

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

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

HENRIK SAUGMANDSGAARD ØE

??? 12?? ?????????? 2017 (1)

?????? C?396/16

T – 2, družba za ustvarjanje, razvoj in trženje elektronskih komunikacij in opreme, d.o.o. (sedaj v ste?aju)

????

Republika Slovenija

[?????? ?? Vrhovno sodiš?e (????????? ????????????, ?????????)??? ?? ???????  
????????????? ?????????]

«????????????? ?????????? – ?????? 2006/112/?? – ????? ?????? ?????? ??????????????????  
????? (???) – ????? 184 – ?????????????? ??? ?????????? ??? ?????????????? ??? ?????????? –  
????? 185, ?????????? 1 – ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????????? – ?????? 185, ?????????? 2 – ?????? ??? ??? ?????? ??? ??????  
????? ? ?????? ?????? – ?????? ?????? ?????? ?????????? ?????????? – ?????? 90 ??? 185,  
????????? 2, ?????? ?????? – ?????? ?????? ?????????? – ?????? ?????? ?????? ??? ?????? ???  
??? ?????????? ?????? ??? ?????? – ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????????? ??? ?????????????? ??? ?????? ?????????? ?? ?????????? ?? ?????????? ??  
????????? ??? ??????????»

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

1. ?? Vrhovno sodiš?e (?????? ????????????, ?????????) ?????? ?? ?????????? ???????  
????????????? ?????????? ?? ??? ??? ?????? ??? ?????? 184 ??? 186 ??? ??????  
2006/112/?? ??? ??????????, ??? 28?? ?????? 2006, ?????? ?? ?? ?????? ?????? ??????  
????????????? ?????? (?? ????: ?????? ????) (2).

2. ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? T – 2, družba za  
ustvarjanje, razvoj in trženje elektronskih komunikacij in opreme, d.o.o. (sedaj v ste?aju) (???  
????: T??) ??? ??? Republika Slovenija, ?????????????? ??? ?? Ministrstvo za finance  
(????????? ????????????, ?????????), ?????? ?? ??? ?????????? ?????????? ??? ??  
????????? ?????????? ?????? ? ?????????? ??? ??? ?????? ? T?? ?????? ?? ???????????  
????????? ??????????.

3. ??????? ??? ?????????? ??????? ??? ?????????? ?????? ??????????????, ?? ????  
??? ? T?? ?????? ??? ?????????????? ??? ?? ?????? ??? ?????????? ?? ??? ??? ??????  
????? 56 %. ?? ?????????? ?????????????? ??? ? T?? ?????? ?? ?????? ??  
????????????? ??? ?????????? ??? ???' ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???, ????  
56 % ??? ??? ??? ??? ?????? ?????? ??? ??? ?????? ??????????. ? T?? ??????????  
??? ?????? ???.

4. ?? ??? ?????? ?? ???????, ?? ?????? ?????????? ?????? ??? ??????????????  
????????? ??? ??????????, ?????????? ?? ?????????? ??, ?????????? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? 184 ?? 185 ?? ?????? ??? ??, ? ??????????  
???? ?????? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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

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

6. ?? ????? 73 ?? ?????? ??? ?????? ?? ??????:

«??? ??? ?????????? ??? ?????? ??? ?????? ?????????, ?????? ?????? ??? ?????????? ???  
????? 74 ?? 77, ?? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ???  
?????????, ??? ??? ?????? ?????? ??? ?????????? ?? ?????? ??? ??? ?????? ?????? ??? ?????????? ???  
? ?????? ??? ?????????? ??? ?????? ?????????, ??? ?????? ??? ?????? ?????? ???  
????????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ???.

7. ?? ????? 90 ?? ??? ?????? ?????? ?? ??????:

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

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

8. ?????? ??? ?????? 168, ??????? ??, ??? ?? ??? ?????? ??????, ? ?????????? ???  
????? ???????, ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ???,  
?????????, ??? ??? ?????????? ????, ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??  
????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??  
????????????? ??? ?????? ?????????? ????, ??? ?? ??? ?????? ??? ?????? ??? ??  
?? ?????????? ??? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?? ?????? ???.

9. ?? ????? 184 ?? ?????? ??? ?????? ?? ??????:

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

10. ??? ?????? 185 ??? ?????? ?????? ?????????? ?? ??????:

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

2. ??? ?????????? ??? ?????? 1, ??? ?????????? ?????????? ?????????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? [????? ???] ?????? ???????, ??  
????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ? ??????????????  
????????? ??? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????? 16.

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

11. ??? ?? ?????? 186 ??? ?? ??? ?????, ?? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? 184 ??? 185 ??? ?????? ???.

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

12. ?? ?????? 39, ?????????? 3 ??? 4, ??? Zakon o davku na dodano vrednost, Uradni list RS,  
????. 13/11 (????? ???, ????: ZDDV?1) ?????? ?? ???:

«3. ? ?????????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????????? (?????) ???  
????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ? ??? ?????????? ??? ??  
????? ?????????? ?????????? ?????????? ?????????? ? ?????????? ??? ?????????? ??????????  
????????? ? ?? ?????????? ?????????? ?????????? ?????????? ?????????? . ?? ??? ??? ??? ???  
????????? ?? ?????????? ?????? ? ?????????? ?????? ??? ?????? ?????? ?????????? ??????????  
????????? ?????? ?????????? ??? ?????????? ?????? ?????? ?????? ??? ??? ?????? ??????????  
??, ??? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????? ??? ??? ??? ??  
????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?? ?????? ??? ?????? ???  
??? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???  
?? ??? ? ?? ??? ??? ?????? ??? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ???  
????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

4. ??? ?????? ??? ? ?????????? ??? ?????? ?????????? ?????????? ? ?????????? ???  
????? ?????? ??? ?????? ??? ?????????? (?????) ??? ?????? ??? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?????? ??? ??????  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

13. ??? ?? ?????? 63, ?????????? 1, ??? ZDDV?1, ? ?????????? ??? ?????? ???  
????????? ???????, ??? ??? ?????????? ???, ??? ??? ?????? ??? ?????? ?? ??????????  
????????? ??? ?????? ?????? ?????? ? ??? ?????? ?????????? ?? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??.

14. ?? ?????? 68 ??? ZDDV?1, ????????????? «?????????????? ??? ?????????? ???», ??? ?  
????:

«1. ? ?????????????? ??? ?????????? ?? ?????????????? ??? ?????????? ??????????????????  
????????? ?? ??? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????????? ??  
?????????????????.

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

3. ??? ?????????? ??? ?????????? 2 ??? ?????????? ??????, ? ?????????? ??? ?????? ???  
??? ?????????? ?? ?????????? ??? ?????????? ?????????????? ?????????? ?? ?????????? ??  
????????? ?????????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ?????????? ???  
?? ?????????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? 7 ???  
????????? ????.»

15. ?????? ??? ?????? 214, ?????????? 1, ??? Zakon o finan?nem poslovanju, postopkih  
zaradi insolventnosti in prisilnem prenehanju (????? ??? ?????????????????? ??????,  
??? ?????????? ?????????????? ??? ?????????? ?????????????? ?????????????? , Uradni list RS, ???,  
126/07, ??? ????: ZFPPIPP), ??? ??? ?????????? ??? ?????? ??? ?????? ? ?????? ?????????? ???  
????????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??  
????????? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ? ?????? ?????????? ?????????? ???  
????????? ?????????? ??? ?????? ??? ?????? ??? ??????:

– ??? ?????? ??? ?????? 212, ?????????? 4, ??? ?? ??? ?????? ?? ?????????? ?? ??????????  
?????????, ??? ?? ??? ?????? ?? ?????????? ?? ??? ?????? ??? ?????????? ?? ??? ??????????  
????????? ?????????? ??? ?????? ??? ?????????? ?? ??? ?????????? ?????????? ?? ??? ??????????  
????? ?????????? ?????????? ???

– ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????????? ?????????? ??? ?? ?????????? ???  
????????? ??? ?????????? ?????? ?????????? ??????????.

16. ?? ?????? 214, ?????????? 2, ??? ZFPPIPP ?????? ??? ?????? ??? ?????????? ??? ??????  
????? ? ?????? ?????????? ??? ?????????? ?????????????? ?????????? ?????????? ?????????? ???  
?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ??????, ??? ?????? ?????????? ?????????? ?????????? ?  
????? ?????????? ?????? ??? ?????? ?????????? ??????, ??? ?????????? ?????? ??? ?????? ??? ??  
????????? ?????????? ??? ?????? ?????? ??? ?????? 212, ?????????? 4, ??? ?? ??? ?????? ???.

17. ??? ?? ?????? 214, ?????????? 3, ??? ZFPPIPP, ? ??????????, ?? ??????????  
????????? ??? ?????????? ?? ??? ?????? ??? ?????????? ?? ??? ?????? ??? ?????????? 1 ? 2 ???  
?? ??? ??????, ??? ?????????? ?? ??? ?????? ?????????? ?????? ??? ?????????? ???  
????????? ??????.

III. ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?? ?????????????? ??????????

18. ? T?2 ?????? ?????? ?????????????? ??? ?????????? (?????????), ??? ?????? ?  
????????????? ?????????? ??? ?????? ?????????? ??? ?????????? ?????????? ?????????? ??????????  
????????????? . ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
?????????, ??? 5 ?????? 2016.

19. ? T?2 ?????????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? ??? ?????? ???

? ??????? ? ??????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??????????? ???? ???????????  
?????????. ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? T?2 ??? 28 ?????????? 2011  
?? ??????? ??? Okrožno sodišče v Mariboru (????????????? ??? ?????????? ??? ??????????,  
????????). ??????? ??? ?????????? ???, ? T?2 ?????????? ?? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? 44 % ??? ?????? ???, ??????, ?????? ??????????  
????? ???, ?????????? ??? ??? ?????????? ??? ????? ??? ?????? ??? ?????? ?????? ?????????? ??????????  
? ??????? ??? ?????? ?????????? ??? 24 ?????????? 2012.

20. ??????? ??? ??????? ??? ?????????? ??? ?????, ? ?????????? ?????? ??? ?????????? ?????????? ???  
????????? ??? ??? ??? ?????????? ??? ?????? ??? ?????????? ???, ?? ?????? ?????????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ???  
????? ??????. ?????? ??? ?????????? ???, ? ?????????? ??? ?????? ??? ?????? ??? ?-2 ?????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ???????,  
????? ??? 56 % ??? ??? ? ?????? ??? ?????? ??????.

21. ??? ??????, ??? 27 ????? 2013, ? ?????????? ??? ????? ?????? ?????? ?? ???  
????? ? T?2 ?????????? ?? ?????????? ??? 7 362 080,27 ??? ?? ???, ?? ??????  
????????? ??? ?????????? ??? 36 810 401,35 ??? ?? ?????????? 20 %.

22. ? T?2 ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ??????????, ??? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ?????? ?? ?????????? ???  
29? ??? 2013.

23. ? T?2 ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? Upravno sodišče  
(????????? ??? ??????????, ???). ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??  
????? ?? ?????? ??? 18? ??? 2014.

24. ? T?2 ???????? ??? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ???  
????????? ???.

25. ?? ?????? ?????????? ??? ?????????? ??? ? ZDDV?1, ?? ?????????? ?? ??? ?????? ??? 68,  
??? ?????? ??? ? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ???  
?????.

26. ?? ?????????? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????????? ??? ?????????? ???  
????????? ?? ?????? «????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??????» ??? ??? ?????? ??? ?????? 68, ?????????? 2, ??? ZDDV?1. ??????,  
??????, ??? ?? ??? ??? ?????? ??? ?????????, ?????? ??? ?????? 63, ?????????? 1, ???  
ZDDV?1, ??? ?? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????? ?? ??????????.

27. ??????, ??? ?? ??? ??????????, ? ?????????? ??? ?????? ?????????? ??? ??????????  
???? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???, ?????????????? ???  
????????? ??? ??? ?????????? ??? ?????? ??? ?????? ?????? . ??????, ?????? ??? ZFPPIPP,  
?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? . ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???' ?????? ???  
??? ?????? 219 ??? ZFPPIPP ?? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ???, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

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

28. ?? ?????? ?????????? ??????? ??? ?? ?????????? ?? ?????? ??????, ?? ??? ?? ??????  
????, ?? ??? 39 ??? ZDDV?1, ?? ?????? ?????? ?????????? ??? ?????? 90 ??? ?????? ???  
??? ?? ?????? ?????? ?? ?????????? ?????????? ?????????? ?????? ??? ?????? ???  
????????? ?? ??? ?????? ?????????? ??? ?? ??? ?? ?????? ?????? ? ?????? ??? ??????????.

29. ?? ?????????? ??? ?????? ??? ? ?????? ?????????? ?????????? ?? ??????????  
????? ?? ?????? ??? ?????? ??? «?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
?????», ??? ?????? ?????????? ?? ?????? 185, ?????????? 2, ??? ?????? ??? ??????  
????????? ?? ?????? ?? ?????? 68, ?????????? 3, ??? ZDDV?1 ??? ?????????? ???  
??? «?????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ?? ?????????? ?????????? ?????????? ?? ?????? ??? T22 ??? ?? ??????????  
??????????. ?? ?????? ??? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ??? ??????  
???? ?? ?????? 185, ?????????? 2, ?????? ??????, ??? ?????? ?????? ?????? ?????? ???  
????? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? 68 ??? ZDDV?1.

30. ?? ?? ??? ?????????? ?????? ?? ?????????? ?? ?????????? ?? ?? ?????????? ???  
????????? ??? 185, ?????????? 2, ??? ??????, ??? ?????? ??? ?????? ??? (???????)  
??? ?? ?????? ??? ?????? ??????, ??????????, ??????, ?????, ?????????? ?????? ??????  
????? ??? ??????) ?????? ??? «????????? ??? ?????? ??? ??????» ??? ?? ?????  
185, ?????????? 1, ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ????. ?  
????????? ??? 68 ??? ZDDV?1 ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???.  
?????????, ??? ?? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
«????????? ??? ??????» ? ZDDV?1 ?? ?????? ?????????? ??? ?????????? ???  
????????? ??? ??????.

31. ??? ?? ?????? ???, ?? Vrhovno sodiš?e (???????) ?????????? ??  
????????? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?? ??????????  
?????????:

«1) ?? ?????? ?? ?????? ??? ??????????, ??? ?? ?????????? ?? ?????????? ???  
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???, ?? ?????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ??  
??? ??????, ??? ?? ?????? 185, ?????????? 1, ??? ?????? ??? ?? ?, ??? ??????, ?? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 184 ??? ?????? ??? ?? ??????  
????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ?? ??? ??;  
???

