

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

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

NILS WAHL

??? 5?? ??????? 2017 (1)

????????????????? ?????????? C?374/16 ??? C?375/16

RGEXGmbH, ??? ??????????, ?????????????? ??? ??? ?????????? RochusGeissel,

????

Finanzamt Neuss (C?374/16)

???

Finanzamt Bergisch Gladbach

????

Igor Butin (C?375/16)

[?????? ??? Bundesfinanzhof (????????????? ?????????????? ??????????????, ??????????)?? ??  
?????? ?????????????? ??????????]

«????? ?????? ?????? ?????? ?????????????? ????? – ?????? 2006/112/?? – ????? 178, ?????????? ??  
– ?????? ?????? ?????? – ?????????????? ?????? – ?????? 226, ?????? 5 – ??????????  
????????????? ?????????????? ??? ?????????? – ?????????? ??? ?????????????? ??? ????? – ???  
????? ?? ??? ??? ?????? ??? ?????????? ??? ?????????????? ?????????? ??? ?????? ??? ?????? –  
????????????? ??? ? ?????? ?????????? ?????? – ?????? ?????????? – ?????? ??? ?????? –  
?????????????»

## I. ????????

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

2. ?? ?????? ?????? ?????? ?? ??? ?????? ?? ?????????? ? ?????????????? ??? ?????????? ??? ??????? 226,  
?????? 5, ??? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ??  
?? ?????? ?????? ??? ?????????????? ?????? (??? ????: ?????? ???? ???). (2), ??????????  
????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ????. ?? ??????  
????????? –??? ?????????? ??? ?????? ??? Bundesfinanzhof (????????????? ?????????? ???  
????????? , ??????)- ?????????? ?? ?? ??? ??? «?????????» ??????? ? ?????? ???

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

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

## II. ?? ?????? ???????

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

4. ?? ????? 168 ??? ?????? ??? ?????? ?? ??????:

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

?) ??? ?????????? ? ?????????? ??? ?? ??? ?????? ?????? ??? ?? ?? ??? ?? ?????? ??? ??  
????????? ??? ? ?????????? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????????? ???,  
[...]».

5. ?? ????? 178 ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ???????????  
????????? ??? ?????? C?375/16, ?????? ?? ?????? (3):

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

?) ??? ??? ?????????? ??? ?? 168, ??????? ??, ??????, ??? ?????? ??? ??  
????????? ??? ??? ?????? ??? ?????????? ??? ???????, ?? ?????? ?????????? ??? ?? ??? ?? ??  
????????? ?????? ?? ??? ?????? 3 ??? 6 ??? ?????????? 3 ??? ?????? XI,

[...]».

6. ?? ????? 226 ??? ?????? ??? ?????? ?? ??????:

«?? ?? ?????????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ?????? ??? ?? ??  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?? ??? ?????? ??? ??, ??? ?????? ??  
????????? ??? ?????????? ???' ?????? ??? ?????????? ??? ?????? 220 ??? 221:

[...]

5) ?? ?????? ?????? ??? ? ?????? ?????????? ??? ?????????????? ??? ?????? ??? ?? ??  
????????? ?? ??? ?????? ??? ?????? ??? ??????????,

[...]».

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

7. ?? ???? 14 ??? Umsatzsteuergesetz (????? ??? ?????? ?????? ????????, ??? ????: UStG) ?????? ?? ??????:

«1) ?????????? ?????? ??? ?????? ?? ?? ?????? ?????????? ? ?????????? ?????????? ?  
????? ??????, ?????????? ??? ?????????? ??? ?????? ??? ?????? ? ?????????? ?????? ??????????.  
????? ?? ?????????????? ? ?????????? ??? ?????????? ??? ?????????? ?, ? ??????????  
??? ?????????? ??? ?? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? [...]»

[...]

4) ?? ?????????? ?????? ?? ?????????????? ?? ?????????? ??????????:

1. ??? ?????? ?????? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ??  
????? ??? ?????? [...]».

8. ?????? ?? ?? ????? 15 ??? UStG:

«1) ? ?????????????? ??? ?????? ?? ?????????? ?? ?????????? ?????????????? ??? ?????? ??? ???  
?????:

1. ??? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
??? ?????????? ??? ?????? ??? ?????? 14 ??? 14a.»

9. ?? ????? 163 ??? Abgabenordnung (????????????? ????, ??? ????: ??) ?????? ?? ????:

«???? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ? ?????????? ???  
????? ?? ??? ??????????, ??? ?????? ?? ?????????? ? ??? ? ?????? ?? ?????????? ??? ?????? ?? ?? ??  
????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? [...]»

10. ?? ????? 227 ??? A? ?????? ?? ????:

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

III. ?????????? ??????????, ?????????? ??? ?????????????? ??? ??????

1. ?????? C?374/16

11. ? RGEX GmbH ??? ?????? ?????????? ??? ?????? ??? ?????????? ?????????? ??? ??????????  
? ?? ??? ?????? ?????? ?? 2007 ??? ?????? ??? ?????????? ??? ?? 2015. ??????????  
????? ??? ?????????? ??? RGEX ??? ? Rochus Geissel, ? ?????? ?????????? ???  
??? ?????? ??? ??????????.

12. ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? 2008, ? RGEX ??????,  
????? ????, ?????????????? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? 122  
????? ???? ??? ?????? ?????? 1 985 443,42 ??? ?? ?????? ?????????? ?????????? ???  
????? ??? ??? EXTEL GmbH.

