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ELEANOR SHARPSTON

??? 6?? ?????????? 2018 (1)

?????? C?566/17

Zwi?zek Gmin Zag??bia Miedziowego w Polkowicach

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Szef Krajowej Administracji Skarbowej

[?????? ??? Wojewódzki S?d Administracyjny we Wroc?awiu

(????????????? ?????????? ?????????? Wroc?aw, ????????)

??? ??? ?????? ?????????????? ??????????]

«????????????? ?????????? – ????? ?????? ?????? ?????? ?????????????? ?????? – ??????????
????????? ?????? ?????? ?????????????? ??? ?????????? ?????? ? ?????? ? ?????? ?????????? ???
????????????? ?????? ?????????? ??? ??? ?????? ?????? ?????????? ??? ?? ?????????? ???
????????????? – ?????????? ??? ?????????? ?? ?????? ?????? ?????? ??? ?????? ?????? – ???
??? ?????????? ?????????? – ?? ??? ??? ?????? ?????? ?? ?????????? ??? ?????? ?????? ???
????????? ??? ?????? ?????? – ?????? ?????? ?????? ?????????? ?????? ??? ??? ?????? ???
????????? ??? ?????? ?????? ? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????????? »

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

2. ??????? ??? ??? ?????????? ??? ?????? 2006/112/?? (2) ?????????? ??? ?? ??????
???? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ??????????????????
??? ??? ?????? ?????????? ??????????????, ?? ??? ??? ?????? ??? ?????????? ??????????????
????????? ??? ??? ?????????? ??? ?????? ?????? ?? ?????? ?????????? ?????????? ??.
????????? ??? ?????? ?????????? ??? ?? ?????? ??? ?????? ?? ?????? ?????? ??????
????????? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ?????? ????
????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??? ???

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

? ?????? 2006/112

3. ?? ???? 9, ?????????? 1 ??? ?????? 2006/112 ?????? ??? ?? «????????????? ???
????» ??????? «????????????? ???, ??? ?????? ??????????? ??? ?? ?????????????? ???,
?????????? ???????????, ?????????? ??? ?? ??????????? ??? ?? ?????????????? ???,
??? ?????????????? ????. ????? ?? ?????? 13 ??? ?? ????? ???????, ?? ??????????
????????? ?????? «??? ?????????? ?? ?????????? ??? ?????? ??? ?? ?????????????? ?
??????, ??? ?????? ?????????? ??? ?????? ???????, ??? ??? ??, ??? ??
????????????? ??? ?????? ?????, ?????????? ?????? ???????????, ???, ?????? ???? ? ???
?????????».

4. ? ?????? ? ??? ?????? 2006/112 («?????????») ?????????? ?? ?????? ????????. ??
????? 168 ??? ?????? 1, ?? ?????? ?????????? «????? ??? ?????? ??? ?? ?????????? ???
?????????», ?????? ???, «[?]??? ??? ?? ???? ?????? ??? ?? ?????????? ?????????????? ???
??? ?????? ??? ?????????????? ???, ? ?????????? ??? ?????? ??? ?? ?????????? ???,
??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???, ?? ?????????? ??? ??
????????? ??? [...][(3): ?] ??? ?????????? ? ?????????? ??? ?? ??? ?????? ??? ??
??? ?? ?????? ??? ??? ?????????? ? ?????????? ?? ??? ?????????? ??? ?? ??? ?????
??? ?? ?????????? ? ?????????? ?? ??? ?????????? ??? ?? ??? ?????????? ??? ?? ??? ?????
(4).

5. ??? ?????? 2, («????????? ??????»), ?? ?????? 173, ?????????? 1, ?????? ???,
«[?]??? ??? ?? ??? ?????? ??? ?? ?????????? ??? ?????????????? ??? ?????????? ???
??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? [...] ??? ??
??????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? ??, ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
?????????». ?? ?????? ??? ?????????? ??? «[?] ?????? ?????? ???
????????? ??? [?? ?????????? ??? ?? ??? ?????? ?]?? ??? 174 ??? 175» (5).