2) ?? ?????? ?? ?????? ??? ??????????, ??? ?? ?????????? ?? ?????????? ???  
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ???, ?? ?????? ??? (???????) ??  
????????? ??? ?????? ??? ?? ?????? 185, ?????????? 2, ??? ?????? ??? ?????? ??? ?? ??;

3) ?????????????? ??? ????? ???? ?????????? ?????????? ??? ?????????????? ??? ?????  
????????????? ??? ????? ???? ?????? ?????? ?????????? ??? ?????? ??? ?????? 186 ??? ??????  
???? ???, ??????? ??? ?????? ?????, ?????????????? ??? ?????????? ??? ?????????????? ???  
????????? ?? ?????????? ?????? ??? ?????? ?? ?????????? ??? ??????????, ??? ?????????????? ??  
????? 185, ?????????? 2, ??????? ??????, ??? ?? ??? ????? ??????, ?? ?????????? ?????? ???  
????? ?????????? ??? ??? ?????????? ??? ?????????? ?????????? (?? ??? ?????????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ?????);»

IV. ? ?????????? ??????? ??? ??????????

32. ? ??? 5 ?????? 2016 ?????? ?????????????? ?????????? ?????????????? ???  
????????? ??? ?????????? ??? 15 ?????? 2016.

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

34. ??? ??? ?????????? ??? ?????????? ?????????????? ?? ?????????? ?????? ??? ???  
????????? ?????????? ??? ??? ?????????? ?????? ?????????? ?????????? ?? ?????????? ??? ??  
????? 76, ?????????? 2, ??? ?????????? ?????????? ??? ??????????.

V. ??????

35. ?? ?????????? ??? ?????? ?? ?????? ?????????? ?????? ?????? ?? ?????????????? ??,  
????????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?? ?????? 184 ??? 185 ??? ??????  
???? ???, ? ?????????? ??? ?????? ?????? ?????? ?? ?????????? ?????? ??? ?????????? ??? ???  
????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ??? ??????????.

36. ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ?????????? ??????????,,  
????????? ???' ?????? ?? ?????????? ?? ?????? ??? ?????????? ?????????? ?????????? ???  
????????? ?????????? ??? ?????? 184 ??? 185 ??? ?????? ??? ??? (????? A).

37. ??? ???????, ?? ?????? ?? ??? ?????? ?????? ??? ?????? ?? ?????? ??????????. ???  
?????, ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ???  
????????? ??? ??????, ?? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ???  
????????? ??? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???' ?????????? ??? ??????  
????????? ??? ?????????? ??? ?????? 90 ??? ?????? ??? ??? (????? B ??? ?).

38. ?????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????  
????????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? (????? 90 ??? ?????? ??? ???) ??? ??? ?????????? ??? ?????? ??? ??????????  
(????? 185 ??? ?????? ??? ???) ?? ?????????? ?? ?????????? ??? ?????? ??? ??????????  
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??  
????? ??? ?????? ?????????? ??? ?????? (????? E).

1. ??? ??? ?????????? ?????????????? ??? ?????? ??? ?????? ??? 184 ??? 185 ???  
????????? ??? ???

39. ?????????? ??? ? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? 168,  
????????? ??, ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ??? ?????????? ??

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

40. ?? ?????????? ??? ?????????????? ???, ??? ?? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ???? ?????? ???, ??? ?????? ?????? ? ?????? ??? ?????? ?????? ??? ?????? ???  
?? ?????? ??? ?????????? ??? ? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
??? ?????????? ??? ?????? ????. ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????  
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???,  
????? ?????? ??? ?????? ??? ?????? ?????? ?????? (3).

41. ??? ?????? ?????????? ??? ?????????? ??? ? ?????????? ??? ?????????????? ??? ??????????????  
??? ?????? 184 ??? 186 ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ??? ??? ?????????? ??? ??? ?????? ????. ?????? ??? ?????? ??? ?????? ???  
????? ? ?????????? ??? ?????????? ??? ?????? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ???  
??? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.  
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (4).

42. ?? ?????????? ??? ??? ?? ?????? ??? ?????? ??? ?? ?????????? ??? ?? ?????? 184 ??? 186 ???  
????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (5).

43. ?? ?????? 184 ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ? ??????  
????????????? ??? «?????» ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

44. ?? ?????? 185, ?????????? 1, ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ? ?????????? «?????» ??? ?? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (6).

45. ??? ?? ??????????, ??? ?? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ???  
????????? ???, ??????, ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ???  
????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (7).

46. ??????, ?? ?????? 185, ?????????? 2, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? «???

?????????????» ?????????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????? ??? ?????? ??????, ?? ?????? ?????? ???????????, ?????????? ? ?????? ???  
????????????? ? ?????????????? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? 16 ??? ?????? ????. ????????, ????  
????? ??? ?????????? ???' ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????????  
????????? ??? ?????????? ??? ?????? ?????? ??????.

47. ????, ?? ??? ?????? ??? ?????? 185, ?????????? 2, ?????? ??????, ???  
????????? ??? ?????? ??? ?????????? ?? ??? ?????? ??? ???????, ?????????????? ??? ????  
«????? ?? ??????» ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ????  
????? ??? ???? ???? ?????? ?????? ?????? ??? ???? ?????? ??????. ???, ? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????, ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? 184 ??? 185, ?????????? 1, ???  
????? ????, ??? ?????? ??? ??? ?????? ??????????.

48. ?? ?????????? ??? ?????? ?? ?????? ?????????? ?????? ????, ??? ??????, ??  
??????????, ???' ????, ?? ? ??? ?????? ?????????? ?????????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? 185, ?????????? 1, ???  
????? ??? (????? ??????)? ??? ???????, ?? ? ?????? ??? ?????? ?? ?????? ???  
??? ?????? 185, ?????????? 2, ?????? ??????, ??? ?????? ?????? ??? «????? ??? ??  
????? ??? ?????? ?????? ?????? ??????» (???????)? ???, ????, ?? ? ?????? ??????????  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 185, ?????????? 2, ?????? ???,  
??? ?????? ??? (???????)? ??? ??????).

2. ??? ??? ?????? «????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ??????» ??? ???? 185, ?????????? 1, ??? ?????? ??? ?????? ???  
(????? ??????)

49. ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ?????? ?? ?????????? ?? ?????? ???  
?????????? ?????????? ?????????? ?????? ???? ?????? ?????????????? ??? ?????? ???  
????????? ?????? ?????????? ?????? ???? ?????? ?????? ???, ?????????? «????????? ???  
????????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????»  
????? ?? ?????? 185, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? 184 ??? ?????? ???.

50. ?????????? ??? ?? ?????? 185, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????????? ??? ?????? 184 ??? ?????? ???, ??? ???? ???? ?  
????? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ????.  
????.

51. ???' ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ???  
4?? ?????? 2012, PIGI (8), ? ?????? ?????????? ??? ?????? ?????? ?????????? ???  
????? ? T???. ??????, ?? ??? ?????? ?????? ?? ?????? ??? ?????? ??? ????  
-????????? ??? ?????? ?????? ??? ?????? 185, ?????????? 2, ??? ???? ?????? ???, ???  
??? ? ?? ?????? ??? ?????? - ?????? «????? ??? ?????? ??? ?????? ??? ?????? ???»  
????? ??? ?????? ??? ?????? 185, ?????????? 1, ??? ?????? ???.

52. ???????, ?? ?????????? ??????? ?? ?????????? ??? ?????? ?? ?????? ?? ????  
?????? ??????? ?? ?????????????? ??? ??????? ?????? ??? ??? ?????? ??? ??????  
????????????? ?????? ?????? (9). ??????, ?? ??????? ?? ??? ?????, ??? ??????  
????????????? ??????????? ?? ?????????? ?? ?????????? ??? ?????????? ?????? ??? ??????  
???? ?????? ??????????? ?????? ?????.