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

????????? ??? RGEX ??? ??????? ??? ??? ?????? ?????????? ??? ?? 2008, ?? ?????? ???  
31?? ???????? 2010, ??????? ?? ??? ?????????? ??? ?????????? ??? ?? ?????? ???  
????????? ??????? ?? ??? ??? ?????? ??????. ?????? ??? ?? ?????????? ??  
????????????? ?????????????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ???  
????, ?????? ?? ?????? ?????? ??? ?????????? ?????? ??? ??????, ??? ??????????  
????? ??? ??????????. ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ???  
????????? ??? EXTEL ??? ??? ??????, ?????? ? EXTEL ?????????? ?? «????????? ??????»,  
? ??? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

14. ? ??????? ?????????? ?????????? ??? RGEX ??? ?? ?? ??? ?????? ?????????? ???  
?????????. ??? ???????, ? RGEX ?????????? ??? ?? ?????????? ??? ?????? ?????? ???  
???????? Finanzgericht (?????????? ???????????, ???????).

15. ?? Finanzgericht (?????????? ??????????) ??????? ??? ?????? ?????????, ???  
?????? ????, ?? ??????. ?????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ???  
EXTEL ?????????? ??? ? ?????????? ??? ???, ??? ?????? ?????????? ??? «?????????».  
??????????. ? ?? ??? ?????????? ?????????? ??? ??? ?????????? ??? ?????????? ???  
EXTEL. ??? ?????????? ??? ?????????? ??? ??? ?????????? ??? ??????, ?????????? ???  
????????? ??? ?????????? ?????????? ??? EXTEL. ?? Finanzgericht (??????????  
?????????) ??????? ??? ?????? ?? ?????????? ??? RGEX ??? ?? ??????????  
????????????? ??? ?????????? ??? . ?????? ??? ?? ?????? 15 ??? UStG ??? ?????????? ???  
????????? ??? ?????? ?????? ?? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???  
??? ??? ??????. ??? ??? ??? ???, ? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????????  
????????? ?? ?????? ?????? ??? ?????? ??? ?????? 163 ??? 227 ??? ??.

16. ? RGEX ?????? ??????? ??? ??? ?????????? ??? Finanzgericht (??????????).  
??????????) ??????? ??? Bundesfinanzhof (????????????? ?????????? ??????????).  
????????? ?????????? ?? ??? ??? ?????? ??? ??????? ??? ??????, ?? ?????? ??????????  
????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ???  
????? ?????????? ?????:

«1) ?????????? «????? ??????», ??? ?? ?????? ??? ?????? 226, ?????? 5, ??  
[????? ????] ?? ??????? ?? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ??????????  
????????? ??? ?????? ??? ??? ?????? ?? ??? ?? ?????? 168, ??????? ??, ?? ?????????? ??  
?? ??? 178, ??????? ??, ??? [?? ??? ??????], ??? ? ?????? ?????????? ?????????? ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???  
????? ? ?????????? ??????????, ??? ??? ?????? ?? ?????? ?????? ??????????;  
?????????;

2) ?????????? ?? ??? 168, ??????? ??, ?? ?????????? ?? ?? ??? 178, ??????? ??,  
??? [????? ???], ?????????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
????? ??????????; ??? ?????, ??????, ? ?????? ??? ?????? 168, ??????? ??, ??  
????????? ?? ?? ??? 178, ??????? ??, ??? [????? ???];»

## 2. ?????? C?375/16

17. ? Igor Butin, ? ?????? ?????????? ?????????? ??? ??????????, ??????????  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ???  
????? ??? ?????? ??? ?? ?????????? ?, ?? ?????? ?? ?????????? ????. ?????? ??

?????????????? ????? ??????????, ?? ?????? ?????????????? ??? I. Butin ? ??? ???????????  
??? ?????? ??? ? ? ?????????? ??? ?????????? ??? ?????? ??? -?????? ??? ??? ??? ???  
????????? ??? ? ? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ???  
????????? - ??? ?????? ?? ?????????? ?????? -????????????? ??? ??? ?? ??????????  
????????????? ????

18. ??? ?????? ?????? ?????? ?????? ?? ??? ??? ?????? ?????? ??? I. Butin, ?  
????????? ??? ? ? ?????? ??? ? ? ?????????? ??? ?????? ??? ?????? ??? ? ?  
????????? ??? Z, ??? ? ?????????? ??? ?????????? ?????????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
?? ?????????? ??? ?????????? ??????????: ?????????? ??? ?????????? ?????????? ???  
??? ?????? ? ? ?????????? ??? ?????? ??? ?????????? ??? . ? ?????????? ?????????? ??? ? ?  
???? ?????? ??? ?????????? ??? ?????? ???.

19. ? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
13 ?????????? 2013 ?????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
??? ?? ??? 2009 ??? 2011. ?? ?????? ??? 1?? ?????????? 2013 ?????? ??? ?????? ??? I.  
Butin ??? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ???  
????? 163 ??? ??.

20. ?? Finanzgericht (????????? ??????????), ??? ?????? ?????????? ? I. Butin ??? ??  
????????? ??? ?????????? ?????????? ??????????, ?????? ??? ??????. ?? ??????????  
????????? ??? ? ? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????  
14, ?????????? 4, ??? ?????? ??????, ?????? 1, ?? UStG ??? ?????? ?? ?????????? ???  
????????? ???????????. ?????? ?????? ??? ? ?????????? ??? ?????? ?????????? ???  
?????????, ??? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ???  
?????????. ???????, ?? Finanzgericht (????????? ??????????) ?????? ?????? ??? ??  
????????? ??? ?????? ??? ?????????? ??? ??? ?????? ?????????? ?????????? ??? ?????? ???  
????? ??????????. ?????????? ??? I. Butin ?????? ??? ?????? ?????? ??????????  
????????? ?? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ???.

