

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

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

MICHAL BOBEK

??? 22?? ??????????? 2018 (1)

?????? C?665/16

Minister Finansów

????

Gmina Wroclaw

[?????? ??? Naczelnego S?d Administracyjny (????????? ?????????????? ????????????, ????????)
??? ??? ?????? ?????????????? ???????]

«????????????? ????????? – ????? ?????? ?????? ?????????????????? ????? – ??????
2006/112/E – ?????????????? ?????? – ????? 2, ?????????? 1, ?????????? ?? – ???????
?????? ?? ?????? ?????? – ????? 14, ?????????? 2, ?????????? ?? – ??????????
?????????? ?????? ?????? ?????????????? ?????? ?????????? ?????????? ?????????? ????? –
?????????? ?????? ?????????? ?????»

I. ????????

1. ??? ??????? ??????????, ? ????? ?????????? ?? ? ??? ?????? ?????? ??? ???????, ??
?????? ??? ?????, ??? ?????????? ??? ??? ?????, ??? ?????????? ?????? ?????? ??????? ???????
?????? ?? ? ??? ?????? ??????????, ??? ??????, ??? ?????? ??? ?????? ??? ??? ?????? (2).
????? ??? (????????? ??? ?????? ?????? ??? ??????) ?????????? ??????? ?? ??? ?????? ???
???????????, ? ?????? ?????????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ???
?????????, ??? ??? ?? ?????????? ??? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????????? ?? ?????? ?? ?????????? ?????????????? ?? ?????????? ??? ?????????? ???
?????: ?????? ?????????????? ?? ??? ??????.

2. ?? ??????? ?? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????
?????? ????, ??? ??????, ??? ???? ??????. ??? ???? ??????, ?? ??? ?????? ???, ? ??? ???? ???
????????? ?? ??? ?????? ?????????????? ?????? (???) ?????????? ??? ?????? ??? ?????? ??????:
????? ?? ?????????? ??????, ? ?????????? ??? Wroclaw ??? ?????? ?????????? ??????. ??????,
????? ? ?????????? ??? (?????????????) Gmina Wroclaw (????? ??? Wroclaw,
?????). ???????, ?? ?????? (?????) ??????? ?????????? ???????, ??????? ?????? ???
????????? ??? ??????? ??????.

3. ? ??????? ?????????? ?????????? ?????????? ?????????????? ?????????? ?????????? ?? ??????,
????????? ??? ?????????????? ?????????? ???, ?????????? ??? ?? ?????????????? ??? ??
????????? ??????????, ??? ?????? ??? ???, ?????????????? ??? ?????? ?????? ??????. ??????,
??? ??????? ??? ?????????? ??????????, ??? ??? ?????? ??? ?????? ?? ??? ?????? ??
????????????? ? ?????????????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?? ???
?????????, ?? ?????????? ?????????? ??? Wroclaw, ??????????, ??? ??????????
????????? ??? ?????????????? ?????????, ??? ??? ??? ?????? ??? ?????????? ?????????, ???
????????? ?? ??? ?????????????? ??????. ?????????, ??? ??? ?????? ?????????? ?????????? ???
????? ?????????? ??? ??? ?????? ??? Wroclaw ??? ?? ?????? ??????, ? ??? ???
????????? ??? ??? ?????? ?? ?????????? ?????? ??????: ? ?????????? ??? Wroclaw.

4. ??? ?????? ???, ?? Naczelnego S?d Administracyjnego (????????? ?????????? ??????????,
????????) ?????? ?? ?????????????? ?? ? ?????????? ?????????? ??? ?? ??? ?????? ??????????
????????? ??? ??? ??? Wroclaw ??? ?? ?????? ?????? ?????? ?????????? ?????????? ???
????? ??? ?????? ??? ?????? 14, ?????????? 2, ????????, ??? ?????????? ??? (3). ??
????????????? ?????? ??? ?????? ??? ?????????? ?????????: ??????, ?????????? ?? ??????
????????????? ??????, ?????? ?????????? ?????????? ?????????? ?????? ?? ?????? 14, ??????????
2, ????????, ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????????? ?? ?????????? ???
????????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? 14,
????????? 1, ??? ?? ??? ??????; ??????, ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ??? ?????? 2, ?????????? ??, ??? ?????? ?????? ??? ?????? ???
?????;;

II. ?? ?????? ???????

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

5. ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ???, ?? ?????? 2, ?????????? 1,
????????? ??, ??? ?????? ??? ?????? ?????????? ???:

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

6. ??? ?? ?????? 14 ??? ?????? ???:

«1. ?? “????????? ??????” ?????????? ? ?????????? ??? ?????????? ?? ?????????? ???
?? ??????, ?????? ???.

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

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

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

?) ? ?????????? ??? ? ??? ?????? ?????????? ?????? ?????? ?????????? ?????? ???
????? ???.

15. ? ?????? ?????????? ?? ??? ??????? ????. ???? ??????, ?????? ?????? ????
Wojewódzki S?d Administracyjny we Wroc?awiu (?????????? ?????????? ???? Wroc?aw,
???????) ??????? ???? ?????? ?????? ????????????

16. ?? ?????????? ???? ?????? ???? ??? ?????????? ?????????? ???? ?????????? ?
????????? ???? ?????????? ???? ?????? ???? ?????????? ?????????? ????, ????
????????? ???? ?????????? ???? ?????? ???? ?????? ???? ???? ?????????? ????
?????. ???? ????, ???? ? ?????????? ???? ? ?????? ???? ? ?????? ????: ? ????
Wroc?aw. ???? ???????, ?? ?? ???? ?????????? ?????????? ???? ???? ?????? ?????????? ????
????????? ???? de facto ??????? ???? ???? ?????????? ??????????, ? ???? ????
????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ???? ?????? ?? ?? ?????????? ????
?? ?????? ????

17. ? ?????? ?????? ?????????? ???? ?????? ??????? ??? Naczelnego S?d Administracyjnego
(????????? ?????????? ??????????).