53. ????????, ??? ?????? ??????????? ?????????? ?????? ?? ?????????? ??? ???  
????????? ??? ?????????? ?????? ??? ??? ?????????? ??? ?????? ??? ?????????? ???  
????????????? ?????? (10), ??? ???? ??????????? ??? ?????????? ??? ?????????? ???.

54. ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ?????????? ? ?????????????? ???  
???? ?????????? ??? ?? ??? «????????? ??? ?????????? ? ??????????» ?????? ??? ?? ?????? ???  
????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?? ???,  
????????? ??? ?????? 168, ??????? ??, ??? ?????? ??? ?? ?. ???, ??? ?????????? ??? ?? ???  
????? ?????????? ?, ?????????? ?????????? ??? ? ???????, ? ?????? ??? ?????? ?????? ???  
????????? ?????????? ???????, ?????????????? ??? ?? ??? ??? ?????????? ??? ?????? ?????????? ??? ??  
????? ?? ?????????? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????????? ? ?????? ?????????? ??? ??  
«?????????» ?????? ??? ?????? (11), ?? ?????????? ??? ?????? ?????????? ??? ??????,  
????????? ?? ?????????? ??? ?????????? ??? ? ?????????? ??? ?? ??? ?????? ???.

55. ??? ?????? ?? ?????? ??????????, ??? ?????? ?????????? ???????????, ???  
?????? ?????? ???, ??? ?? ?????????? ?? ??????? ??? ?????? ??????????? ?? ???????????  
?? ??? ??????? ??? ?????? ?????????? ?? ??????? ?????????? ?????? (12). ??????, ??? ??  
????? ?????????? ?? ??? ??? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???  
????? 73 ??? ?????? ????. ?????? ?? ??? ??? ?????????? ?????????? ??? ?? ??? ??? ???  
«????????? ? ??????????» ?????? ?????? ??? ?????? 168, ??????? ??, ??? ??????  
?????, ?? ?? ??? ?????? ?????? ?????????? ??? ?????? ?? ??? ?????? ?????????? ??? ?????? ???  
????????? ??? ?????? ?????????? ???.

56. ??? ??? ?????? ?????????????? ??? ?????????? ??? ?? ??? ??????????, ???  
????????????? ???????, ?? ??? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
??????????, ?? ?????? 90, 184 ??? 185 ??? ?????? ??? ?????????? ??? ?????????? ??? ???????????  
????????????? ?? ?????????? ?? ?????????? ??? ?????????? ?????????? ?????????? ??? ?????? ???  
????? ?? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ?. ?? ??? ?????? ??????????  
????????????? ???' ?????? ?????????? ?????? ???, ??????, ??? ?????????? ??? ??????  
54 ??? ?????? ???????, ?? ??? ??? ?????? ?????????? ??? ?? ??? ??? ?????? ??? ?????? ???  
????????? ???, ???????, ??? ?? ??? ?????? ??? ?????? (13).

57. ??? ?? ??? 90, ?????????? 1, ??? ?????? ???, ?? ?????????? ?????? ? ?????? ?  
?? ?????? ? ?????? ??? ?????? ??? ?? ?????? ?????? ?????????? ?????? ??? ???????, ?  
????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????????? ???  
?? ?????? ????. ??? ?????? ?????????? , ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????? ???  
????? ??? ?????? ???, ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ?????? ?????????? ?????????? , ?????? ?? ??? ?????? ?????? ?????? ??? ? ?????????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
????? (14).

58. ????????, ?? ??? 90, ?????????? 2, ??? ?? ??? ?????? ?????? ?????????? ??? ??????  
??? ?? ?????????? ??? ??? ?????? 1 ?? ?????????? ?????? ? ?????? ?? ??????????  
??? ???????. ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ??? ??????????  
?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? (15), ? ?????? ???  
??? ?????? ?????????? ?????????? ??? ?? ?????????? ??? ? ?? ?????? ??? ?????? ???

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

59. ??? ? ? ?????? ??? ??????????????, ??? ? ? ?????????????? ??? ?????? ??? ?????????? ??? ??????  
????? ??? ?????? ?????????? ?????????????? ?? ?????????? ?? ? ?????? ?????????? ??????????  
????????????? ??? ? ? ?????????? ?????? ??? ?????????? ?????? ???' ?????????? ???  
????? ?????????? ??? ?????????? ?? ?????? 90 ??? ?????? ??? ??? (16).

60. ?? ?????????? ??? ??????????, ? ?????? ?????????? ?????????? ?? ?????????? ?? ??? ??  
????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??? ?????????? ??? ???  
??? ?????????? ??? ??? ?????? ??? ?????? 185, ?????????? 1, ??? ?????? ???, ??? ???  
????????? ??? ???.

61. ???????, ? ?????? ??? ?????????? ???, ???' ?????????? ??? ?????? ??? ??????????  
?? ?????????? ?? ?????? 90 ??? ? ? ?????? ???, ??? ? ? ?????????? ?? ?????? ??? ??????  
?? ?????????? ?? ?????? ??? ??????. ????, ?????????? ??? ?????? ??? ?????? ??? ??????  
168, ??????? ??, ??? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ???  
????????? (17), ? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ???  
?????????.

62. ??? ??????, ? ?????? ?????????? ?? ?????????? «?????????»  
????????? ??? ?????? ???» ??? ?????? ??? ?????? ??? ?????? 185, ?????????? 1, ??? ??????  
??? ???, ??? ?????? ??? ? ?????????? ??? ?????? ???' ?????????? ??? ??????  
????????? ??? ?????????? ?? ?????? 90 ??? ?????? ???.

63. ???????, ???' ???, ?? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????????  
??????????, ??? ? ?????? ??? ?????? ???, ??? ? ?????? ?? ?????????? ?????????? ??? ???  
? ?????????? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????? ?????? (18). ??????????, ??? ?????? ??? ?????? 52  
??? ??????? ???????, ??? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ?  
????????? ??? ?????? ??? ?????????? ??? ?????? ? ?????????? ??? ??????????.

64. ???????, ?? ??? ? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???'  
????????? ??? ?????? ?????????? ??? ?????????? ?? ?????? 90 ??? ? ? ?????? ??????, ???  
????????? ?????????? ??? ?????????? «????????? ??? ?????? ?????? ??? ??????  
????» ??? ??? ?????? ??? ?????? 185, ?????????? 1, ??? ?????? ??????.

65. ?????????? ??? ?????? ??? ?????? ?? ?????? 90, ?????????? 2, ??? ?????? ??? ???  
????????? ??????????, ??? ?????? ?????????? ?????????? ?? ?????????? ??? ??????  
????????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ??????.

66. ??????????, ?????? ??????????, ??? ? ?????? ?????? ?????? ?????? ??? ??  
????? 184 ??? ?????? ????. ??????????, ??? ? ?????? ?????? ?????? ??? ?????? ??? ??????  
????????? ?????????? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ??????  
????????? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ??????  
????? ? ?????????? ??? ?????? ???, ???????, ?????? ?? ??????????.

67. ??? ? ?????? ?????????? ??? ? ?????? 185, ?????????? 1, ??? ?????? ??? ???  
????? ? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ??????  
????? ?????????? ??? ?????? ???, ?????? «????????? ??? ?????? ??? ?????? ??? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? » ??? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???' ?????? ???.

?????? ?????????? ??? ?????????? ?? ???? 90 ??? ?????? ?????.

3. ??? ??? ??????? ??? «?????? ??? ??? ?????? ??? ?????? ?????? ? ?????? ??????» ???  
?? ????? 185, ?????????? 2, ??? ?????? ??? (?????? ??????)