21. H ?????? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???  
????? ??? Bundesfinanzhof (????????? ?????? ?????????? ??????????). ?????????? ??? ??  
????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ??????;

- «1) ??? ?????? ?? 226, ??? 5, ??? [????? ???] ??? ??????
- 2) ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
- ?) ??? ??? ?????? ??? ?????? ??? 226, ??? 5, ??? ?????? ???;
- ?) ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
- 3) ???, ??? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???

????? ??? ?? ???????, ?????? ?? ?????????? ?????????????? ? ? ?????????????? ??? ?? ??? ?? ??  
????? ??? ??????? ?? ??? ?? ?????? ?? ?????????? ?? ??? ?? ?????? ?????????????? ? ???? ??  
?????????? ?? ??? ?????????????? ??????????????, ??? ?????????? ???, ??? ? ??????????????  
????? ??? ?? ?????????? ??? ?????? ?????????? ?????? ?????????? ??? ?????????? ??? ??????????  
??? ?????????? ??? ??????????;»

### 3. ?????????? ?????? ??? ??????????

22. ?? ??????? ?? ?????????? ??? ?????????? ??? ?????????????? ??? 22?? ??????? 2016 ?????????????? ?  
?????????? ?? ??? ?????????? C374/16 ?? C375/16 ??? ?????????????? ??? ??????????  
?????????? ?? ??? ??? ?????? ?????? ??????????.

23. ?????? ?????????????? ?????????? ? I. Butin, ? ?????????? ??? ? ?????????? ??????????,  
????? ??? ? ???????.

## IV. ??????

### 1. ?????????????? ??????????

24. ???????????, ?????????????? ??? ?? ?????????? ???' ?????????? ?????? ??? ??  
????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ?? ??? ??  
??? ?????????? ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ??  
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? . ?  
????????? ??? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????????? ??? ??  
????????? ??? ??? ?? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??  
????????? ??? ?????? ??? ?????????? ?????? ???, ??? ??? ?????????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ??? (4). ? ??? ??? ?????? ???, ??? ???  
??? ???, ??? ?????? ??? ?????? ??? ?????? ?????????? (5).

25. ?? ??? 168, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??????????  
?????????? ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ??????. ??? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????????????? ???, ?????? ?? ?????????? ?????? ?????????????? .  
?????, ? ?????????? ??? ?????? ?? ?????? ?????????? ??? ?????? ???, ??? ??? ?????? ??? ??  
????? ??????. ???????, ?? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ???  
????????? ??? ?????????? ?????? ?????? ?? ?????????????? ??? ?????? ??? ?????????? ??? ??  
????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ??????. ??????, ??  
????? ? ?? ?????????? ??? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?? ??????????  
? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? (6).

26. ?? ??? ?? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?? 178,  
????????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ?????? ?????? ?? ?? ?????? 3 ?? 6 ?? ?????? 3 ?? XI  
?? ?????? ?????? (7). ?????? ?? ?????? ?????? ???, ?? ?????? 226 ?? ?????? ?????????? ??  
????????? ??? ??? ?????? ??????: ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ?????????? ??  
?? ??????????. ?? ?????? ?????? ??? ?????????? ??? ?????????? ??? «?? ?????? ?????? ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
?????????».

27. ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??  
?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????. ?? ?????????? ??? ??????????  
????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
?? «?????????» ??? ??? ?????? ??? ?????? 226 ?? ?????? ??? ?????? ??? ?? ??????, ?? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????

? ??????? ???? ?????????? ?????? ??? ?????????????? ??? ??????????????????, ?? ??????  
?????????? ???? ??? ??? ?????????????? ??????, ??????, ? ?????????????? ??? ??? ??  
????????????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? 226,  
????? 5, ??? ?????? ????.

2. ??? ??? ?????? ?????????????? ?????????????? ??? ?????? C?374/16 ??? ??? ??? ???  
??? ?????? ?????????????? ?????????? ??? ?????? C?375/16

28. ?? ?? ?????? ?????????????? ??????? ??? ?????? C?374/16 ??? ?? ??? ??? ????  
????????????? ?????????? ??? ?????? C?375/16, ?? ??? ?? ?????????????? ??? ??????, ??  
????? ?????????? ????, ???' ??????, ?? ?????????????? ?? ?? ??? 226, ?????? 5, ???  
????? ??? ??? ?????????? ?? ?????? ?????????? ? ?????? ?????? ??? ?????? ????  
????????? ??? ?????? ??? ?????? ??? ?? ?????? ?????????? ??? ?????????????? ??? ?????????????? ???  
????? ? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ?????????? ??? ?????????????? ???.

29. ????????????, ??????? ?? ?? ??????? ??? ????????????, ? UStG –??? ???  
???????????, ??????? ?? ?? ?? ?????? ?????????– ?????? ? «?????????» ???  
?????????? ?? ?????? ?????? ??? ? ??????? ?????? ??? ?????????? ??? ?????????????? ??  
????? ?? ?????????? ???, ??????? ??? ?? ?????????? ??? ??? ?????????? ??? ?????????????? ???  
????? ?????????? ??? ?????? UStG, ??????? ? ?????? ??? ?????????? ??? ?????????? ??? ??  
????????? ?????? ??? ???????, ?? ?????? ??? ?? ?????? ????????????, ??? ??  
????????? ??? ???????, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???.

30. ??? ??? ?????? ??? ?? ?????? ??? ?????????? ???, ?????? ??? ?????? ??? ?? ???  
226, ?????? 5, ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ?????????? ? ?????? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?? ??? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ???.

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

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

32. ?? ?????????? ??? ?????? ?????? ?????????????? ??? ?? ?????????? ?????????? ??? ??  
????????? ??? ?????? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????? ???  
??, ???????, ?? ?????? ?????? ?? ?????????? (8). ? ?????? ??? ??? ?????? ???  
?? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ???  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ???  
????????? ??? ?????????? ??? ?????? ??? (9).