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

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

6. ??? ?? ?????? 217 ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
?? ?????? ??? ?????? ??? ?????? ???, ?????????????? ??? ?????????? ??? ?????????? ???
????????? ???, ??? ?????????? ??? ?????????? ???, ?????? ??? ??? ?????? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???
??? ?????????? ??? ?? ??????????.

? u?awa o podatku od towarów i us?ug

7. ? ?????? 2006/112 ?????????? ??? ?????? ??? ?????? ??? ?????? ??? u?awa o
podatku od towarów i us?ug (????? ??? ?? ?????? ??? ?????? ??? ??????) ??? 11?? ??????
2004, ??? ?????????? (6).

8. ?? ?????? 15, ?????????? 6, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
«????????? ??? ????» ?? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ???? ?????? ???
????????? ?? ??? ?????? ?????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ????
????? ??? ?????? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? ???.

9. ?? ?????? 86, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ?? ?????? 168 ?? ??????
2006/112 ??? ?????? ?????? ????. ?????? ???, [?]?? ?????? ??? ?? ?????? ??? ?? ?????? ???
????????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ???, ?? ??? ?? ?????? 15
????????? ??? ?? ?????? ??? ?????? ??? ?????? ???, ??? ?? ?????? ???, ??? ?? ??????
????? [...]» (? ?????????? ???).

10. ?? ?????? 90, ?????????? 1 ??? 3, ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? 173
??? 175 ??? ?????? 2006/112, ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

11. ??? 1?? ?????????? 2016, ??? ?????? 86 ??? ?????? ??? ?????? ??? ?????? ???
????????? 2a ??? 2h. ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
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12. ? Zwi?zek Gmin Zag??bia Miedziowego w Polkowicach (??? ????: ?????? ????)
????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???.
????? ?????? ??? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???, ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

13. ?????? ??? 2013 ??? 2015, ? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? 2006/112. ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ???.

14. ??? ?? ?????? ??? ?? ?????? ???, ? ?????? ??? ?????? ??? ?????? ?????? ???
????????? ??? ?? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ???.

15. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ? ??????, ?????? ??? Szef Krajowej Administracji Skarbowej (????????? ???)
????? ?????? ??? (7) ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

16. ??? 17 ?????????? 2016, ? ???????????? ??? ?????????? ?????? (8) ???????????
???, ??? ??? ?????????? ??? ?????????? ?? ?????? ?????? ??? ?????? ???????, ? ??????
????? ?????? ??????, ??????, ?? ?????????? ?? ?????? ??? ?????? ?????? ??????? ?? ??????
????? ?????? ?? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?? ??????
????? ?????????? ??? ??????, ???, ??????, ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????' ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 90 ??? ?????? ????.
??????, ? ?????????????? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????? ?????????? ??? ?????? ??? ?????? ??????.

17. ? ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????????? ?????????????? ???
????????? ????. ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? 90 ??? ?????? ???.

18. ???????, ?? ?????? ?????????? ?????? ???, ??? ?????? ?????? ?????, ??? ??????
????? ??? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ?????????? ???
????????? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????
??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 2006/112,
??? ?????? ?????? ?????? 2006/112, ? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
??? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? (9). ?? ?????? ??????????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? Naczelnego S?d
Administracyjnego (????????? ?????????? ??????????, ??????) ??? 24? ?????? 2011
(10), ?? ?????????? ?? ?? ?????????? ??? ?????? 217 ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???.

19. ??? ?????? ???, ?? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
?????? ??? ?????????? ?? ?????? ?????? ?????? ???:

«????????? ??? ?????? 168, ?????? ??, ??? ?????? 2006/112 [...] ??? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? (????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???), ??? ??? ??????
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? ??? ??????;»

20. ?????? ?????????? ?????? ??? ?????? ?????? ???, ? ?????????? ??? ??????
??? ? ???????. ??? ???? ??' ?????????? ??? 20?? ?????????? 2018,
????????? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?????? (????????? ??? ?????? ??? ?????? ???).

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

21. ??? ?????? ??? (11), ?? ?????? ?? ??? ?????? ?????? ??? ?????? ???