18. ?? ?????????? ???? ?????? ???? ? ?????? ?????????? ?????????? ????
????????? ?? ???? ?? ?????? ?? ?????? ?????? ?????????? ??????, ???? ????
????? 7, ?????????? 1, ?????? 1, ??? ?????? ?????? ????, ? ?????? ??????????
????????? ???? ???? ???? ?????????? ?????????? ???? ?????? ?????? ??????????
????????? ????. ?? ?????? ??? 12? ?????????? 2015 (5), ?????????? ????
????????? ?? ?????????? ???? Naczelnego S?d Administracyjnego (????????? ??????????),
?? ?? ??????:

«?????? ? ?????????? ???? ?????????? ?????????? ???? ?????????????? ???????
????????? ???? ?????? ?????? ?????????? ???? ???? ?????? ???? ?????????? ??????????
(????????????? ???? ?????????? ?????? ??????) ?????? ?? ?????? ????
????? ?????? ? ?????????? ???, ?? ?????? ?????? ?????????? ???? ???? ????
7, ?????????? 1, ?????? 1, [??? ?????? ???];»

19. ?? ?????????? ???? Naczelnego S?d Administracyjnego (????????? ??????????)
?????, ?? ?????? ??? 12? ?????????? 2015, ?????????? ?????? (6): ?
?????? ?????????? ?????? ?????????? ???? ???? ?????? ?????????? ?????????? ??????????
????????? ???? ?????? ?????? ?????? ???? ???? ?????? ???? ?????? 7, ?????????? 1,
????? 1, ??? ?????? ????. ?? ?????? ?????? ???? ?????? ???, ???? ????
????? ?????????? ?????? ?????? ?????? ?????? ?????? ???? ?????? ?????? ?????? ????
??????, ?????? ???? ???? ?????? ?????? ?????? ???? ?????? ???? ?????? ?????? ????
????? ?????? ?? ?????????? ???? ?????????? ?????? ???? ???? ?????? ?????? ????
????????? ???? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ?????? ????
????? ???? ? ?????? ?????? ?????? ???? ???? ?????? ???? ?????? ?????????? ????
????? ???? ???? ?????????? ???? ???? ?????? ???? ?????? ?????? ???? ????
????????? ????

20. ?? ?????????? ???? ?????? ?????? ?????????? ?? ???? ?? ???? ?????? ??? Naczelnego
S?d Administracyjnego (????????? ?????????? ??????????). ?????? ?? ?????????? ????
????????? ???? ?????? ?????? ?????? ?????? ?. ?????? ??? Naczelnego S?d
Administracyjnego (????????? ?????????? ??????????) ?????? ?? ?? ??????, ?????????? ??
????????? ???? ?????? ?? ?????? ?????? ?????????? ?????? ????

«?????? ?????????? ???? ???? ?????? ???? ?????? ???? ?????? 14, ?????????? 2, ?????????? ??,
?? [????????? ???? ???], ? ?? ?????? ???? ?????? ?????????? ???? ?????? ?????????? ????

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

???? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?? ? ?????????? ?????????????? ?
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????????? ?????????? ??
????? ??? ?????????????? ??? ??????;»

21. ??? ?????? ?????????????? ?????????? ? ????, ? ?????????? ?????????? ??? ? ??????????
?????????. ?? ?????????????? ????, ??? ?????????? ? ?????????? ??????????????, ??? ??????
????? ??? ??' ?????????? ??? 13? ?????????? 2017.

IV. ??????

22. ?? ?????????? ?????????? ?????? ?????????????? ?? ?????????? ??????, ?? ?????? ??
????????? ?????????????? ?????? ?????? ?? ?????????? ?????? ?????????? ?????? ???
????????? ?????????? ??? ?? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??
????? ?????????? (?). ???????, ?? ??????, ?? ?????? ??????, ??? ?????????? ??? ?????? ???
????? «????????? ??????» ??? ?????????? ??? ?????? 14, ?????????? 1, ??? ??? ?????? 14,
????????? 2, ?????????? ?, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
«?????????», (????? 14, ?????????? 2, ?????????? ?, ??? ?????? ?????? ???) ??? «?????????
?????» (????? 2, ?????????? 1, ?????????? ?, ??? ?????? ?????? ???) (?). ??????, ?? ??????
?? ?????????????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ??????????
?? ?? ?????? ??? ?????????????? ?????????? (?) .

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

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

23. ? ?????? ?????? ?????? ?????????? ?? ?????????????? ??????. ? ?????????? ??????????
?? ? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ?????????? ?? ?????????? ??? ??????????
????? ?? ?????????? ?? ??? ?????? ?????? ?????? ?????? ?????????? ??????. ?????????????? ???
?? ?????? ??????, ??? ?????????????? ?? ?????? ?????? ?????? ??? ?? ?????? ?????? ?????????? ???
????? ?????? ?????? ??? ?????? ?????? ???, ?????? ?????????? ???, ??? ?????? ???.

24. ??????, ?? ?????? ??????????, ?? Wroclaw ?????? ??????-????????? ??????????.
???? ?????-????????? ?????????? ?????? ??? ?????? ?? ?????? ??? ?????????? ??? ?? ??????
????? ?????????? (?????????????? ? ?????????? ??????) ??? ?? ?????? ?????????? ??? ?? ??????
????????? ??? ?? ?????? (?????? ??????). ?? ?????????? ??? ?????????? ??? ?? ??????????
????????? ??? ?? ?????? ?????? ?????????? ?????? ?????? ?????? ??????????????????
?? ?? ??? ?? ?????????? ??? ??????-????????? ?????? ?????????? ??? ?? ?????? ??? ?? ????
????????? ??? ?? ?????? ??? ?????????? ?????? ?????? ??? Wroclaw ??
????????????? ?? ?????????? ?? ?????????? ?????? ?????????? ??? ?? ??? ?? ???, ??
????????????? ??? ?? ?????? ??? Wroclaw.

25. ???????, ??? ?????? ??? ?????? ?????????? ??????????????, ?? ?????? ??????????
????????? ??? ?????? ?????-????????? ?????? ?????????? ?????????? ?? ?????? ???
????????? ??? ?????? ??? ?????? ?????, ?? ?????????? ?????? ?????????? ??????????
????????? ?????????????? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?? ????
????????? ?????? ?????????? ?????? ??????. ??? ?? ?????? ?????? ??? ??????????, ? ????
(?????-????????? ??????) ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??????????
?? ?????? ?????? ?????????? ?????? ?????????? ??? ?????????? ??? ?? ??? ?? ???, ??

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

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

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

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

Wroc?aw ??? ??????? ???????, ?????????? ?? ?????????? ?????? ?????????? ?????????????? ?????????????? ???

??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????????? ?? ?????????????? ??????: ???

?????? ??? Wroc?aw.