33. ???????, ?? ??? 226 ??? ?????? ??? ?????? ???, ?? ??? ?????????? ???  
?????? ?????????? ??? ?? ??? ?????? ??? ??????, ?? ??? ??? ?????? ??? ???, ?????? ??  
????????????? ??? ??? ?????? ??? ?????? ?????? ?????????? ??? ?? ?????????? ???  
????????? ??? ??? ?????? ???' ?????? ??? ?????? 220 ??? 221 ?????? ??? ??????. ??  
?? ??????, ??? ?????? ????????, ?? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ???  
????? ??? ?????? ?????? ??? ?????? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ??? (10).

34. ??? ?????? ????????, ?? ?????????? ?????????? ??? ?????? ??? ?????????? ???  
????????????? ??? ?????????? ??? ?? ??? ?????? ??? ??????, ?? ??? ??? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????? ?? ?????, ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? «?????????» ??  
????????? ?????????? ??? ?????? ??? ?????????? ???, ??????????, ?????????, ??????????  
????????? ??? ?? ?????? ??? ?????? ??? ??????????.

2. ??? ??? ?????????? ??? ?????? 226, ?????? 5, ??? ?????? ??? ??? ???

35. ???????, ??? ?????????? ? ????????, ??? ?? ?????? ??? ?????? ??? ??? ???  
?????? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?? ??? ??????????.

36. ??? ?? ?????? ??? ??????, ? ???????? ??? (11) ?????????? ?? ??? ??? ???  
??????????, ?????????????????? ??? «?????????» ?????? ??? ?????????? ???  
??? ?????? ?????? ?????? ??? ?????????? ?? ?? ?????? ??? ??? ??? ??????????.

37. ? ??? ?????? ??? ?????????? ??? ?????? ??? ??? ?????? ?????????? ??? ?????? 9,  
????????? 1, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???  
(12).

3. ??? ??? ?????????? ??? ?????? 226, ?????? 5, ??? ?????? ??? ??? ???

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

39. ???????, ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??????????  
??? ?????????? ?????????? ???, ?? ?????? ??? ?? ?????? ?? ?????????? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ? ?????????? ?? ?????? (13). ??? ??? ?????? ???, ?? ?????????? ??? ?????? ???  
??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ??? ??? ??????.

40. ? ?????????? ??? ?????? 226, ?????? 5, ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? -????? ??? ??? ?????????? ??? ???  
????????? ?????????? ??? ?????? ??? - ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???, ??? ?????? ???  
????????? (14). ?? ??? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????.

41. ?????????????? ??? ?????? ?????? ??? ?????? ?????????????? ?????????? ?? ?????????????? ??  
????????????? ??? ?? ?????? ??? ??? ?????????? ??? ?????????????? (15). ???????, ?? ???  
?????????????, ? ?????????????? ??? ?????? ??? ?????? ?? ?????????????? ?? ? ??????? ???  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???.

42. ??? ??? ?????????? ????, ??? ?????????????? ??? ?????? ??? ?????????????? ?? ?????????? ??  
??? ? ?????????? ??? ?????????? ??? ? ?????? ?????????? ?????????? ?????????????? ??  
????? ?????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
?????. ???????, ??? ???? 226 ??? ?????? ???, ?? ?????????? ????.  
????????????? ?? ?????????? ?????? ?????????? ?????? ?????????? ??? ?????????? ??? ?????? ????.  
????? ??? ?????????? ?????, ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
??? ??? ?????????? ?? ?????? ??? ?????? ??????. ? ?????? ?????? ?????? ?? ?????????? ??  
????????? ??? ??? ??????. ???????, ?????????????? ?????? ?????? ?????? ??????, ?????? ??? ???  
??? ??????????, ?? ?????????? ??? ? ?????? ?????? ?????? ?????? ??????.

43. ???????, ??? ?????? ?? ?????????? ???, ??? ??? ?????? ??? ???????  
????????? ???, ?? ?????????? ???, ?? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ???  
??? ?????? ??? ?????? ?????? ?? ?????????? ?????? ?????? ?????? ??? ?????? ???,  
????????? ??? ?? ?????????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???  
??? (16). ???????, ?? ?????? ??? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ???  
???? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? (17).  
?????????, ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? -?????????????  
?????- ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????  
??? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????.

4. ??????? ??? ??? ?????????? ???????

44. ???????, ??? ?????????? ?? ?????? ??????????, ? ?????????? ???????  
????????????? ??? ?????????????? (?, ???????????, ?????????? ?????? ??????????????)  
??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
?????????????, ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ???  
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???, ?????? ???, ???  
????????????? ???, ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??????.

45. ?????????? ??? ?????? ??? ?????????? ???, ?????? ??? ?????? ?????? ? ?????????? ???  
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ? ?????? ?????????? ? I.  
Butin ??? ?????? ?????????? ???, ?????? ?????? ?????? ? ?????? ?????? ?????? ???  
????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???, ??? ?????? ??? ???  
?? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ???  
?????.

46. ?? ?? ??????, ? ?????? ?????? ?????? ?????????? ?????????????? ?????????????? (?)  
????????? ?????? ?????? ?????? ?????? (?) ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (?)  
????????? ??? ?????? ???.

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

?????? ????? ??? ??????????????? ?? 2006, ??? ? ?????????? ??? ?????????????? ??? ????? ??  
????????? ??? ????? ?? ?????????? ??? ?????????? ??????. ????????, ?? ??? ???  
????????? ??? ????? ?????? ????? ???????????, ?? ?????????? ????? ?????????? ??????????  
????????? ??? ????? ?????? ?????????? ?? ?????????? ??? (18).