????? ?????? ? ?????? ?????????? ?????????? ??????????????. ?? ?????? ?????????????? ?????
????????? ??? ?????? ?????????? ?????????????? ??? ?????????? ?????????????? ?????????????? ???
??? ?????? ??? ?????? 9 ??? ?????? 2006/112 ??? ??? ?????????? ??? ?????? ?????????? ???
????? ?????? ??????, ??? ?? ????? 13 ??? ?? ????? ??????, ? ?????? ?????? ?????? ???
????? ?????? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????????? ???.

22. ??? ?? ?????? ?????? ?????????????? ?????????? ??? ?? ?????????????? ?????? ???
????????????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????????? ?????? ???
??? ?????? 9, ?????????? 1, ??? ?????? 2006/112 ??? ???, ??? ??????????, ??? ???
????? ??? ?? ??? ??????, ? ?????? ??? ????? ?????? ?????? ?????????? ??? ?????? ???
????? ?????? ??? ?????????????? ???.

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

24. ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????????? ??? ?? ??? ?? ?????? ??
??? ?????? ?, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??
????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?? ??? ?????? ??
??????, ??????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? i) ?????? ??
????????????? ?????? ?????????? ??? ?? ?????? ?????? ?????????? ?????????????? ii)
????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?? ?????? ?????? ??? ?? ??? ??????
????????????? ?????? ?????????? ??? iii) ?????? ??? ?????????? ?????? ?????????? ???
??? ?? ?????? ?????? ??? ?????? ?????????? (12).

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

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

26. ?? ?? ?????? ??? ?? ?????? ?????? ?????????? ??? ?????? ?????????????? ?????? ??
????????? ?? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?????????? ??
????????? ?? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ?? ?? ??? ?????? ?????????? ??
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?, ??? ? ?????? ?????? ???,
????????? ?????? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ???,
????????? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???,
????????? ?????? ??? ?? ??? ?????? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ???,
????????? ?????? ??? (? ?????? ?????????? ?????? ??????).

27. ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ???, ??? ??? ?????? ??? ?????? ???
??? ?????? 2006/112.

28. ?????? ?????? ?????? ?????? ??? ? ?????? 2006/112 ??? ?????????? ??? ?????? ???
?? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ??? ?? ?? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?? ??? ?????? ?????? ??? ?????? (13).

29. ??????????, ?? ?????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ???
??? ?????????? ??? ?????? 173 ??? 175 ??? ?????? 2006/112 ??? ?????? ??? ???

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

30. ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??? ??? ??????????
?????? ??? ?????????? ?? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????
??????????, ?? ?????? ??? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????????
???? ?????? ????, ?? ?????????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ??? ?????? ?????? ?????????? ?? ?????????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ??? (15).

31. ??? ??? ?????? ????, ??? ?????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ??????????
????????? ??? ???????, ??????? ??? ?????? ??? ?????????? ?? ?????? ??? ??????
????????? ???, ??? ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ???
????????? ?????????? (16). ????????, ??????? ?????????? ?? ?????????? ??? ?????????? ???
????????? ??? ???????, ?? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ???
???? ?????? ??? (17), ?????? ?? ??? ?????????????? ??? ?????? ?????? ??? ??? ??????
????? 168 ??? ?????? 2006/112 ??? ?????? ??? ?????????? ??? ??? (18).

32. ????????, ?? ?????? ??? ?????????? ??? ?????????? ?? ??? ?????? ??? ??????????
?????????. ? ?????? ??? ?? ?????? ??? ?????? ??????. ??????, ?? ?????? ??? ????
2006/112 ?? ??? ??? ?????????? ?????????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ??????????
??? ??? ??? ?? ?????????? ?????????? ????. ?? ?????????? ?????????? ??? ?????? ???
??? ?????? ????, ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????, ?? ?????? ?? ? ?????? ??? ?????? ?????? ?????? ??? ?????? ?? ?????????? ???
????????? ??? ?????? 2006/112/ ? ?????? ??? ?????? ??? ?????? ??? ??????, ?????????? ??
?? ?????????? ??? ?????? ??? ?????? ???.

????????? ? ?????? 2006/112 ? ? ??? ??? ?????????? ?????????????? ?? ??????????
?????? ??????;

33. ?? ?????? ?????????? ?? ?????? ?????????? ?????????? ??? ?????????? ??? ???
????????? ??? ?????? 2006/112.