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

27. ? ?????? ??? ?????? ?????????????? ?????????? ??? ?????????? ??? ?????? ??? ??????

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

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

28. ??????????, ??? ?? ????? 9, ?????????? 1, ??? ?????? ???, ?? «?????????»

????? ???» ?????? ?????????? ????, ??? ?????? ?????? ??? ? ?????????? ???, ???, ????

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

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

????? ??? ?????? ??? ?????? ?????? ?????????? ?????? «?????????»

?????????» (7). ?????????? ??? ???? ?????? ?????? ??? ?????? «?????????»

????» ??? ?? ????? 9, ?????????? 1, ??? ?????? ??? ???? ??? ?????????? ??? ???? 13,

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

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

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

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

29. ?????? ???' ?????????? ?????????????? ??? ?????? ??? Wroc?aw, ?? ??????

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

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

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

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

30. ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????????? ???

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

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

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

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

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

????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? ??? 267 ????, ??? ???? ??? ???? ?????? ???

??? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? 23 ??? ?????????? ??? ???? ?????? ???

????????? ??? ???? (11).

31. ??????, ? ??? ???? ??? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ???

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

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

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

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

32. ??????, ?? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???? ???? ??

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

Wroc?aw ??? «????????? ??? ???? ????»-, ??? ???? ??? ???? ?????? ??? ???? ?????? ??? ????.

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

2. «????????? ????» ??? ???? ?????? ??? ?????? 14, ?????????? 2, ?????????? ?, ?? ???? ?????? ???

33. ?? ?? ??????? ???, ?? ?????? ?????????? ?????? ?? ?????????????? ?? ? ??????? ??? ?????? ???
????? ??? ???? ?????? ?????????? «????????? ??????» ??? ???? ?????? ??? ?????? 14,
????????? 2, ?????? ?, ??? ?????? ????. ???????, ?? ?????? ?????????? ????
?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? ?????????? ?????? ??????????
????????? ??? ?????? ?????? ?????????? ?????? ?????? ??? ?????????? ??? ? ?????????? ??????
????????? ???.

34. ?????????? ?? ??? ?????? ?????? ??? ?????? ??? ??????, ?? ??????? ???
?? ?????? ??? ?????? ??? ??? ??? ?????? ??? ?????? 14, ?????????? 2, ?????????? ?, ??
????? ??? (1). ???????, ?? ?????? ?? ?????? ??? ?????? 14, ?????????? 2,
????? ??, ??? ??? 14, ?????????? 1, ??? ?????? ??? (2). ??????, ??
????? ?? «?????????» ??? ?????????? ??? 14, ?????????? 2, ?????????? ?,
????????? ??? ?????? «?????????» ??? ???? 2, ?????????? 1, ??????????
?, ??? ??? ???? ?????? (3).

1. ?? ?????? ??? ?????? ??? ???? ???? ???? 14, ?????????? 2,
????????? ?, ??? ?????? ????

35. ?? ??? 14, ?????????? 2, ?????? ?, ?? ?????? ??? ?????? ???
????????? ?????? ?????. ?????? ??? ?????? ?. ??????, ?????? ?? ??????
«????????? ??? ?????? ??????». ??????, ? ?????????? ??? ?????????? ??
????? «????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ? ?? ?????? ????.
?????, ? ?????????? ??? ?????? ?????? ??? ?????? «?? ?????? ??????»..

36. ?? ??? 14, ?????????? 2, ?????? ?, ?? ?????? ??? ?????? ???
????????? ?????? ?. ?? ?????? ?? ?????? ??? ?????? ??? ?????????? ???
14, ?????????? 1, ??? ?????? ???, ?? ?????? ?????? ??? ?????????? ???
????? ? ?????? ?????? ?????? ?? ??? ?????????? ??? ?????? ??? ??????, ?? ???
14, ?????????? 2, ?????? ?, ??? ?????? ?????? ??? ?????????? ??? ??????????
????????? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????
?????????.

37. ?????? ?? ?????????????????? ?????? ??? ?????? ?????????? ?????????? ???
????? ??? ???? ???? 14, ?????????? 2, ?????? ?, ?? ?????? ??? (12),
????????? ?? ?????? ??? ???? ???? ?????? ?????? ?????? ??? ?????? ??????
????????? ??????????.

38. ??? ?????? ?????? ?????? ???, ?????? ?????? ?? ?????? ??? ????
????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??????????
??? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??????, ??? ?????? ?? ??????
??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? (13).

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

??. ?????????? ?????????? ??????. ??????, ??? ???? ?????? ?? ?????????????? ?????? ??.
????????? ???, ???, ??????, ? ?????????? ?????? ??? ?????? 14, ?????????? 2,
????????? ?, ??? ?????? ???, ? ?????? ?? ?????? ?? ?????? ?????? ?? ???
????????? ??????: ?????? ?????- ?????????- ?????? ???, ??????, ???
????????? ?????- ?????? ?????- ?????????, ???????.

2. ?? ?????? ?????? ??? ?????? 14, ?????????? 2, ?????????? ?, ??? ??? ?????? 14,
????????? 1, ??? ?????? ????

40. ?? ?????? ??? ?????? ??? ?? ?????? ?????????? ??? ?? ?????????? ???
????????? ?? ?????????? ??? ?????? ?????? ??? ?? ?? ?????????? ??? ?? ???
14, ?????????? 2, ?????? ??, ??? ?????? ??? ?? ?????? ?????? ? ?? ?? ?????? ???
????????? ??? 14, ?????????? 1, ??? ?????? ???, ??? ?????? ??? ??????????
?? ?????? «????????? ??? ?????????? ?? ?????? ???, ?? ??????, ?????????? ???».

41. ?? ?????? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ?????? ?? ??????????
?? ?????????? ??? ?????? 14, ?????????? 1, ??? ?????? ???, ???
????????? ? ?????? ??? defacto????????? ??? ??????, ??? ?? ?????? ?????? ??? ??
???? ?????????? (14). ?? ?????????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ??
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 14, ?????????? 1,
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ??????
?? ??? ??? ?????? (15). ?? ?????? ?? ?????? ?????? ???, ?? ??????, ???
????????? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
???? ?? ?????????????? (16).