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

48. ??????, ??? ?????????? ?? ??? ?? ?????? ??????????, ? «?????????»?????  
??? UStG ?????????? ?????????? ?? ??? ?????? ?????????? ??? ?????????? ??? ??????  
??? ?????? ??? ????? PPUH Stehcemp (19).

49. ?? ?? ?? ??? ??????, ?? ?????????? ?????? ??? ? ?????????? ??? ?????? ??????  
????????? ??? ?? ??? ????? ?????????? ?????????? ??? ?????????? ??? ?????? ??????????  
??? ?? ?????? ?????????? ?? ?????????? ?????????? ???????????. ??? ??? ?????? ???  
????????? ??? ?? ??? ????? ??????????, ?? ?????? ?????????? ?????????? ??? ?? ??? ?????? ???  
????????? ?? ??? ??? ?????????? ??? ?????????? ?????? «?????????». ????,  
?? ?????????? ??? ?? ??? ?????? ??? ? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ???  
????? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ??? «??? ??[?????] ??? ?  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??????, ??? ??? ??? ???». ??  
????????? ??? ?? ??? «[?]????? ????, ??? ? ?????? ?????????? ??? ?????????? ???  
????????? ?? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ???  
?????????, ? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ???  
??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????? ?????? ??? ?????? ???  
????????? ??? ??????, ??? ?? ??? ?????? ??? ?????? ? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ???' ?????? ? ?????? ?? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ???»  
(20).

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

51. ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?  
????????? ??????, ?? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? Planzer Luxembourg (21).

52. ? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
?????????. ??? ?????? Planzer Luxembourg?? ?????? ??? ?????? ?? ?????? ??? ??????  
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
?? ?????? ??? ??????, ??? ?? ???, ??? ?????? ??? «????? ??? ?????? ???  
?????????» ??? ?? «????? ?????? ??????» ?????? ?? ?? ?????? ??? ?????? ???  
(22). ?? ?? ??????, ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ??????  
????????? -?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? -????? ??????  
??? ?? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???, ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

53. ?????? ??? ?????????? , ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? C?374/16 ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? C?375/16 ???  
????????? ??? ?? ??? 226, ?????? 5, ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

3. ??? ??? ???????? ?????????? ??? ?????? C?374/16 ??? ??? ??? ????  
????????? ??? ?????? C?375/16

54. ?? ??????? ??????? ??? ???????? C?374/16 ??? ?? ?????? ??????? ??? ??????????  
C?375/16 ??????? ??? ?????????? ??? ?????? ?????? ?? ?????????? ?? ?????????? ??? ?  
????????? ??? ??? ?????? ?????? ?????????? ?? ??? ??? ?????? ?????? ?????? ??? ??????????  
??? ??????? ??? ?????? ?????????? ??? ?????? ?? ?????? ?????????? ?????, ???' ??????,  
??? ?? ?????????? ?? ?????????? ???, ?? ?????? ?????????? ?????????? ?????????? ??  
????? ?????? ?????? ? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??  
????????? ??? ? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??????.

55. ???????? ??? ?? ??? ?????? ?????????? ?????? ?????????? ??? ?  
????????? ??? ?????? ?????? ?? ?????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?? ??? ??? ?????????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? C?374/16 ??? ??? ??? ?????? ?????????? ???  
????????? C?375/16.

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

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

57. ?? ?????? ??? ?????? ? ??? ?????????? ?????? ?????????? ?????????? ??? ??? ????  
?????????, ?????? ??? ??? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ???  
????? ?????? ?????? ?????? ?? ??? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ???  
?? ?????? ??? ?????? ? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

58. ??????, ?????? ?? ?????????? ??? ?? ?????????? ?????? ?????? ?????????? ???  
PPUH Stehcemp? ? ?????????? ??? ?????? ??? ?? ?????????? ?????? ?????????? ??? ?????? ???  
????? ??? ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????????? ?? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ??? ?????? ?????????? ??? ?????? ???  
?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? «? ?????? ?????? ???, ?? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????????? ??? ?????? ???, ?????? ?????? ?????? ??? ?????? ???  
????????? ? ?????????? ??? ?????? ???, ? ?????? ?????? ?????????? ?? ??? ?????? ???  
????????? ? ?????????? ??? ?????? ???, ? ?????? ?????? ?????????? ?? ??? ?????? ???  
????????? «????? ???» ? «????????? ?????? ??????????».

59. ?????? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ?????????? ???  
????????? ???, ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? (24). ??????,  
????? ?????? ??? ? ?????????? ???, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

??? ??? ??????? ?? ???? ?????? ?? ?????? ???? ?????????? ??????????? ???' ?????? ??? ???  
????????????? ??? ?????????????? ?????????? (25). ??????, ??? ????? ?????? ?? ??????????  
??? ??? ?????????? ??? ?????? ?? ?????????????? ?????????? ? ?????????? ?????? ???  
???? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????????? ????. ?????? ??? ?? ?????? ?????? ?????????? ?????????? ???  
????????? ????.

60. ??????, ?? ?????????? ??? ?????? ??? «??????????, ???????, ??? ?????????? ???  
????? ?? ?????????? ??? ?????????????? ??? ?????? ?????? ?????????? ??????????  
????????? ?? ?????????? ??? ?????? ?????????? ? ? ?????????? ?????? ??? ?????? ???  
??? ?? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????????  
????????? ? ?????» (26).