34. ?? ?????????? ??? ??????????????? ?????????? ??? ?? «??????? ?????????????» ???
??? ??? ???? ?????: i) ? ??? ??? ???? ???? ???? ?????? ??? ??? ?????????? ??? ?????? ???
? ?????????? (????? ??? ???????????????) ii) ?????????? ?????????? ?????????? ??? ?????? ??? ?
????????? ??? ?????? ??? ?????? ?? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?
????????? ??? iii) ?????????? ?? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ,
????????????????? ??? ?????? ?????? ?????????? ?????????? , ?????? ??? ?????? ??? ?????? ??? ?
????????? ??? ?????? ??? ?????? ??? , ??? iv) ?? ??? ?????? ??? ?????????? ?????? ??? ???? ?
????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????? ??? ??? ??? ??? ?
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? , ??? ?????? ??? ???? ?
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? , ? ?? ??????
????? ?????? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? , ? ?????? ??? ??? ??????
????? ??? ??? ??? ??? ?????? (19). ?????? , ?? ?????????? ??? ?????? , ? ??? ??? ?
????? ??? , ?? ?????? ??? , ?? ?????????? ??? ?????? ??? ?????? ??? .

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

35. ??? ???? ???? ?????????? ??? ?????????? , ?? ?????? ?????????? ??? ??? ???? ?
????? ?????? ?????? ?????????? ?????? ??? ?????????? ??? ??? ??? ?????? ?????????? ???
??? ?????? ?????? ??? (20).

36. ?????? , ?? ?????? ??? ?????? ??? ?????? ?????? , ?????? ??? ?????? ??? ??????
?????????.

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

38. ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ??? ???? ???? ?
????? ?? ??? 168 ??? ?????? 2006/112. ?? ?????? ??? ?????? ??? , ??? ? ??? ?
????????? ??? ?????? ??? ?????? ?????? ?????? , ?? ?????? ?????? ?????? ??? ?????? ??? ??????
?????????.

39. ?? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?
????????? ??? ?????????? ??? , ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ???? ?????? ??? ?????? , ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?
????????? ??? ?????? , ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? , ?????? ??? ?
????????? ??? , ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? (????? ??? ?????? ??? ?
?????????) (21).

40. ?????? , ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????????.

41. ??? ?????????? , ??? ?????? ??? ??? ???? Stradasfalti (22)
????????? ??? ???? ???? ?????? ?????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ?
??? ??? ?????????? [...] ?????? » ??? ?????? 17, ?????? 2, ???

? ?????? ??????? (23) (??? ??????????? ??? ??????? 2006/112) ??????? ??????????? ???
????????? ??? ?? ??? ????????????. ?????? ?????? ????????, ?? ??????????? ???
?????????? ??? ?? ??? ?????? ??????????? ??? ?? ??????????? ?????? ??? ?????? 168 ???
???????? 2006/112, ?? ??? ?????? ??????????? ??? ??????????? ??? ?? ?????? ??? ?????? ???
?????????? ????????, ?????????? ??? ?????? ?? ??????????? ??? ?? ?????? ??? ?????? ???
????????? ??????? ?????????? ??? ?? ?????? ??????????? ??? ?? ?????? ?????? ?????? ???
????????? ??? ?????????????? ??? ?? ??????????? ??? ?? ?????????? ?????? (24). ???????, ??
????????? ?????????? ??????????? ??? ? ??????????? ??? ?? ?????? ?????????????? ???
????????? ?????????? ??? ??????? ??? ?????????? ??? ?? ??????????? ??? ?? ??????????????.

42. ?????? ?????? ??? ? ??????????? ??? ?? ??????????? ??? ?? ??????????? ??? ?? ??????????
??? ?????? ??????? ??? ?? ??? ???????, ??? ?????? ?????? ??? ?? ?????? ???
?????????? ??? ?? ??? ??????????? ??? ?????? ?? ?????? ??? ?? ?????? ??? ??????????? ???
????????????? ??? ?? ?????? ?? ??? ?????????? ?????????????? ??? ?? ?????? ??? ?????? ???
?????????? ??? ?? ???????, ? ??????? ??? ?????? ?????? ?????????? ?????????? ??? ?? ???
????????? ??? ?????? ?????????? (25).