42. ?? ?????????? ??? ?????? ??? ?????? ??? Wroclaw ?????????? ???, ??? ?? ??????
?? ?????? ??? 14, ?????????? 2, ?????? ??, ??? ?????? ??? ?? ?????????? ??
????????? ??? 14, ?????????? 1, ??? ?????? ??? ?????? ??? ?? ?????????? ??
?? ?????? ??? ?????? ?? ?????? ???.

43. ???????, ? ?????? ?????? ?????? ??? ? ?????? ?????????? ??? ?? ??? 14,
????????? 2, ?????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?? ???
14, ?????????? 1, ??? ?? ??? ?????? . ??????, ??? ?????? ?????? ??? ?? ??? ??
????? 14, ?????????? 2, ?????? ??, ?? ?? ?????? ?????????? ??? ??????????
????????? ??? ?????? ??? ?????????? ???.

44. ?????? ?? ??? ?????????? ??????????.

45. ?? ??? 14 ??? ?????? ???, ?????????????? ?? ?????? ??? ??????????
«????????? ???», ??? ?????? ??? ?????? ?? ?????? «????????? ???».

46. ??? ?????? ??? 1 ??? ?????? ??? ?????? ?????? ??? ?? ?????? «????????? ???»: ?
«????????? ??? ?????? ??? ?? ?????? ???, ?? ??????, ?????? ???». ?
????????? 2 ??? ?????? ??? ?????? ?????? ??? «?????????» ?? ??????
????? «????? ??? ??? ?????? ??? ?????? 1».

47. ???????, ??? ?? ?????? ??? ?? ?????????? ??? ?????? 14 ??? ?????? ???
????????? ??? ? ?????????? 2 ??? ?????????? ??? ?????? ?????? lex specialis ?? ?????? ??
??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? 1.

48. ?? ??? 14, ?????????? 1, ??? ?? ??? 14, ?????????? 2, ??? ?????? ???
????????? ?????? «????????? ???», ?? ?????? ??? ?????? ?? ??????????
????????? ???????. ?? ??? 14, ?????????? 1, ?????? ??? ?????? ?????????? ??? ???

? ?????????? ??? ?????????? ??????. ?? ?????? 14, ?????????? 2, ?????????? ?????? ?????? ???
?????? ? ? ??????, «?????» ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? 14,
????????? 1, ?????? ?????? ?? ?????????? «????????? ??????». ????? ?????? ?,
????????? ??? ?????? 14 ?????? ?????????? ??????: ?? ?????? 14, ?????????? 1, ????
??? ?????? ?????????? ??? ?????? ?????? ??????. ??????????, ?? ?????? 14, ?????????? 2,
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??????.

49. ?? ?????? 14, ?????????? 2, ????????, ??, ??? ?????? ??? ?????? ??? ??????????
????????????? ??? ?????? ?? ?????? ?? ???? 14, ?????????? 1. ?? ?????? 14, ??????????
2, ????????, ??, ??? ?????? ?? «????? ??? ?????? ?????? ??????, ?? ??????, ??????
?????», ??? ?????? ?????? ?????????? ??????: «? ?????????? [...] ?? ??????????
?????, ?????? ??????».

50. ??? ??????, ??? ?????? ?????? ??? ?????? ??? ?????????? ?????????? ??????????, ??
????????? ?? ??? ?????? ?????? ?????????? ?????????? ??????, ?? ?????? 14, ?????????? 2,
????????? ??, ?????? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? 14, ?????????? 1. ?
????????? ?????? ??? ?????? ??? ? ?????????? ?????? ??? ?????????? (17) ??????????
????????? ??????.

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

52. ???????, ??? ?????????? ???????, ?? ?????????? ?? ?????????? ??? ?? ?????? 14,
????????? 2, ????????, ??, ?? ?????? ?????? ??? ?????? ??? ?????? «?????» ??????? ???
????????? ?? ?????? ?????? ??????, ?????? ??? «????? ?????? ?????? ?????? ?? ?????? ???
? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??????, ?? ??? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?????? ??? ?????? ??? ?????? ???, ?????? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?????? ??? ?????? ???, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????, ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? 14, ?????????? 1, ????
??? ?????????? ??? ?????? 14, ?????????? 2, ?????????? ??, ??? ?????????? ??
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (18).

53. ?? ??????, ?? ?????? 14, ?????????? 2, ????????, ??, ??? ?????? ??? ?????? ???
?????? ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
???? ?????????? ??? ?????? ?????? 1 ??? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 14,
????????? 2, ????????, ??, ??? ??????, ??? ?? ?????????? ?? ?????? ?????????? ???
????????? ???, ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ?? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? «????? ???».

3. ? ?????? ??????? ?? ?????? 14, ??????????? 2, ???????? ??, ??? ??? ?????? 2,
?????????? 1, ??????? ??, ??? ?????????? ???

54. ?? ?????? 2 ??? ??????? ??? ???? ??????? ?? ???????-?????? ? ???? ?????? ??????? ??
?????? ?? ???? ??????? ?? ??? . ??? ? ???? ?? ?????? 2, ?????????? 1, ??????? ??, ??? ?? ???
??????, ??? ?? ??? ?? ??????? ?????? «[?] ? ?????????? ?????? ??? ??????????????????
?? ??????? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ??
?????? ?? ??? ?????? ???».

55. ????????, ?????????? ??? ????? ?? ?????? ?????????????? ?????????? ?? ???? ??????
?????, ?????????? ?????? ??????. ??????, ?????? ?? ?????? «????????? ??????».
?????????, ? ?????????? ?????? ?????? ?? ?????????????? «?? ?????????? ??????». ??????, ?
????????? ?????? ?? ?????????????? ??? ?????? ?????? ??????. ??????, ?????? ??
????????????????? ??? «????????? ??? ?????? ??? ?????? ?? ???? ?????????? ???».