68. ?? ?? ??????? ??????? ???, ?? ?????? ?????????? ?????? ?? ?????????? ?? ??????  
??? ?????????? ?????????? ?????????? ?????? ?????????????????? ??? ??????  
????????? ?????????? ?????????? ??????, ??? ? ?????? ??? ?????? ???, ??????????  
«?????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????» ??? ??? ?????? ??? ??????  
185, ?????????? 2, ??? ?????? ???.

69. ??????????, ?? ???????, ??? ? ?????? ??? ?????? ?????? ?????? ??? ??????  
????? ??? ?????? ? ?????? ??? ?????? ??? 185, ?????????? 1, ??? ?????? ????  
??????, ? ?????? ??? ?????? 2 ??? ?????? 185 ??????????, ?????? ?? ??  
????? ???, ??? ?????????? ?????????? ??? ??? ?????? 1 ??? ?????? ????.  
?????????, ??????, ?? ?????? ??? ?????? ?????????????? ??????, ??? ??? ??????  
????? ?????? ??? 185, ?????????? 1, ??? ???? ?????? ?? ??? ?????? ????  
????????? ?????? ??? ?????????? ?????? ???' ?????????? ??? ?????? ?????? ????  
????????? ??? ?????? ?????? ?? ?????? 90 ??? ?????? ???.

70. ?? ??????? ??? ?????? ? ?????????? ???, ??? ???? ?????? ??? ?? ??????  
??? ?????? ? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ««??????  
??? ??? ?????? ??? ?????? ?????? ?????? ??????» ??? ???? 185, ?????????? 2, ???  
????? ??? ?, ??? ?????? T??.

71. ??????, ?? ??????? ?????????? ??? ?????? ?????????? ?????? ?????????? ????  
????????? ??? ?????? ? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? . ?? ?????? ?????????? ?????? ?????? ?????? ???, ???  
????????? ???, ? ?????? ??? ?????????? ?????? ?????????? ?????? ????  
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????????  
??, ??? ???? ? ?????? ??? ?????? ?????? ??? ?????? ??? ???? ??????, ??? ???? ???? ???? ????  
????????? ?????? (19).

72. ??? ??????, ??? ???? ?????? ??? ?????? ??? ?????? ??? ???? ??????????, ??  
????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ?? ?????????? ??  
«?????? ??? ??? ?????? ??? ?????? ?????? ?????? ??????» ??? ???? ?????? ??? ??????  
185, ?????????? 2, ??? ?????? ???.

73. ?????? ???, ?????? ??? ??????, ?????? ??? ???? 185, ?????????? 2, ??? ?????? ???  
??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??????????  
????????? ? ??? ?????????????? ??? ?????? ?????????? ?????????? ??????????  
????? ? ?????? ??? ?????? ???, ?????????? «?????? ??? ??? ?????? ??? ?????? ????  
????? ??????», ??? ???? ?????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? 185,  
????????? 1, ??? ?????? ???.

4. ??? ??? ??????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? 185, ?????????? 2,  
????? ???, ??? ?????? ??? (????? ??????)

74. ?? ?? ?????? ?????? ???, ?? ?????? ?????????? ?????? ??, ?????????? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? 186 ??? ?????? ???, ?? ?????? 185, ??????????  
2, ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????

? ?????????? ?????????????? ?? ?????????? ?? ?????????? ???/? ?? ?????????? ??????????????  
????????? ?????????? ??????????.

75. ??? ??? ?????? ?????????????? ?????????? ?????????? ??? ?? ?????? ??? ?????? ?????? ??????  
????? ?? ??????? ??? ?????? 68, ?????????? 3, ??? ZDDV?1, ?? ?????? ?????????? ?? ????  
185, ?????????? 2, ??? ?????? ????. ????????, ?? ?????? 68, ?????????? 3, ???  
ZDDV?1 ??? ?????????? ??? ?????????? ?????? ?????????? ?? ?????????? «????????? ??? ???  
????? ??? ?????? ?????? ?????? ??????», ??? ?????????? ?? ?????????? ??? ?????? ????  
????????? ??? ?????????? ??? ?????????? ??? ??? ?? ?????? ??????????.

76. ??? ???????, ?? ?????? ?????????? ????, ??? ??????, ?? ?? ?????? 185,  
????????? 2, ??????? ??????, ??? ?????? ??? ?????? ?? ?????????? ??? ?? ??? ??????  
??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ??????  
????????? ??? ?????? ?????????? ?????????? ?? ?????????? «????????? ??? ??? ?????? ????  
????? ??? ? ?????? ??????» ? ?? ?????? ?? ?????? ?? ?????????? ??? ?????????? ????  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? 185,  
????????? 2, ?????? ??????, ??? ?????? ????.

77. ?????????? ?? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ??????  
??? ?????????? ?????????? ?????????? ? ?????? ?????????????? ??? ??????  
????????? ?????? ?????????? ?????????? ??? ?????? 185, ?????????? 1, ???  
????? ????, ??? ??? ? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ??????  
????????? ??? ??? (20).

78. ??? ?????? ??????????, ? ??????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
???' ???????, ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?????????, ??? ?????? ?? ?????? ?????? ?? ??? ?????? ?????? ?????? ?????? ??? ??????  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? (21).

79. ???????, ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ??????. ??? ?????, ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ??? ?? ???  
????????? ??? ?????? ??? ?????? (22).

80. ?????? ??? ?????? ?????????? ?????????? ?? ?????????? ?? ?????? ??? ??????  
????? ??? ?????? ?????????? ?? ?????????? ???, ?? ?????????? ??? ??????, ??? ??????, ???  
?? ?????? ??? ?????? ??? ?????? ??????????, ?? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? (23).

81. ??????, ??? ?????? ?????????? ?? ?????????? ??? ?? ?????? 185, ?????????? 2,  
?????? ????, ??? ?????? ??? ?????? ?????? ???, ?? ?????? ??? ?????? ?????????? ??????????  
??? ?????? ?????? ??? ?????????? ??? ?? ?????? 185, ?????????? 1, ??? ?? ???  
????? (????????? ??????????) (24).

82. ??? ?????? ???, ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ?????? ?????? ???, ??? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? 185, ?????????? 2, ?????? ??????, ??? ?????? ?????? (????????? ??????????)  
????? ??? ?????????? ?? ?????? 68, ?????????? 3, ??? ZDDV?1.