43. ??????, ??? ?????? ?????????? ??? ???????????, ?? ?????????? ?????????? ??? ??
?? ?????????? ??? ?? ??? ?????????? ??????? ? ?????????? ?? ??????????? ??? ?????? ??????????
?? ?? ??????? ??? ?????????????? ??? ?? ?????? ??? ?? ?????? ??? ?????? ? ??????????
????????? ??? ?? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ?? ??
??????, ??? ?? ?????????? ?? ??????? ? ???, ?? ??????? ?????? ?????? ?? ?????? ??? ?????? ???
????? ?????? ?? ??? ??????? ??? ?????? ?????? ?????????? ?????????? (26). ??? ??
????????? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ??? ?? ???
????????????? ??????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ?? ???
???? ?????????? ??? ?? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??
????????? ?????????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? (27).

44. ????????, ??? ?????????? ? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???
?? ?? ??????? ??? ?? ??? ?????????? ?????????????? ??? ?????????? ??? ??????????, ???
????? ??????? ??? ?? ??? ?????? . ? ?????????? ??? ?????????? ?????????? ??? ?????? ???
????? ?????? ?????? ??? ?? ??? ?????? ? ?? ?????????? ??? ?????????? ??? ?? ??? ??????????
????? ??? ?????????????? ??? ?? ?????? ?????? ?????? ?? ?????? ??? ?????? ??? ?????????????? ???
??? ??? ?????? ??? ?????????? ??? ?? ??? . ?? ?????? ??? ??? ?????????? ???
????????????? ?????? ?????? ??? ?? ?????? ??? ?????? ???, ???????????, ??? ?????? ???
????????? ?????? (28).

45. ? ??? ? ??? ? ??? ?????? ?????????? ??? ??????????? ??? ? ?????? ??? ?????? ???
????????? ?? ??? ??????? ??? ?????? (29). ??????, ?????? ?????? ?? ?? ??????
????????? J. Kokott ??? ? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??
????????? ??? ?????? ?????? ??? ?? ??? ?????????? ?????? ?????? ??????. ??? ?? ?????? ???
????????? ??? ?????? 2006/112, ?????? «????????? ??????» ?????????? ??? ??????
????? (30).

46. ????????, ??? ?????? ?????????? ??? ? ?????? ??? ?????? ?????? ??? ?????? ???
????????????? ??? ?????? 2006/112 ?????????? ?? ?????????? ?????????? ?????????? ??????????
?? ?? ??? ??? ??? ?????? ? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????????
????????? ??? ??? ??? ?????? ?????? ??? ?????? ?????????? ?????????? ???.

47. ???????? ?? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?? ?????????? ??????????????

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

48. ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???? ?????????? ? ?????????? ???
????????????? ?????????? ??? ??? ??? ??????, ??????? ?? ?? ?????? 168, ?????????? ??, ???
????????? 2006/112. ????????, ?? ?????? ?? ?????????? ?? ??? ?????????????? ??? ???
????????? ?? ? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ???
????????????? ??? ??? ??? ??????, ? ?????? ??? ?????????? ?? ??? ??? ??? ??? ??????.

49. ? ??????? ?????????? M. Szpunar ??????? ??? ?????????? ??? ?????????? ???
????????? ????????????, ??? ?????????? ??? ??? ?????? ?eský rozhlas (31). ?????????? ???
???? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ???, ??????????, ???
????? ??? ?????????????????? ??? ?????? ??? ?????? 168 ??? ?????? 2006/112. ? ?????? ???
????? ?? ?????????? ?? ??????????.

