, ????? 31 ??? ??? ?????????????? ??????????).

10 ??., ?????? ??????, ??????? ??? 19?? ??????? 2012, ? (C?33/11, EU:C:2012:482, ????? 48 ??? ??? ?????????????? ??????????).

11 ??., ?????? ??????, ??????? ??? 19?? ??????? 2012, ? (C?33/11, EU:C:2012:482, ??????? 32, 33 ??? 48 ??? ??? ??????????? ??????????).

12 ??., ?????? ??????, ??????? ??? 19?? ??????? 2012, ? (C?33/11, EU:C:2012:482, ????? 49 ??? ??? ?????????????? ??????????).

13 ???. ??????? ??? 4?? ??????? 1985, Berkholz (168/84, EU:C:1985:299, ????? 21, ?? ??? ?????? ??????????? ??? ??? ?????????? ??? ?????????????? ?????? ? ???????????, ??? ???????, ?????????????? ??? ?????? ?????????, ?? ?????? «??? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????»).

14 ? ??????????? ????

15 ? ??????????? ????

16 ??., ?????? ??????, ???????, ??????? ??? 28?? ??????? 2016, Edilizia Mastrodonato (C?147/15, EU:C:2016:606, ????? 29 ??? ??? ??????????? ??????????).

17C?185/89, EU:C:1990:262.

18C?181/04 ??? C?183/04, EU:C:2006:563.

19C?526/13, EU:C:2015:536.

20

21 ??? ?????: Velker.

22??? ?????: Forsythe.

23?????? ??? 26?? ??????? 1990, Velker International Oil Company (C?185/89, EU:C:1990:262, ????? 22).

24?????? ?? 26?? ?????? 1990, Velker International Oil Company (C?185/89, EU:C:1990:262, ???? 24).

25

26 ?????? ?? 14?? ?????????? 2006, ?????? (C?181/04 ??? C?183/04, EU:C:2006:563, ???? 24).

27 C?185/89, EU:C:1990:262.

28

29 ?????? ?? 3?? ?????????? 2015, Fast Bunkering Klaip?da (C?526/13, EU:C:2015:536, ???? 47).

30 ?????? ?? 3?? ?????????? 2015, Fast Bunkering Klaip?da (C?526/13, EU:C:2015:536, ???? 52).

31?????? ?? 26?? ?????? 1990, Velker International Oil Company (C?185/89, EU:C:1990:262, ???? 24).

32 ?????? ?? 14?? ?????????? 2006, ?????? (C?181/04 ??? C?183/04, EU:C:2006:563, ???? 25).

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34C?185/89, EU:C:1990:262.

35C?181/04 ??? C?183/04, EU:C:2006:563.

36 ??., ?????? ????, ?????? ?? 3?? ?????????? 2015, Fast Bunkering Klaip?da (C?526/13, EU:C:2015:536, ???? 28).