83. ???????, ?? ??? 68, ??????? 3, ??? ZDDV?1 (?? ????? ??????? ?? ??? 185,  
 ??????? 2, ??? ??????? ????) ?????? ???, ??? ??????????? ??? ??? ??????  
 ?????????? ??? ???? ?????????? ??? ????? ?????? 2 ??? ?????? ????, ? ??????????  
 ??? ????? ??? ?????????? ??? ?????? ?????????????? ??? ?????? ?? ??????  
 ?????????? ? ?????? ?????? ?????? ?????????????? ??? ?? ?????????? ??????? ??  
 ?????? ?????? ?????? ?????? ?????? 7 ??? ?????? ????.
84. ??????? ???' ???? ???, ? ?????? ?????? ?????????? ?????????? ?? ??????? ??  
 ??? 185, ?????????? 2, ??? ??????, ??? ?????? ???, ?????????? ??? ??  
 ?????????? ??? ?????????? ?? ?????? 185, ?????????? 2, ?????? ???, ??? ??????  
 ???, ??? ??? «??????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????» ??? ??? «?????  
 ??? ?????????? ????.
85. ???????, ?? ??? 68 ??? ZDDV?1 ??? ?????????? ??? ?????? ??? ?? «??????? ??? ??  
 ?????? ??? ?????? ?????? ?????? ??????» ???? «????? ??? ?????????? ????
- ????????? ?????????? ??? ?????????????? ??? ?????? ?????? ??? ?? ??? ??????  
 ?????????? ??? ?????????????? ??? ?????? ?????? ??? ?????????? ??? ??????  
 68, ??????? 3, ??? ZDDV?1, ??? ?????? ?????? ?????????? ??? ?????????? ???  
 ?????????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ??? ?????????? ??  
 ?????????? ?????????? ??? ?????? ?????? 68, ?????????? 2, ??? ZDDV?1 (25).
86. ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? Almos  
 Agrárkülkereskedelmi, ? ?????? ??? ?? ??????? ??? ?????? 90 ??? ?????? ??? (26).  
 ?? ?????????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ??  
 ?????????? ??? ???? ?????? ?????? ??? ?????? ?????????? ???' ?????????? ??? ?????? 90,  
 ?????????? 1, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?? ?????????? ??? ??  
 ?????????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
 ?????????? ?????????? ??? ?????? ?????????? ??? ?????? 90, ?????????? 2, ???  
 ?? ??? ?????? (27).
87. ??????, ?????? ?? ?????? ?????? ??? ?????? ???????, ??? ?? ??? 68, ?????????? 3,  
 ??? ZDDV?1, ? ?????, ??? ?????????? ??? ?????????? ??? ???? ??? ??  
 ?????????? ???' ?????????? ??? ?????? 185, ?????????? 2, ??? ?????? ???, ??? ??????  
 ??? ??, ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
 ?????????? ?? ?? ?????????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ???  
 ?????????? ??? ?? ?????????? ??? ?????? 185, ?????????? 2, ??? ??????  
 ??????, ??? ?????? ????.
88. ??? ??? ??????????, ?? ?????????? ???????? ??? ?????? PIGI ??? ??????  
 ?????????? ?????? ?? ?????? ?????? ?????? ?????? ?????????? ?? ?????????? ??????,  
 ???' ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
 ??????????, ??? ?????? ???, ??? «????????? ??? ??????????» ????, ??????????  
 ?????? ?????????? (28).
89. ?? ?????? ?????????? ?????????? ?? ? ?????? SALIX Grundstücks-  
 Vermietungsgesellschaft ?????? ?? ??? ?????? ?????????? ??? ???? ?????? ??????. ??? ??  
 T??, ? ?????? ??? ?????? ??? ?????? ??? ???? ? ?????? ??? ?????????? ??? ?????? ??? ??  
 ??? 185, ?????????? 2, ?????? ???, ??? ?????? ??? ?? ?????? ??? ?????? ??? ??  
 ?????????? ??? ?????? ?????????? ?????? ?????????? ??? ?????????? «?????? ??? ??  
 ?????? ??? ?????? ?????? ?????? ??????».
90. ?????????? ??? ?? ?????????? ?????? ??? ?????? ?????? ??? ?? ?????? ???

? ?????????? ?? ?????????? ???? ?????????? ?????? ?? ???? ?????? ?? ???? ?????? ?? ????  
????????????? ?? ???? 13, ?????????? 2, ??? ?????? ?? ???? (?? ???? ??????????????)  
?? ???? 4, ?????????? 5, ?????? ??????, ??? ?????? ??????) ?? ?????? ??  
«????????????? ?????? ?????» ?????????? ?????????????? ??? ?????????? ??????  
????? (29).

91. ??? ???? ??? ?????? ???, ??????????, ???? ??? ?????????? ?? ?????????? ?? ???? ?? ????  
????????? ?? ?????? ?? ?????????? ?? ?????????? ?? ???? ?????????? ?? ???? ??????, ??????????  
??? ? ?????? ??? ?????????? ?? ???? 185, ?????????? 2, ?????? ??????, ???  
????????? ??? ?????? ?????????????? ?????? ??? ?????? ??? ?????????? ?? ???? 13,  
????????? 2, ??? ?????? ???.

92. ?? ?????? 185, ?????????? 2, ?????? ??????, ??? ?? ??? ?????? ?????????? ??????????, ???  
????????? ?????? (30), ?????????? ??? ?????????? ???, ?????????, ??? ?????????? ???  
????????? ?????? ??? ?????? 185, ?????????? 1, ??? ?????? ??????.

93. ??????????, ?? ???? 13, ?????????? 2, ??? ?????? ??? ?????? ??? ?????????? ?? ???? ??  
????????? ?? ?????? ?????? ??? ?????? ??? ?? ?????????? ?? ?????????? ?? ???? ??  
????????? ?? ???? 13, ?????????? 1, ??? ?????? ??? ?? ?????????? ?? ???? ??  
????????? ?? ?????????????? ?????? ??????. ?? ???? ??????, ? ?????? ?????? ?? ???? ?????????? ??  
????? ??? ?? ?????????? ?? ?????????????? ??? ?????? ??????, ?????????? ?? ???? ??  
????? ?????? ?? ?????????? ?? «????????????? ?????? ?????? ??????» ?????????????? ??? ??  
????? ?????? ??????.

94. ?????? ??? ?????????? ?????? ?? ?????????????? ?? ??? ?? ??? ?????? ?????????? ??  
????????? ?????????? ?? ???? 13, ?????????? 1, ??? ?????? ??? ?? ???? ?? ???? ??????????????  
?? ???? ??? ?????? ?? ?????????? «????????????? ?????? ??????» ?????? ?? ???? ??  
????????????? ?????? ?????? ?????? ?? ?????? ??? ?????? ??????, ??? ?? ???? ??????????  
????????????? ?????? ?????????????? ?????? (31).

95. ?????????? ??? ?????? ??? ??????, ?????? ??? ?? ???? 185, ?????????? 2, ??????  
??????, ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ?? ??? ?????? ??? ?????? ??  
?????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ?? ?????? ??? ?????? ???, ??? ?? ???? ??  
????? ?????????? ?????????????? ?? ?????????? «????? ??? ?? ??? ?????? ??? ?????? ???  
????? ??????», ??? ?????????????? ??? ?????????? ??? ?????? ??? ?? ???? ??  
????????? ??? ?????????? ?????? 185, ?????????? 2, ??? ?????? ???, ???  
????? ???.

96. ?????????? ??? ?????????????? ?????? ??? ?? ??? ?????? ???, ??? ?? ??? ??????  
????????? ?? ?????????????? ??? ?????? ?????????? ?? ??? ?????? ??? ?????????? ???, ???  
????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

97. ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ???.

5. ??? ??? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???  
????????????? (????? 90 ??? ?????? ???) ??? ??? ?????????? ??? ?????? ??? ??????????  
(????? 185 ??? ?????? ???) ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

98. ??? ??? ?????? ??? ?????? ??? ?????????? ???, ?????? ??? ???? ?????? ??? ?????? ???

? ???????, ??? ???? ???? ???? ?????????? ??? ?????????? ??? ?? ???? 90 ??? 185 ??? ???????  
???? ???, ?? ?????????????? ??????? ??? ?????????????? ??? ?????????????? ??? ?????????????? ??? ???  
????????????? ??? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??? ??????????.

99. ??? ?? ???? 90, ?????????? 1, ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
???????, ???' ????, ?? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??  
????????? ??? ?????????? (32). ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ?????????? ??? ?????? «??????» ??? ?? ?????? ??? ?????? 185,  
????????? 1, ??? ?????? ??? (33).

100. ?? ?????? ??? ??????, ?? ??? ???? ??? ?????????, ?????? ?? ???? ?????? ?????? ??????  
?? ?????????? ?????? ??? ?????????? ??? ?????????? ? ?????? ?? ???? ?????? ?? ?????????? ??  
?? ?????? ???' ?????????? ??? ?????? 185, ?????????? 2, ??? ?????? ??????.