50. ???????, ?? ? ?????? ?????? ?????? ??? ?????????? ?????????? ?????????? ??? ???
?? ???????, ?? ?? ??? ?????? ?????????????? ?? ?????????? ?????????? ??? ??? ??? ??? ???
?????? ??? ?????? ?????????? ?? ?? ??? ?????? ??????. ???????, ? ?????? ?????? ?????? ???
????????? ?? ??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? 183 ??? ??????
2006/112 (32). ??????? ?? ?????????? ??? ???????, ??? ? ?????????? ??? ?????????????? ???
?? ?????? ??? ?????????????? ??? ??????? ?????????? ??? ?????????? ??? ?????????????? ???
?? ???, ?????? ??? ??, ??? ?????? ?? ?????? ???????????????, ? ?????? ?????? ?????
????????? ??? ?????? ??? ?????????? ?????? ??????? ???, ???????, ?????? ??? ?????? 13 ???
????????? 2006/112, ? ??? ??? ?????????????? ?? ?????? ??? ?????? ?????? ??????????. ??????????
??, ??? ?????? ??? ?? ??? ?????? ?????????????? ??? ?????? ?????? ?????? ?????, ???
????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?? ?????????????? ??? ??? ?????? ?????????? ??? ?????????????? ??? ?????? ?? ??????
????????? ???' ??? ?? ?????? ??? ?????????? ?????? ??? ???????, ??? ??
????????? ??? ?????? ratione personae ??? ?????????? ?????????? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 2006/112. ??????, ??
????????? ??? ??? ??? ?????????????? ???, ??? ??? ??? ??? ??? ?? ?????? ???
????????? ??? (33).

51. ??? ??? ????????????, ??????? ??? ?????? ?????? ?????????? ??? ?? ?? ?????? 168 ???
?????? 2006/112 ??????? ?????????? ?? ?????????? ?? ?????????? ??? ?????? ???, ??? ??????
????? ?? ????????????, ??? ??? ?????????? ?????? ?????????????, ?????????? ??????
????????? ??? ??? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????????????
????????? ??? ?????? ??? ?????? ??? ?????????? ???.

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

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

53. ?????? ?????? ??? ? ??? ?????? ?????? ?????????? ?????????????? ??? ?????? ?????? ??? ???
??????? ??? (34) ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ??? ?? ???
????????? (35). ??????, ??? ?????? ??? ?????? ?? ?????????????? ??? ?????? ?????? ??????

54. ???????, ??????? ?????? ??? ? ?????????? ??? ?????? ?????? ??? ?????? ???
????????????? ?????????????? ?? ???????????????, ??? ?????? ??? ???, ?? ?????? ???
????? ?????????????? (36). ??????, ??? ? ?????????? ??? ?????? ?????????????? ???
????? ??? ??????, ? ??? ???? ??? ?????????? ?????? ?????? ?????? ?????? ???
??????????, ? ?????? ?????? ?? ?????????????? ?????? ?? ?????? ??? ?????? ???
???, ??? ???????, ? ?? ??? ???? ??? ?????? ?? ?????????? ?? ?????? ??? ?????? ???,
?????????? ?????????? (37). ??????, ??? ???? ??? ?????? ?? ?????? ??? ?????????? ?, ???
??? ?????????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ???, ???
????????? ???, ? ?????? ?????? ?? ?????????? ?????? ?????? ??? ?????? ?????? ??????
????? ??? ?????????? ??? (38). ?? ?? ??????, ?? ?????? ??? ?????? ??? ?????? ?????? ???
????? ???, ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???
????????? ??? ???.

55. ???????, ?? ?????????? ??? ?????? ??? ???? ???? ???? ?????????? ??????????????
?? ??? ?????? ?? ??????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???.
????????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? 168 ??? ?????? 2006/112, ? ?? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ??? ??? ?????? ?????????? ?????? ??? ?????? ??? ??????????????
????? ??? ??? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ???
(39).

56. ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ???
?? ??????? ????????, ? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ??? ?????? -????? ?? ?????? ???- ?????? ??????
contra legem.

57. ?? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ???
????????? ?????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (?? ?????? ??? ?????? ???
??? ??? ??? ??????) ??? ??? ?? ??? ??? ?????? ??? ?????? (?? ?????? ??? ?????? ???
??? ??? ??? ??? ?????). ???????, ??? ?? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ???, ??? ?? ?????? ?????? ?????? (???? ?????? ??? ?????? ???
????). ???????, ? ??? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

58. ?? ?????????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? (40). ??????, ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
(41).