61. ??????, ?? ? ?????????? ??? ?????? ??? ?????????? ?????????????? ?????????? ???  
????? ??? ?? ?????? ?? ?????????? ??? ?????? ?????? ? ?????????? ??????, ??????????  
????????? ?? ?????? ?????????? ?????????? ??? ?????? ?????????? ???, ?????????? ??  
????????? ??? ??? ?????????? ??? (27). ??????, ??? ?????? ?????????? ???, ??  
????????? ??? ?? ??????, ?????????? ??? ?????? ??? ?? ?????? ?????? ??? ??????  
??? ?????????? ?????? ??? ??????, ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??????, ?????????? ???, ???' ??????, ?? ?????????? ???  
????????? ??? ?????????? ??? (28). ?????, ??? ??????????, ?????????? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ??? ?????????????? ??? ? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ???.

62. ??????, ?? ??????? ?????????? ??? ?????? ??? ?????? ?? ??? ?????????? ??? ?  
????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?????????? ?????? ?  
????????? (????? ??? ??? ?? ?????? ? ?????? ?? ?? ??????). ???????????, ???,  
????? ??? ?????? ?????? ?????????? ??? ?? ?? ?????????? ?? ?????? ?????????? ??? ??  
????? ?? ??? ?????????? ?????? ??????.

63. ?? ??? ?????, ?????, ??? ?????? ?????????? ?????????? ?????? ??? ?????? ??????  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ?? ??????  
????????????? ??? ?????? ?????????? ?????? ??? ?????? ?????????? ???, ?? ?? ??? ?????? ??????  
????? ?? ?????? ??? ?????? ??? ?? ?????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ??????  
?? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?? ???  
?????????. ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?? ??  
?????????. ??????, ???, ?? ?? ?????? ??? ?????? ??????, ?????????? ?????? ?? ??  
?????????. ??? ?????? ??? ?????? ??? ?????? ?????? ??????, ?????? ?????? ?????? ??  
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ??  
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ??? ??  
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ???.

64. ????? ?? ?????????? ??? ???????????, ????????, ??? ????? ?????? ? ?????????? ???  
?????? ????? ?? ????? ?? ????? ?? ??????????? ?? ?????? ???????????, ??????? ?? ???  
????, ??? ?? ????? ??????????? ?? ??????? ??????????? ??? ??????????? ??? ?????, ? ???????  
??? ????? ?? ??????? ?? ??????? ??????? ?? ??????? ??? ??????????? ??? ????? ?? ?????  
??? ?? ??????? ?? ??????? ??? ?????, ??????????? ?? ??????? ??? ????? ?? ?????  
?????????? ?? ??????? ??? ???????, ??? ????? ??????? ?? ???????????, ??? ?????, ?????  
?????????? ?? ??????? ??? ???????, ??? ????? ??????? ??? ???????, ???????, ?????  
???? ???.

65. ??????, ??? ?????? ??????? ?????? ?????? ?? ?????????? ?? ??????????????  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ???  
????????? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????. ?? ??????? ???  
????????? ??? ?????? 60, ?? ?????????? ??? ?????? ??? «[?]????????? ??? ?????????? ???  
???? ? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????? ?  
????????? ?? ???????, ?? ??? ?????????????? ?????? ?????????? ??? ?????? ?? ?????? ?? ??????? ??? ??  
????????? ??? ?????????? ?? ??????? ?? ?????????? ??? ?????????? ??? ?????? ?? ??????? ??  
?????????, ??? ? ?????????? ?????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?? ?????? ??  
????? ?????? ?????? ?????? ??? ?????? ?????????? ?????? ?????? ??? ?????????? ??? ?????? ??  
????????? ?? ??? [??]» (29). ??????, ?????????? ?????? ??? ?????????? ??? ??????, ??? ?????  
??? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?? ?????????? ??? ??????, ??? ?????  
????????? –???? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? C?375/16– «????  
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ???  
????????? ??? ?????????? ??? ??????????»..

66. ?????, ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???????????, ?????? ??  
????????? ??? ?? ?????????? ??? ?????? 226 ??? ?????? ??? ?????? ?? ?????? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ???????, ??? ?????? ??  
??? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???????, ??? ?????? ??  
???? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ???????, ??? ?????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
??? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
??? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (30).

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

67. ??? ?????? C?374/16, ?? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?? ???  
????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????????,  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 168, ?????? ??, ??  
????????? ?? ?? ?????? 178, ?????? ??, ??? ?????? ???, ?????????? ???, ?????????? ???  
??? ?????? ??? ?????????? ???, ?? ?????????? ???, ?? ?????? ??? ?????? ???, ?????????? ???, ??  
??? ?????? ??? ?????? ???, ? ?????????? ???, ?? ?????? ??? ?????? ???, ?? ?????? ???, ??  
????????? ??? ?????????? ???, ?? ?????? ???, ?? ?????? ???, ?? ?????? ???, ?? ?????? ???, ??  
????????? ??? ?????? ???, ?? ?????? ???, ?? ?????? ???, ?? ?????? ???, ?? ?????? ???, ??

68. ?????????? ??? ? ??????? ?????????????? ?????????? ??? ?????????????? ???  
?????? 226, ?????? 5, ??? ??????? ????, ?? ? ???? ?????? ??? ?????? ?????? ??????  
??? ??????? ??? ?????? ?????.. ???????, ?? ??? ?????????????????, ?? ??????????????  
???? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ???  
????????? ?????????? ?????? ??????, ?????? ?? ?????????? ?? ?????? ?????? ?????? ???  
????????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ???.

69. ??? ????, ???, ?? ??????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???  
226 ??? ?????? ??? ?????? ??? ?????? ??????.

70. ?????? ??? ?????? ??? ?????? ??? ?????????????? ??????????????, ?????????? ?????????????? ???  
??????, ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????????? ?????????? ??? ??? ??????????  
??? ?????????????? ??? ?????? ???, ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??????  
?????? ?? ?????? ??? ?????????? ?????? ??? ?????? ?????????????? ??? ?????????????? ??? ??  
????????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????????????? ??? ??????????????  
?? ?????? ?? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??????. ??? ?????????? ??? ?????? ?? ??????  
????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????????  
????????? ?????? (????? ??? ??????????) ???? ?? ?????????? ?????????? ?????? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
(????? ??? ??????????????????) (31).