101. ??? ???? ???? ??????? ???, ?????? ?????????? ? ??? ???? ?????????? ?????? ??? ??????  
????????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
????? ??? ?????????? ??? ?????????????? ? ??????, ?? ??? ???? ?????? ??? ?????? ??? ??????  
????????????? ??????????????.

102. ???????, ? ??? ???? ??????, ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
?????? ???? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????  
????? (34). ??????, ??? ???? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ? ??????  
????? ?? ?????????? ??? ???? ?? ?????? ?????????????? ??? ?????? ?????? ?????? ??????  
??? ?????? (??? ?????????? ?????????????? ??????????), ??? ?????? ?? ?????? ?????? ??????????  
????? ??? ???? ?????? ?????????????? ??? ???? ?????? ?????? (??? ?????????? ??????????????  
?????????).

103. ???????, ? ?????????? ???, ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ?????? ???, ??? ?????? ?????? ??? ?????? ?? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (35), ???  
??? ???? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (36).

104. ??????????, ??????, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ???? ?????? ??? ??????????  
??? ??? ???? ?????????????? ??? ?????? ?????????? ??? ?????????? ?????????? ??? ??????????  
??????, ??? ?????????? ??????????????, ?? ?????? ?????? ?? ??? ?????? ??? ?????? ??? ??????????????  
(37). ?? ??? ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ??????????.

105. ?????? ??? ?? ??????? ??? ???? ??? ?????????? ?????????????? ??? ?????????? ???  
????? ??? ???? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????, ??? ???? ??? ???? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ???, ??? ???? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
90, ?????????? 1, ??? ?????? ???, ?????? ?? ?????????? ?????? ?????? ?????????? ??? ???  
????????? ???' ?????????? ??? ?????? 185, ?????????? 2, ?????? ?????? ???, ??? ?????? ???.

106. ??? ??????, ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????????? ???  
??? (?????????) ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ???? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

107. ?????????????? ??? ????? ???? ?????????? ??? ????? ?????????? ??? ?????????? ??? ?????????? ???  
(38), ? ?????????? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??? ??? ?????????? ??? ?????????? ??? ?? ?????? ?????????? ???????, ??? ?????? ???  
?????????, ?? ?????????? ?? ??? 68 ??? ZDDV?1 ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????????? ??? ?????????? ??? ?????? ?????????? ?????????? ?????????? ???  
????????? ?????? ??? ?????? ?????????? ??? ??????. ??????, ? ?????????? ??? ?????? ???  
????? ?????? ??????, ??? ?????, ??? ?? ??? ?????? 68 ??? ZDDV?1 ?????? ?????? ?????? ???  
????????? ?????????? ?????????????? ??? ?????????? ??? ?????? ?????????? ?????????? ???  
????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? 185,  
????????? 2, ??????? ??????, ??? ?????? ????.

## VI. ??????

108. ?????? ??? ?? ???????, ???????? ??? ?????????? ?? ?????????? ?? ?????????? ???  
????????? ??? Vrhovno sodiš?e (????????? ??????????, ???????):

1) ?? ????? 185, ?????????? 1, ??? ?????? 2006/112/?? ??? ??????????, ??? 28??  
????????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????????????? ?????, ?????? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ??  
????????????? ??? ?? ?????? ??? ?????? ?????????? ?????? ?????????? ?????????? ???  
????? ?????? ???, ?????? «????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
??? ?????? ??? ?????????? ??? ?????» ??? ?? ?????? ??? ?????????? ??? ?????? ?? ??? ??????  
????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???' ?????????? ??? ??????  
????????? ??? ?????????? ?? ?????? 90 ??? ?????? ???.

2) ?? ????? 185, ?????????? 2, ??? ?????? 2006/112 ?????? ?? ?????????? ??? ??  
????? ??? ?????? ??? ?????????? ?????????? ?????? ?????? ?????????????? ???  
????????? ?????????? ?????? ?????????? ?????? ?????, ??? ? ?????? ??? ?????? ???,  
????????? «????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???» ??? ?? ???  
??? ?????????? ???, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? 185,  
????????? 1, ??? ?????? ???.

3) ?? ????? 185, ?????????? 2, ?????? ??????, ??? ?????? 2006/112 ?????? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ?????? ???, ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? «????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ???», ???  
????????? ??? ?????? ??? ?????? 185, ?????????? 2, ??? ??????, ??? ?????? ???.

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

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

3 ?????? ??? 16?? ?????? 2016, Mateusiak (C?229/15, EU:C:2016:454, ????? 24).

4 ?????? ??? 4?? ?????? 2012, PIGI (C?550/11, EU:C:2012:614, ?????? 24 ???  
25)? ??? 10?? ?????? 2013, Pactor Vastgoed (C?622/11, EU:C:2013:649, ????? 34)? ???  
13?? ?????? 2014, FIRIN (C?107/13, EU:C:2014:151, ????? 50)? ??? 9?? ?????? 2016,  
Wolfgang und Dr. Wilfried Rey Grundstücksgemeinschaft (C?332/14, EU:C:2016:417, ????? 43),  
??? ??? 16?? ?????? 2016, Mateusiak (C?229/15, EU:C:2016:454, ????? 28).

5 ??????? ??? 13?? ??????? 2014, FIRIN (C?107/13, EU:C:2014:151, ????? 48).

6 ??????? ??? 16?? ??????? 2016, Mateusiak (C?229/15, EU:C:2016:454, ????? 29).

7 ??????? ?? 16?? ??????? 2016, Kreissparkasse Wiedenbrück (C?186/15, EU:C:2016:452, ????? 47).

8 C?550/11, EU:C:2012:614.

9 ??????? ??? 4?? ?????????? 2012, PIGI (C?550/11, EU:C:2012:614, ?????? 27).

10 ??????? ??? ?????? 63 ??? 167 ??? ??????? ????, ? ??? ?????????? ??????????  
????? ??? ????? ?????????????????? ??? ?????????? ?????? ? ??? ?????? ??????????. ????  
????????? ? ??????? ?????????????? J. Kokott, ? ?????????????? ?????????????? ?? ?????????? ??? ??  
????? ?????????????????? ? ?????, ????, ?? ?????? ??? ?????? ??? ? ?????????????? ??? ??? ??????????  
??? ??? ????????. ?. ?????????? ??? ?????? ?????????? J. Kokott ??? ?????? Di Maura  
(C?246/16, EU:C:2017:440, ?????? 1, 2 ??? 24). ?? ?????????? ?????????? ??? ??????????  
????????? ??? ??? ????? ??????? ??????, ??? ?????? ?????????????? ??? ?????????? ??? ?????????.

11 ??????? ??? 21?? ??????????? 2008, Netto Supermarkt (C?271/06, EU:C:2008:105, ????? 21 ??? ??? ??????????? ??????????).

12    ???.?????? 27 ??? ?????????? ???????????.