58. ? ??????????? ???? ?????? ??? ??????? ?????? ??? ??????? ?? ???? ??????? ???
?????? ????????????: ???? ?????? ???? ?????? ?????? ??? ??????? ??? «??????????» ????
????? 14, ??????????? 2, ????????, ???, ??? ??????? ???? ??? ??? ??? ??????? ??? «?????????
??????» ???? ?? ?????? 2, ??????????? 1, ????????, ??, ??? ??????? ???; ??????????? ???
??? ??????? ???????; ? ?????? ? ??????????? ?????? ?? ??????????? ?? ??? ?????? (??????
??? ?????? ???????) ??? ??????? ??? ??????? ??????;

59. ??? ???????????, ? «??????? ?????» ?????????????? ??? ??? ????? ?????? ??? ?????????? ??????
??? ?????????????????? «?? ???????? ?????» ?????????????? ??? ?????????????? ??????
?????? ??? ?????? ??? ?????????????? ? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??
????????????? ?????????? (19). ?????? ?????? ?????? «????? ?????? ?????? ?????? ??????
????? ??? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ?????????? ???????, ?? ?? ?????? ??? ?????????????? ??? ?????????????? ??????
?? ?????????? ?????????? ??? ?? ?????????? ?????» (20). ?? ?????????? ??? ?????? ??? ??????
«? ?????????? ??? ?????? ??? ?????????????? ???, ?????? ?????? ??? ?????? ??? ?????? ???
??????????, ??? ??? ??? ????? ?????????? ??? ?????? ?????????????? ??? ?????? ???» (21).

60. ?? ??????????? ???? ?????? ?????? ??? «? ??????????? ???? ?????? ?? ?????? ??
?????????? ?? ???» ??? ?? «? ??? ???? , ?????? ??? ??????????? ?? ??????????? ??
?? ??? ??????????? ?????? ??? ??????????????? , ?????? , ??? ?? ????? ??????????????? ,
????? ?? ??? ???? ? ??? ??? ????? ??????????? ? ??????????? ??? ??????????? , ?? ????
???????? ?? ?????? ??? ??????????? , ??? ??????????? ?????? , ??? ??????????? ??

????????????? ??? ??????? ?? ??????????? ????? ?? ??? ????? ????? ?????????????? ??
????????? ??? ????? ? ?????? ?????? ?????» (22). ??? ?????? ??? ?????? ??? ???????????, ??
????????? ??? ? ??? ?????? ?????????????? ??? ??? ?????? ?????? ?????????????? ? ?????????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????????????? ?? ??? ?????? ??????????
?? ??????? ?????? (23).

61. ? ?????????? ?? ??? ? ?????? ??? ? ?????? «?????????????» ??? ???? 14, ???????????
2, ????????, ??????? ???? ???? ???? ???? «????? ?????» ??? ??????????
???? ?????????????? ?????? ?????, ??? ???? ???? ???, ?????????????? ???????.
?????????, ??? ???? ?????? ?????????? ? ???????, ?? ?????????? ??? ?????????????? ??? ??
????????? ??? ?????????? ?????? ?? ??? ?????? ??? «????????? ?????», ?? ??????
????????? ??? ?????? ??? ???? ?????????? ??? ?????? ?????? ??????, ??????????????
????? ??? ?????? ??? ?????????? ??? ?????? 2, ?????????? 1, ?????????? ?, ??? ??????
??? ?????? ??? ?????????? ??? ?????? ??? ?????? 14, ?????????? 1, ??? ?????? ???
??? ???? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? 2,
????????? 1, ?????????? ?, ??? ?????? ???.

62. ??? ???? ???? ???? ???? «?????????» ??? ???? 14, ?????????? 2, ?????????? ?,
????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? 2, ?????????? 1,
????????? ?, ??? ?????? ?????? ?. ? ?????????? ?????? ??? ?????? ?????????????? ??????
????????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????????????? ??????.

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

64. ??????, ??? ???? ??????????, ??? ?????????? ?????? ??? ?????? ?????? ?????????? ???
????????? ???, ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ???
??? ?????? ???, ??? ???? ???? ???? , ?? ?????? ??? ???? ?????? ??? ?????????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ?. ??? ???? ?????? ?????? ?????? , ?????? ?????? ?????? ???, ?? ??????, ?
????????? ??? ?????? «????? ?????» ???, ??? ???? ?????? ?????? , ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? «????????? ??????».

65. ??? ???? ???? ???? ?????? ??????????, ??? ?????????? ??? ?????? ?????? ?????????? ???
??? ?????????? ??? ?????? 2, ?????????? 1, ?????????? ?, ??? ?????? ??? ???? ?, ?
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ???? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? -?? ???' ?????? ?????? ?????? ???
????????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? -??
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ???? ???
????????? ??? ?????? ??? ?????? (24). ?? ?????????? ??? ?????? ?????? ?????? ??? ??????
????????? ?????????? ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (25).

66. ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????
????????? ??? ???? ?????????? ??? ?????? ?????? ?? ?????? 14, ?????????? 2, ?????????? ?, ???
????????? ??? . ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
????????? . ?? ?????? ??? ?????? ?????? ?????? , ??? ?????? ??? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????? ??? ???? ?????? 14, ?????????? 2, ?????????? ?, ??? ?????? ???

???, ?????? ??? ??????? ??????? ??????? ??? ?? ??????? ?????????? ?? ?????????? ???????????
?????? ?????????? ?????????? ??????????????. ?????????????? ????? ?? ??? ??? ?? ???? 14, ?????????? 2,
????????? ??, ??? ?????? ??? ????? ?? ????? ?????????????? ?? ?????????? ???
????????? ?????? ?????? ?????? ??????????????, ?? ??? ????? ?????? ?? ?????? ?? ?????? ???
??? ?? ?????? ??? ?????? ?? ?????????? ??? ?? ?????? ??? «????????? ?????? ??????» ??? ??
????? 2 ??? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ???? ?????? ??? ?????????? ???
????????? ??? ?????? ?????? ??? «????????? ??????». ??? ?????? ?????? ?????? ??? ?????????? ???
????????? ??? ?????? 14, ?????????? 2, ?????? ??, ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ???
(26).

67. ? ?????? ??? ?????? ??????? ??????? ??? ?? ??????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? 2, ?????????? 1, ?????????? ??, ??? ??? ?????? 14, ?????????? 1, ???
?????? ???, ??? ?????? ??? ?????? ??? «????????? ??????». ???, ???
????????? ??? ?????? Posnania Investment, ??? ? ?????? ?????????? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ???
????, ?? ?????? ?????? ???, ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
??? ??? ?????? ??? ?????? ??? ?????? ?????? (?????????) ??? ??????????,,
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ??? ??? ???, ??? ??? ?????? ?????? ?????? ?????? ?????????? ?????? ??? ?????? (27).

68. ???, ??? ?? ?????? ??? ? ??????? ??? ?????? ?????? ?????? ??????, ??????????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 14, ?????????? 2, ?????????? ??,
??? ?????? ???, ??? ?????? ??? «?????????», ??? ??? ?????? ???
«????? ??????», ??? ??? ?????? ??? ?????? ?? ?????????? ?????? ??? ??? ?????????? ??
??? ?????? ??? ?????? ??? ?????? –? ?????????? ?????? ??? ?????? ??? ??????
?????????????. ???????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??????????: ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??? ???
?????????) ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (28).