59. ?? ?????????? ??? ?????? ??? ???????, ?? ??? ?????? ??? ?????????? ???
?? ?????? ??? ??????? ??? ?????? 13 ??? ?????? 2006/112 ?? ?????? ??? ??????
??????????, ??? ??? ?? ?????? ??? ?????? ?????? -?.? . ??? ?????? ?? ??????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

60. ????????, ??????? ???? ?????????????? ?????????? ??? ????? ?? ????? 168 ???
?????? 2006/112 ??? ??? ?? ?????? ??? ????? ?????????? ?? ?????? ??????? ???, ?????? ?
????? ??? ?????????????? ???????????????, ??????? ?????????????? ?? ?????? ??????? ?? ??????????
????? ???, ??? ?????? ??? ?? ?????????????? ??? ??? ?????????????? ???????????????, ???
????????????? ??????? ?????????? ??? ??? ??? ???????.

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

61. ??? ??? ?????????????? ??????? ?????????? ??? ? ?????? ??? ? ?????? ?????? ???
?????????? ??? ?????? ? ?????????????? ?????? ?????????? ?????? ?????? ?????? ??? ?????????? ???
????? (42). ??? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ???
????????? ??? ???, ?? ?????? ??? ?????? ?? ??????????, ??? ?????? ??? ?????? ??? ?????? ??? ???
????? ?????????? ?????? ?????????? ?????????? ?????????? ?????? ??? ?????? ??? ??????
????????? ??? ??? ?????? ??? ?????? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ??????????, ?????????? ?????????? ?????????? ???
????????????? (43).

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

62. ??? ??? ?????????????? ???, ?? ?????? ??? ?????? ?? ?????? ?? ?????????? ???
????????? ??? ?????? ?????? ??? ?? ?????????????? ??? ? ?????? ?????????? ?????????????? ???
??? ?? ?????? ??? ??? ??? ?????? ?? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ???
????????? ??????????. ????????, ?????? ?? ?????????? ??? ? ?????????? ??? ??????
????? ?????????? ??? ?? ?????????? ?????????? ?????????? ?????????? ?????????? ??????????
?? ?????????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ?????? ?????????? ?? ?????? ??? ??? ???
??? ?????? ?????????? (44).

63. ?? ?????????????? ??? ?????? ??? ?????????? ??? ?????????????? ??? ?????? ??? 1?
????????? 2016, ? ?????????? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ???
????????? ??? ?????????? ?????????? ?????? ?????? ??? ??? ??? ??? ?????? ???
????? ??? ?????????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ??? ??? ??? ??
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

64. ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ?????????? ??? ???? ??? ???
????????? ??? ?????????? ??? ??? ??? ??? ?????, ?????????? ??? ? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ?????????? ??? ??????
????? ??? ?????? ??? ?????? ???, ??????, ?????????? ??? ?????? ??? ?????????? ???
????????? ????. ???????, ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ?????? ?????????? ??? (45).

65. ???????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ?? ?????? ??? ?????????? ?????????????? ???, ??? ?????? ??????, ?????? ??
????????? ?? ?????? ??? ?????? ??? ??? ??? ?????? ???, ? ?????? ?????? ?????? ??? ??
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? (46). ? ?????????? ??? 39 ???
????? 2006/112, ? ?????? ?????? ??? «? [...] ?????????? ??? ?????????? ??? ?????? ???
????? ?? ?????? ?? ?????? ??? ?????? ??? ??? ?? ?????? ???», ?????????? ??? ??? ??? ???
????????? ? ?????? ??? ?????? ??? ??????.

66. ????????, ??? ?? ??? 2, ?????????? 1, ??????? ??, ??? ?????????? 2007/436/??,
?????? (47), ?? ?????? ?????? ??? ?????? ?????????? ???, ??? ?????? ??? (48). ???????,
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??? ??? ???

???? ?????????????? ?????? ??? ?????????????? ??? ??????. ?????????????? ?? ?????????? ?????? ?????? ?????
???? ??? ???, ????, ??? ?????????????? ??? ?????? ??? ?????????????? ?????? ??? ?????????????? ?????? ??? ???? ???
???? ????????, ?????????? ?? ?????????????? ??? ?????? ??? ?????????? ?????????? ?????? ??? ?????? ???
?????. ??? ?? ?????????????? ??? ?? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?????????????? ,
???? ?????????? ?? ?????? 325 ????, ?? ?????? ??? ?????????? ?? ?????????? ?? ?????????? ?? ??????????
????? ??? ??? ?????? ??? ?????????????? ??? ?????????? ?????? ?????????? ?????? ?????????? ??? ??????????
????? ??? ?????? ??? (49).