71. ??? ??? ?????? ??? ?????? ??? ??????????????????, ?? ?????????? ??? ?????? ?????? ???  
?????? ?? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ? ??????????  
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????  
?????? ?? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
?????????, ??? ?????????? ??? ?????????? ?????? ??? ?????? ?????????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??????, ? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? (32). ??? ?????? ?????????, ???????, ?? ?????????? ?? ?????? ???  
??? ?????? ?????? ?? ??? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? (33).

72. ?? ??????????, ?? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ??  
????????? ?? ?????? ?????????? ?????? ?????? ?????????? (??? ??? ?????????? ?????? ???)  
?? ?????????? ?? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ?? ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? 227 ??? ??.

73. ?????? ??? ?????? ??? ?? ?????? ?????????? ??????, ??? ?????? ??? ?????????? ???,  
?? ???????, ???, ?? ? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ??????????  
??? ??? ?????????? ??? ?????? ??? ?????? ??? ???????, ??? ?????????? ?????? ??? ??? ??????  
???. ??????, ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? ?? ?????? ?????? ??? ? ?????? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? ?? ?????? ?????? ???/? ??? ?????? ??? ??????

?????????? (34).

74. ???? ?? ??????? ??? ??? ?????? ??????? ?? ?????? ??? ???????????????  
????????????????? ???????, ????????, ?????? ?? ??????? ??? ?????????? ??? ?????? ??? ??  
?????? ??? ??????? ??????? ?????????????? ??????? ?? ?? ?????? ??? ??????, ??? ??  
?????? ??? ?????????????? ??????? ?????????? ??? ?????????????? ??? ?????? ??? ???????????. ??  
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ??? ??? ??? ??? ?????? ??? ???????????. ??? ?????? ?????????? ??? ?????? ??? ?? ?? ??  
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? 226 ??? ?? ???  
??????.

75. ?? ??? ?????, ??? ??? ?????????? ??? ?????, ?? ?????? ??? ?????? ???????????  
????????? ?????????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??  
?????? ??? ??? ??? ??????. ???????, ??? ?? ?????? ??? ?????????????? ??? ??????,  
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ??? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??  
????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ?? ??? ??????  
????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??  
?? ??? ??? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?? ??? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????.

76. ?? ??? ??????????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????? ??????????.

77. ????? ??? ??????????????, ????? ??? ??? ?????? ??????? ??? ?????????? ??? ?????????? C?374/16  
??? ??? ?????? ??????? ??? ?????????? C?375/16 ?????? ?? ?????? ??? ?????????? ???, ??? ??  
????? ???????, ?? ?????? 168, ????????, ??, ??? ?? ?????? 178, ????????, ??, ??? ???????  
????? ??? ??????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??  
????????? ?????????? ?????? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????  
????? ?????? ? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??????????  
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
??? ??????????. ??? ?????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?? ?????????????? ?? ??  
????? ??? ?????????????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??  
????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

## V. ??????

78. ??????????????, ??????? ??? ?????????? ?? ?????? ??? ?????????? ??????????  
??? ?????????? ??? ?????? ?? Bundesfinanzhof (????????????? ??????????  
?????????, ??????):

- ?? ????? 226, ?????? 5, ??? ?????? 2006/112/?? ??? ??????????, ??? 28? ??????????  
2006, ?????? ?? ?? ?????? ?????? ?????? ?????? ?????????????? ??? (??? ????: ?????? ???  
??), ?????????? ?? ?????? ?????????? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ?????????????? ?????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????????  
????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.
- ?? ????? 168, ?????? ??, ??? ?? ?????? 178, ?????? ??, ??? ?????? ??? ?????? ???  
????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

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

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

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

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

3 ? ?????????? ratione temporis??? ?????? C?374/16 ?????? ??? ?????? ??? ?????  
????? ??? ??? ?????????? ??? ?????? ??? ?? 2010. ??????, ? ?? ??? ?????????????? ??  
????? ?????? ??? ?????? ???, ?????? ??? ?????????? ??? ?????????? ?????????? ???  
????????? ??? ?????????? ?????? ??? ?????? 226 ??? ??????.

4 ?? ?????? ?? 14?? ?????????? 1985, Rompelman (C?268/83, EU:C:1985:74, ????? 19).

5 ?? ?????? ?? 10?? ?????????? 2008, Marks & Spencer (C?309/06, EU:C:2008:211, ????? 49).

6 ?? ?????? ?? 22?? ?????????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719, ?????  
28).

7 ?? ?????? ?? 22?? ?????????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719, ?????  
29).

8 ?? ?????? ?? 15?? ?????????? 2016, Senatex (C?518/14, EU:C:2016:691, ????? 37  
?? ????? ?????????? ??????).

9 ?? ?????? ?? 15?? ?????????? 2016, Senatex (C?518/14, EU:C:2016:691, ????? 38).

10 ??., ??????, ?????????? ?? 15?? ?????????? 2016, Barlis 06 – Investimentos  
Imobiliários e Turísticos (C?516/14, EU:C:2016:690, ????? 25), ?? ??? 15?? ?????? 2010,  
Pannon Gép Centrum (C?368/09, EU:C:2010:441, ????? 40 ??? 41).

11 ??., ???' ??????????, ?????? ?? 4?? ?????? 2015, ?????? ??? ?????? ?????  
(C?678/13, ?? ??????????????, EU:C:2015:358, ????? 46 ??? ??? ?????????? ??????).