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

69. ? ?????? ??? 14, ?????????? 2, ?????? ??, ??? ?????? ???
????????? ??? ?????? ?????????? ???????. ??????, ?????? ?? ?????? ??????????
??????????. ???????, ? ?? ??? ?????? ?????? ??? ?????? ?? ?????????? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ? ?? ?????? ??? ?????? ???, ?????? ??
????????? ?????? ???.

70. ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????, ? ?????? ??? ??? ?? ??????
?? ?????????? ??? ?????????? ?? ?????? ??? ?????? ?? ?????? ?? ??????, ??? ??????????
?? ??? ?????????? 1 ??? ?? ?????? ??????. ??? ?? ?????? ??? ?????? 14, ?????????? 2,
????????? ??, ??? ?? ?????? ??????, ??? ?? ?????????? ?? ?????????? ?????? ??? ??????
????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ??????
????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?? ?????? ??? ??????
????? ?????????? ??? ?????? ?????? ?????? «????????? ??????» ??? ?? ?????? 14 ???
?? ??? ??????.

71. ??? ?? ?????? ?????????? ??? ?????? ??? ?? ?????? 14, ?????????? 2, ??????
??, ?????? ?????? ?? ?????????? ?? ?????????? ??? ?????? 2, ?????????? 1, ??????
??, ??? ?????? ???, ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

? ?????????? ? ??????. ?? ?? ??? ?????? ??????? ???? ?????? 14, ?????????? 2, ????????
??, ?????? ???? ?????? ??? ?? ??????? ??? ?????? ?????? «?????? ????» ??? ??
????? 2, ?????????? 1, ?????????? ?. ? ?????? ?????????? ?????? ?? ?? ?????? 14,
????????? 2, ?????????? ?, ?????????? ?????? ?? ?????? ?? ?????? ?????? «??????
?????» ??? ?? ?????? ??? ?????? 2, ?????????? 1, ?????????? ?, ??? ?????? ??? ??.

3. ? ??? ????? ??????

1. ?????? ?????????? ?????? ??? ?????? ??? ?????? 14, ?????????? 2,
????????? ?;

72. ??? ?????? ??????, ?? ?????? ?????????? ?????????? ?????????? ?? ??? ??
????? ?????????? ??? «?????????» ??????. ?????? ??? ???? ?????? ???
Wroc?aw ?????? ??? ??? ??? ??? ??????, ?? ?????? ?????? ?????????? (?)
?????) ??? ?? ?????????? ??? ?????? ??????. ?? ?????????? ?????? ???
????????? ?????? ?????? ??? ?????? «????????? ??? ?????? ??????» ???
??? ?????? ?????? ?? ?? ?????????? ??? «????????? ??? ?????? ??????». ???????,
????? ?????? ?? ?????? de facto ?????????? ??? ?????????? ??? ?????????? ?????.
?? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?????????? ???
????????? ??? ?? ?????????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ???
????????? ???, ??? ?? ?????? ???, ??? ?????? ?????? ?????? ??????.

73. ? ?????? ??? «????????? ??? ?????????? ??????» ??? ?????????? ???
????? ???' ??????. ??????, ??? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ??
????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?? ?????????? ???
????? ?? ?????? ?? ?????? ?????? ??? ?????? ??? «????????? ???
????????? ?? ?????? ??????, ?? ??????, ?????? ??????» ??? ?? ?????? 14,
????????? 1, ??? ?????? ???, ??? ?????? ?????? ??? ?? ??????????.

74. ?????? ?? ?? ?????? ?????????? ??? ?????????? ??? ?????? 40 ?? 53 ??
????????? ???????, ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??
??????, ?? ??????, ?? ?????? ??? ?????? ?????????? ??? ?? ?????? 14, ?????????? 2,
????????? ??, ??? ?????? ??? ??.

75. ??? ??????, ??? ?? ?????? ?????? ??? ?????? ?????????? ??? ?? ?????? ??????????,
????????? ??? ?? ?????? ?????? ?????? ?????????? ??? ?? ?????? ?????????? ??? ??
14, ?????????? 2, ?????????? ?, ??? ?? ?????? ??????.

76. ??????, ??? ?????????? ?? ?????? ??????????, ??? ?????????? ???
????????? ??? ?????????? ?????????? ??? ??? ??? Wroc?aw ??? ?? ??????
?????. ??????, ??? ??? ?????? ??? ?????? ?????????? ??? ? ?????? ??? Wroc?aw
????????? ?? ??? ?????????? ??? ?????? ??? ?????? ?????? ???, ?? ? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????. ??? ?? ??? ??
??????, ??? ??? ?????? ??? ?????? ??? ?????? ??????, ??? ?? ?????????? ??? ??
?????? ?????? ?????????? ??? ?????? ?????? ?????? ??????.

77. ??????, ? ?? ??? ?????? ?????????? ?????????? ?????????????? ???
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?? ?????? ?????? (29). ??????,
?? ??????, ?? ?????? ?????? ?? ?????? ??????????, ??? ? ?????????? ??? ??????????
?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????.
?????????, ? ?????? ?????? ?????? ??? ?? ?????? 14, ?????????? 2, ?????????? ?, ??? ??
????? ??? ?????? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????????? ???
?? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

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

78. ??????, ?????????? ??? ?????????? ?????????? ??? ???? ?????? ??? Wroclaw,
????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?????????? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? Wroclaw.
??????, ??' ?? ?????? ? ?????? «?????????» ?????????? ?????? ?????? ??? ??
????????? ??? ?????? ?????? ?????? ?, ?? ?????? ?? ?????????? ?????? ??????
??????.

2. «?????????» ?????????? ? ?????? ??????

79. ? ?????? ?????? ??? ?????? 54 ??? 68 ??? ?????? ?????? ?????? 14, ?????? 2,
????? ??? ?????? 1, ?????? ?, ??? ??????.

80. ??????, ??? ? ?????? ?????? ?????? ?????? ??? ???? ?????? ??? ??????
??? ?????? ?????? ?????? ??? ???? ?????? ??? ???? ?????? ?????? ??? ??????
????? ?? ?????? ?????? ??? ?????? ??? «?????????» ??? ??? «????????? ??????» ???
?? ???? ?????? ?????? ??? ??????.

81. ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ???? ?????????? ??????????
??????.

82. ??? ???? Wroclaw, ?? ?????? ??? ???? ?????? ??? ?????? -????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? -????????? ???
????????? . ?????? , ?? ?????? ??? ??? ?????? ?????? ?????? ??? ??????
????????? ?? ?????? ??? ?????? . ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ???? ?????? ??? Wroclaw ?????? ??? ??? ?????? ???
??????.

83. ? ?????? ?????? ?????? ??? ???? ?????? ??? ???? ?????? ??? ?????? ???
????????? ??? ???? ?????? ??? Wroclaw, ? ?????? ?????? ??? ???? ?????? ???
????????? , ??? ??? ?????? ??? ?????? ?????? . ? ?????? ?????? ??? ???? ??????
????????? ??? ??? ?????? ?????? ??? ?????? . ?? ???? , ? ?????? ??? ???? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ??????
????? ??? ?????? ??? Wroclaw ??? ???? ?????? ??? ?????? -?????????
????????? . ? ?????? ?????? ?????? ?????? ??? ?????? ??? ???? ???' ??????
??????.

84. ?????????? ??? ?????? ?????? ?????? ??? ???? ???? ???? ???? ?
????????? ??? ?????? ??? ???? ???? ?????? , ? ?????? ?????? ??? ???? ??????
????????? . ?????? , ? ?????? ??? ?????? ??? ?????? ??? ???? ???? ??????
??? ?????? ?????? ?????? , ?????? ?????? ??? ?????? ??? ???? ???? ??????
????????? ??? ?????? ?????? ??? ?????? ?????? ?????? , ?????? ??? ??????
????????? ??? ?????? ??? ???? ???' ?????? ?????? ??? ???? ???? ??????
????????? ??? ?????? ?????? ??? ?????? ?????? . ?????? , ?????? ?????? ??? ?
????? ?????? ?????? ??? ?????? ??? ???? ???? ???? ???? , ?? ???, ?? ???? ???

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

85. ??? ??????, ???????, ?????????? ?????????? ?????? ?????? ?????? ??? ?????? ?? ??????????
?? ?????????? ?? ?????? ??????????.

86. ??????, ?? ?????? ??? ? ?????????? ?????????? ?????? ?????????? ?????? ?????????? ???
????????? ??? ?????????? ?????????? ???, ?????????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????????? ?? ??? ??????????
????????? ?????????? ??? ??????????.

87. ???????, ??????, ??? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? «quid
pro quo» ??? ?????? ?????? ?? ??? ?????? (30), ?????? ?? ?????? ?????? ???? ??????????
??? ?????? ?????? ???????????. ? ?????? ??????, ?????? ???, ?????? ?? ?????????? ???
????????? ?????????? ?? ?????? ??? ?????????? ?????? ??????. ??????, ?????? ?? ??????
????? ?????? ??? ?????? ?????? ???, ?????????? ?????? ?????? ??? ?? ?????? ??? ??????
????????? ?????? ??? ?????? ??? ??????.

88. ??????, ??' ?? ?????? ? ?????????? ??? ?????? 14, ?????????? 2, ?????????? ?, ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??
????? 2, ?????????? 1, ?????? ??, ??? ?????? ??????, ?????? ?????????? ?? ??? ?????? ???
????????? ? ?????????? ????. ??? ?????????????? ??? ?? ?????? 14, ?????????? 2,
????????? ??, ?? ?????? ?????? ?????? ??? ?????????? ?????? ?????????? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? ??? ?????? ?????? ??? ?????? ??????????
????? ?????????? ?????? ??????????, ?????????? ?? ??? ?????? ?????? ?????? ??? ?????? ??? ? ??????????
????? ??? ?????? ?? ??????????, ??? ?????? ???, ??? ?????? ?????? ?????? ??? ?????? ??? ???? ?
????????? ??? (31). ???????, ?? ? ?????? ?????? ?????? ?????? ?????????? ??????????, ??
????? ??? ??? ??? ?????? ?????? (32). ?? ??? ??????: ?? ??? ?????? ?????? ??????????, ??
????? ??? ??? ??????.

V. ??????

89. ?????? ??? ??????, ??????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???
Naczelnego S?d Administracyjny (????????? ?????????? ??????????, ??????) ?? ???:

?????????, ?? ?????? ??? ?????? ??? ?????? ??????????????, ?? ?????????? ?????????? ???
????? ??? ?? ?????? ????, ?? ??? ?????? ???, ?????? ?? ??? ?????? ??? ?????? ??? ??????
???????, ?? ?? ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????, ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 14, ?????????? 2, ??????
??, ??? ?????? 2006/112/?? ??? ??????????, ??? 28? ?????? 2006, ?????? ?? ??
????? ?????? ??? ?????? ?????????? ???.

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

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3 ?????? 2006/112/?? ??? ???????????, ??? 28?? ???????? 2006, ??????? ?? ?? ?????? ?????? ??? ?????? ?????? ?????????????? (?? 2006, L 347, ?. 1) (??? ????: ?????? ???? ???).

4 Dz. U. 2004, ?????. 54, ??????? 535. ?????????? ??????, Dz. U. 2011, ?????. 177, ??????? 1054, ??? ???????????????.

5 I FSK 1857/13.

6 I FPS 1/15.

7 ?????? ??? 11?? ???? 2017, Posnania Investment (C?36/16, EU:C:2017:361, ?????? 27).

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11 ??., ??? ???????????, ??????? ??? 6?? ?????????? 2015, T-Mobile Czech Republic ??? Vodafone Czech Republic (C?508/14, EU:C:2015:657, ?????? 28 ??? 29 ??? ??? ??????????? ???????????).