13 ?????????? ?????? ??? ????? ?????????? ?????????????? ?????????? ?????? ???  
??? Stadie, H., *Umsatzsteuergesetz: Kommentar* (3? ??????, Otto Schmidt, Köln, 2015, ?. 1198):  
«Art. 185 Abs. 1 MwStSystRL bestimmt, dass der Vorsteuerabzug zu berichtigen ist, wenn sich die  
Faktoren, die bei der Festsetzung des Vorsteuerabzugs berücksichtigt werden, nach der Angabe  
der Erklärung geändert haben, insbesondere bei rückgängig gemachten Käufen oder erlangten  
Rabatten. Ein solcher Faktor i.S.d. Art. 168 Buchst. a MwStSystRL ist vor allem die vom  
leistenden Unternehmer geschuldete Steuer, die nach Art. 90 Abs. 1 MwStSystRL zu berichtigen  
ist» (????????? ??????????: «?? ??? 185, ?????????? 1, ?? ?????? ?????? ??? ?????? ??? ???? ?  
????????????? ?????????????????, ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???,  
????? ???, ?? ?????????? ?????????? ?????????? ? ?????????? ?????????? ?????????? ??? ??????. ???  
????? ?????????, ??? ??? ?????? ??? ?????? 168, ?????????? ?, ??? ?????? ?????? ??? ?????????? ???  
??? ?????? ? ?????? ??? ?????? ? ???????????, ? ?????? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? 90, ?????????? 1, ??? ???? ?????? ??????»).

14 ??????? ??? 15?? ???? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328, ????? 22 ??? ??? ?????????????? ??????????).

15 ??., ???????, ?????????? ??? 3?? ??????? 1997, Goldsmiths (C?330/95, EU:C:1997:339),  
??? ?? 15?? ????? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328), ????? ??  
????????? ??? ??????? ?????????? J. Kokott ??? ????? Di Maura (C?246/16,  
EU:C:2017:440). ??????????, ?? ?????????? ?????? ??? ??? ? ?????????? ??????????????  
????????? ??? ?????? ??? ? ?? ?????????? ??? ?????????? ??????????, ??? ??????????  
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??????????, ??  
????? ?????? ?? ?????????? ? ?? ?????? ?????? ?????? ??????????. ?. ?????? ??? 3?? ??????  
1997, Goldsmiths (C?330/95, EU:C:1997:339, ????? 18).

16 ?? ??? ????, ?? ??????? ?????? ?????????? ?????????? ??? ??? 39 ???  
ZDDV?1.

17 ???. ?????? 54 ??? 55 ??? ?????? ??????.

18 ??????????, ??????, ??? ?? ?????????? ?????????? ??????????, ??? ?  
????? ?????? ????, ??? ??????, ?? ??????, ?? ?????? ??? ?????????? ??? ?  
????????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ????  
????????? ?????????? ??????????, ??? ????? T?2 ??? ?????? ??? ?????? ?????.  
????? ??????, ?????? ????, ?? ?????????????? ? ??? ??? ?????? ??? ??????????  
??? ?????????? ??? ?????????? ??? ????? ??????????, ??? ??? ??? ?????????? ????  
????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ????  
??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??? ?????????? ??? ?????? ????  
? ?????????? ??????????, ??? ?????? ??? ?????? ??? ?????? ??? «????? ?????» ??? ??? ???  
????? ??? ?? «????? ?????», ??? ??? ?????? ??????, ?????????? ?? ?????????? ???  
????????? ??? 7?? ?????? 2016, Degano Trasporti (C?546/14, EU:C:2016:206), ??? ??  
16?? ?????? 2017, Identi (C?493/15, EU:C:2017:219). ???. ?????? 104 ??? ??????  
?????????.

19 ???. ?????? 27 ??? ?????? ??????.

20 ???. ?????? 69 ??? ?????? ??????.

21 ?????? ??? 4?? ?????? 2009, SALIX Grundstücks-Vermietungsgesellschaft (C?102/08,  
EU:C:2009:345, ??? 40 ??? ??? ?????????? ??????????).

22 ?????? ??? 4?? ?????? 2009, SALIX Grundstücks-Vermietungsgesellschaft (C?102/08,  
EU:C:2009:345, ??? 42 ??? ??? ?????????? ??????????).

23 ?????? ??? 4?? ?????? 2009, SALIX Grundstücks-Vermietungsgesellschaft (C?102/08,  
EU:C:2009:345, ??? 44 ??? ??? ?????????? ??????????).

24 ???. ?????? 46 ??? 47 ??? ?????? ??????.

25 ??? ??? ?????? ??? ?????????? ??? ?????? 59 ??? 62 ??? ?????? ??????????, ?  
????? ? ?????? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? 185, ?????????? 1, ???  
????? ??? ?, ?? ??? ? ?? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ????  
?????. ? ?????? ??? ?????? ?????? ?????????? ??? ?????? 68, ?????????? 2, ??? ZDDV?1.

26 ?????? ??? 15?? ?????? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328).

27 ?????? ??? 15?? ?????? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328,  
????? 24).

28 ?????? ??? 13?? ?????? 2012, PIGI (C?550/11, EU:C:2012:614, ?????? 31 ??? 35).

29 ??., ??? ??? ?????, ?????? ??? 4?? ?????? 2009, SALIX Grundstücks-  
Vermietungsgesellschaft (C?102/08, EU:C:2009:345, ?????? 51 ??? 52).

30 ???. ?????? 81 ??? 82 ??? ?????? ??????.

31 ?????? ??? 4?? ?????? 2009, SALIX Grundstücks-Vermietungsgesellschaft (C?102/08,

EU:C:2009:345, ????? 58).

32    ?? ??? ???? ?????, ? ??????? ?????????? ?????????? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ZDDV?1, ?????? ??? ???? ?????? ?????????? ??? ?????????? ?????????????? ?? ?????????? ?????????? 39 ??? ?????????? 2 ??? 3 ??? ?????? ??????, ??? ?????????? ?? ?????? ?????????? ?????????? ?????????? ?????????? ?????? ?? ?????? ??? «[?] ?????????? ??? ?????????? [...] ?? ?????? ?? ?????????? (?????) ??? ??? ??? ?????????? ??? ?????? ???». ??? ?????????? ??? ?????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ???, ??? ??? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

33    ?. ?????? 59 ??? 62 ??? ?????? ??????????.

34    ??., ?????? ?????, ?????? ??? 26?? ?????????? 2013, ?????? ?????? ??? ?????? (C?189/11, EU:C:2013:587, ????? 91).

35    ??., ?????? ?????, ?????????? ??? 26?? ?????????? 2013, Åkerberg Fransson (C?617/10, EU:C:2013:105, ????? 25)? ??? 7?? ?????? 2016, Degano Trasporti (C?546/14, EU:C:2016:206, ????? 19 ??? ????? ?????????? ??????????), ??? ??? 16?? ?????? 2017, Identi (C?493/15, EU:C:2017:219, ????? 16).

36    ??., ?????? ?????, ?????????? ??? 26?? ?????????? 2013, Åkerberg Fransson (C?617/10, EU:C:2013:105, ????? 26)? ??? 7?? ?????? 2016, Degano Trasporti (C?546/14, EU:C:2016:206, ????? 22), ??? ??? 16?? ?????? 2017, Identi (C?493/15, EU:C:2017:219, ????? 19).

37    ?????? ??? 7?? ?????? 2016, Degano Trasporti (C?546/14, EU:C:2016:206, ?????? 23 ??? 29). ??., ??????, ?????? ??? 16?? ?????? 2017, Identi (C?493/15, EU:C:2017:219, ?????? 20 ??? 24), ??? ?????? ??? ?????? ?????????? ??? ?????????? «????????? ??? ?? ???».

38    ??? ????? ?????????? ?????????? ???, ??? ?????? ?????????? ??? ?????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? 288, ????? ??????, ????. ??., ?????? ?????, ?????????? ??? 24?? ?????????? 2012, Dominguez (C?282/10, EU:C:2012:33, ????? 24 ??? ??? ?????????? ??????????), ???, ??? ?????? ??? ?????? ??? ?????? ???, ??? 11?? ?????? 2013, Rusedespred (C?138/12, EU:C:2013:233, ????? 37).