12 ?? ??? ?????? ?????? ?? ?????? «[?]????? ?? “????????????? ??? ??????”  
????????????? ????, ??? ?????? ?????????? ??? ?? ?????????????? ????, ??????????  
????????????? ????, ?????????? ??? ?? ?????????? ??? ?? ?? ?????????????? ???  
????????????? ???» (? ?????????? ???).

13 ??., ??????, ?????? ?? 15?? ?????????? 2016, Barlis 06 – Investimentos Imobiliários  
e Turísticos (C?516/14, EU:C:2016:690, ????? 27), ?? ?????? ??? ?????????? ??? ??????  
????????? J. Kokott ??? ??? ????? ?????? (EU:C:2016:101).

14 ??., ??????, ?????? ?? 2016, Barlis 06 –  
Investimentos Imobiliários e Turísticos (C?516/14, EU:C:2016:101, ????? 34 ??? 35).

15 ??., ???????, ??????? ??? ?????? ?????????? J. Kokott ??? ????? Barlis 06 – Investimentos Imobiliários e Turísticos (C?516/14, EU:C:2016:101, ????? 34).

16 ??., ??????????, ?? ????? 17, ?????????? 1, ??????? ?, ??? ?????????? (?)  
904/2010 ??? ??????????, ??? 7?? ?????????? 2010, ??? ???? ?????????? ?????????? ??? ??  
????????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ????? (?????????????) (?)  
2010, L 268, ?. 1). ??????? ?? ?? ?????? ???, ?? ?????? ??? ?????????? ?? ?????????? ??  
????????????? ???????, ?????? ?????, «?? ?????? ?????? ?? ??? ?????????? ??  
?????????????, ?? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???' ?????? ???  
????? 213 ??? ?????? 2006/112/??, ?????? ??? ?????????? ????? ??? ?????? ?????? ?????  
? ?? ??? ??????».

17 ??., ???' ???????, ??????? ??? 1?? ?????? 2012, Kopalnia Odkrywkowa Polski  
Trawertyn P. Granatowicz, M. W?siewicz (C?280/10, EU:C:2012:107, ?????? 48 ??? 49).  
?????? ??? ?????????? 904/2010, ?? ?????? ?????? ??????, ??????, ?? ?????? ??? ??  
????????????? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ???  
????????????? ??? ??, ??? ?????? ??? ?????? ?????? ?????? ??? ??, ?????? ??? ??  
????????????? ???????????, ??? ?? ?????????????? ??? ?????? ?????? ??? ??.

18 ??., ????????, ??????????? ?????? 46, 47, 56 ??? 57 ??? ?????? ??? ??.

19 ?????? ??? 22?? ??????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719).

20 ???. ?????? ??? 22?? ??????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719,  
????? 35).

21 ?????? ??? 28?? ?????? 2007, Planzer Luxembourg (C?73/06, EU:C:2007:397).

22 ?????? ??? ?????? 86/560/???, ??? ??????????, ??? 17?? ?????? 1986, ??? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????  
????????? – ?????? ?????????? ??? ?????? ?????????????? ?????? ?????? ?????????????? ???  
????? ??? ??? ?????? ?????????????? ?? ?????? ??? ?????????? (?? 1986, L 326, ?. 40).

23 ???. ?????? ??? 22?? ??????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719,  
????? 48 ??? 49).

24 ??., ????, ??????? ??? 27?? ?????????? 2007, Teleos?.. (C?409/04,  
EU:C:2007:548, ?????? 65 ??? 66), ??? 21?? ?????????? 2008, Netto Supermarkt (C?271/06,  
EU:C:2008:105, ?????? 24, 25 ??? 27), ??? ??? 21?? ?????????? 2011, Vlaamse  
Oliemaatschappij (C?499/10, EU:C:2011:871, ?????? 25 ??? 26).

25 ???. ?????? ??? 22?? ??????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719,  
????? 51).

26 ??., ????, ?????? ??? 21?? ?????? 2012, Mahagében ??? Dávid (C?80/11 ???  
C?142/11, EU:C:2012:373, ????? 62).

27 ???. ?????????? ??? 21?? ?????? 2012, Mahagében ??? Dávid (C?80/11 ??? C?142/11,  
EU:C:2012:373, ????? 60), ??? ??? 22?? ?????????? 2015, PPUH Stehcemp (C?277/14,  
EU:C:2015:719, ????? 52).

28 ???. ?????????? ??? 21?? ?????? 2012, Mahagében and Dávid (C?80/11 ??? C?142/11,

EU:C:2012:373, ?????? 65), ??? ??? 31?? ?????????? 2013, LVK (C?643/11, EU:C:2013:55, ?????? 62).

29 ???. ??????? ??? 22?? ?????????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719, ?????? 50). ??., ???????, ??????? ??? 6?? ?????????? 2012, Bonik (C?285/11, EU:C:2012:774, ?????? 43).

30 ???. ??????? ??? 15?? ?????????? 2016, Senatex (C?518/14, EU:C:2016:691, ??????? 41 ??? 42), ??? ???????? ??? ??????? ?????????? Y. Bot ??? ?????? Senatex (C?518/14, EU:C:2016:91, ?????? 45).

31 ?????? ??? 12?? ?????????? 2015, Surgicare (C?662/13, EU:C:2015:89, ?????? 26).

32 ?????? ??? 12?? ?????????? 2015, Surgicare (C?662/13, EU:C:2015:89, ?????? 28).

33 ?????? ??? 12?? ?????????? 2015, Surgicare (C?662/13, EU:C:2015:89, ?????? 27).

34 ??., ??? ??? ?????? ???, ??????? ??? 15?? ??????? 2008, Impact (C?268/06, EU:C:2008:233, ?????? 51).