12 ?????????? ??????? ?? ?? ??? 14, ?????????? 2, ??????? ??, ??? ?????? ??? ?? ?????????? ?? ?? ??? ??????? 77/388/??? ?? ???????????, ??? 17?? ?????? 1977, ??? ?????????? ?? ?? ??? ??????? ?? ?? ??? ??????? ?? ?? ??? ??????? ?????, ??? ??????? ?? ?? ??? ?????? ?????? ?????? – ??? ?????? ?????? ?????? ?????????????? ?????: ?????????? ??????????? ?????? (?? ???, 09/001, ?. 49). ??? ?????? ??? ?????? (COM/1973/950/?????), ?? ?????? ??? ?????? 5, ?????????? 2, ??????? ???, ?? ?????? ?????????? ?? ?? ??? 5, ?????????? 4, ??????? ??, ??? ?????? ?????? ???, ??? ?????? ?????????? ??? «?????????», ?????????? ???????????, ?????? ???????????, ?????? ?????????? ?????? ?? ?????????? ???????????, ?????? ?????????? ?????? ?? ?? ?????? ?????????? ?? ?????????? ?????? ?????? ?????????? ?????? ?????? ». ? ?????????? ?????? (?? ?????? ?????) ??? ?????????? ??? ?????? ??????. ? ??????? ?????? ??????? ?? ?? 12, ?????????? 4, ??? ?? ?????, «??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 5, ?????????? 2, ?????? ???, ?? ??? ??? ?????????? ??? ???????????, ?????????? ??? «??? ??? ?????? ». ? ?????? ??? ??? ?????????? ??? ??? ?????? ??? ??? Terra, B.J.M., ??? Kajus, J., *A Guide to the Sixth VAT Directive. Commentary to the Value Added Tax of the European Community*, ????? A, IBFD Publications, 1991, ?. 209.

13 ??., ??? ???????????, Terra, B.J.M., ??? Kajus, J., *Introduction to European VAT (Recast), Commentaries on European VAT Directives*, IBFD Publications, 2017, ?. 246? ? van Doesum, A., van Kesteren, H., ??? van Norden, G.-J., *Fundamentals of EU VAT Law*, Kluwer Law International, 2016, ?. 111.

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?????????? ?????? ??????, ??? ?????????? ????? ?????? ?????????????? ?????????? ?????? ?????? ???? ?????????? ?????? ?????? ???? ?????? ???? ?????? ???? ???? ?? ???? ?????? ???? ???? ???? ???? ». ?.?, ??? ??????????, ?????? ??? 3?? ?????????? 2015, Fast Bunkering Klaip?da(C?526/13, EU:C:2015:536, ????? 51 ??? ??? ??????????)?. ?? ?????????? ?????????? ??? ??? ?????? ?? ??? ?????? ?? ?????? ?????? ??? ??? ???? ?????? ???? ???? ???? ?????? «?? ? ?????????? ??? ?????????? ?????? ?????? ?????? [....] ?????? ??? ?????????? ?? ?????????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ». ?.?, ??? ??????????, ?????? ??? 8?? ?????????? 1990, Shipping and Forwarding Enterprise Safe (C?320/88, EU:C:1990:61, ????? 8).

15 ?????? ??? 3?? ?????????? 2015, Fast Bunkering Klaip?da(C?526/13, EU:C:2015:536, ????? 51 ??? ??? ?????????? ??????????).

16 ?.?, ??????, ?????? ??? 6?? ?????????? 2003, Auto Lease Holland (C?185/01, EU:C:2003:73, ????? 34).

17 ?????? 35 ??? 39 ??? ?????? ??????????.

18 ?.?. ?????? ??? 4?? ?????? 2017, Mercedes-Benz Financial Services UK (C?164/16, EU:C:2017:734, ????? 31).

19 ?.?, ??? ??????????, ?????? ??? 8?? ?????????? 2012, Profitube(C?165/11, EU:C:2012:692, ????? 51 ??? ??? ?????????? ??????????).

20 ?.?, ??? ??????????, ?????? ??? 11?? ?????? 2017, Posnania Investment (C?36/16, EU:C:2017:361, ????? 31 ??? ??? ?????????? ??????????).

21 ?.?, ??? ??????????, ?????? ??? 7?? ?????????? 2013, Tulic? ??? Plavo?in (C?249/12 ??? C?250/12, EU:C:2013:722, ????? 33 ??? ??? ?????????? ??????????).

22 ?.?. ?????? ??? 19?? ?????????? 2012, Orfey Bulgaria (C?549/11, EU:C:2012:832, ?????? 44 ??? 45 ??? ????? ?????????? ??????????).

23 ?.?. ?????? ??? 2?? ?????? 2016, Lajvér (C?263/15, EU:C:2016:392, ????? 45 ??? ????? ?????????? ??????????).

24 ?????? ??? 18?? ?????? 2007, Société thermale d'Eugénie?Les?Bains (C?277/05, EU:C:2007:440, ????? 32).

25 ?????? ??? 18?? ?????????? 2017, SAWP (C?37/16, EU:C:2017:22, ????? 30).

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27 ?????? ??? 11?? ?????? 2017, Posnania Investment (C?36/16, EU:C:2017:361, ?????? 32 ??? 36). ?.?, ??????, ??? ?????? ??? ?????? ?????????, ?????? ??? 22?? ?????? 2016, ?eský rozhlas (C?11/15, EU:C:2016:470, ?????? 24 ??? 26).

28 ?.?. van Doesum, A., van Kesteren, H., ??? van Norden, G.-J., *Fundamentals of EU VAT Law*

, Kluwer Law International, 2016, ?. 129, ????? ??????? ?????????? ????? ??????? ??? 2??
?????? 1994, Empire Stores (C?33/93, EU:C:1994:225, ???? 16). ??., a contrario, ???????
??? 18?? ??????? 2007, Société thermale d'Eugénie?Les?Bains (C?277/05, EU:C:2007:440,
????? 26), ??? ? ??????? ??????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ???
????????? ???????, ????? ??? ??????? ????? ?????? ??? ?????????? ??? ?????????? ??? ???
?????????.

29 ? ??????? ??????? ??? ?????? ?????? ??????? ??? ?? ??? 12, ?????????? 4, ???
Ustawa o szczególnych zasadach lokalizacji dróg publicznych (????? ??? ???? ??????? ???????
??? ??? ??????? ??????? ???).

30 ???????, ???. ?????? 68 ??? ??????? ??????????.

31 ???. ??????? ??? 2?? ??????? 2015, NLB Leasing (C?209/14, EU:C:2015:440, ????? 35
??? ??? ?????????? ???). ??., ??????, ?????? ??? 23?? ?????????? 2017, Di
Maura (C?246/16, EU:C:2017:887, ?????? 12 ??? 13).

32 ??., ???????, ?????? ??? 21?? ??????? 2013, Dixons Retail (C?494/12,
EU:C:2013:758, ????? 31 ??? ??? ?????????? ??????????).