67. ????????, ? ???????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?? ??? ???
?????????? ?? ??? ?????? 2006/112 ??? ?? ?????????? ?? ?????????? ??? ?????????? ???
????????????????? ??? ???, ??? ??????????, ?? ?????????? ?? ?????????? ??? ?????????? ?????????? ???
???? ??????.

68. ???????? ?? ?????? ??? ?????? ?????? ?????????? ?? ?????????? ??? ?????? ?????????? ??????
????????????? ??? ?????????? ?? ?????????? ???, ?????? ?? ?? ?????? 288 ????, ???? ????
????????? ?? ?????????????? ??? ? ?????? ??? ?????????? ?????????????? ?????????????? ?????
????????????? ??? ?? ?????? 2006/112. ?? ????, ??? ?????? ?????????? ?????????? (50).

69. ??? ?????? ????????????, ???' ?????? ??? ?????? ?????? ?????????? ?????????????? ?? ???
?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? (51).

70. ??? ? ???????? ??? ?????????? ?????? ?????????? ??? ? ???????? ?????????? ??????????
????????????? ??? ?????? ??? 1?? ?????????? 2016 ??? ??? ? ?????????? ???
????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????????? ?????????? ??????????
????? ??? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ?????????? ??? ?????? ???
????????????? ??? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? (52).

71. ??????, ? ?????????? ??? ?????? ??? ?????????? ?????????? ?????? ??? ??????
????? ??? 2013 ??? 2015. ????????, ??? ?????? ?????????? ?????????? ???
????????????? ??? ?????? ?????????? ??? ?????? 2006/112 ?????? ??? ?????? ??? ?????? ???,
????????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 168,
????????? ??, ??? ?? ?????? ???????, ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ???????,
????????? ?????????? ?? ?????????? ??? (53). ?? ?????????? ?????? ?????? ?????????? ??????????????
???? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
(54). ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? contra legem ?????? ??? ?????????? ??? ?????? (55).

72. ??????, ?? ?????????? ??? ?????? ?????? ?????? ??? ? ?????????? ?????????? ??? ??????
????? ??? ?????? ?????? ?? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
????? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? (56).

73. ?????? ???, ???' ??????, ? ?????? 2006/112 ?????? ?? ?????????? ??? ??? ?????? ???

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

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

74. ?????????? ??? ? ??????? ??? ?????? ?????????? ?? ?????? ?????????? ?????????? ???
????????? ??? 168 ??? ?????? 2006/112 ???, ????????, ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 51, ?????????? 1, ??? ?????? ???
????????? ?????????? ??? ?????????? ?????? (57), ?? ?????? ?????????? ?????? ???
????? ?? ?????????? ??? ?????????? ?????? ?? ?????????? ?????????? ?????? ??? ? ??????
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???.
????????? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???
??? ?????? ?? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? (58).

75. ?? ??? ??????, ? ??? ?? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ?? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ? ?????????? ??? ??? ??????????
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??? ?????? (59). ?????? ?????????? ??? ?? ?????????? ??? ?????? ???, ?? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ????
????????? ??? ?? ?????????? ??? ?? ?????? ?????, ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? (60).

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

77. ? ?????? ?????? ??? ?????? ?????????? ??? ??? ?????? ??? ?? ?????? ??? ?????? ???
??? ?? ?????? ??? ?????? ?????????? ??? ??? ?????? ?? ?????????? ??' ?????? ???
?????? ?????????? ??? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?? ???
??? ??????, ?????? ?? ? ?????? ??? ?????? ?????? ??? ?????? ???.

78. ??? ?????????? ?? ??? ?????? ??? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???????????,
????? ?? ?????? ??? ?????????? (?? ??? ?????, ? ??? ?????? ?????????? ??????????: nullum
tributum sine lege) ??????? ?????? ??? ?????? ?????? ??? ?????? ??? ??????. ?????? ?? ??????
?????? ??????, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????????? ??? ?????? ??? ?????? ???.

79. ???????, ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

80. ?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ?????????????? ???
????? ??? ??????. ?????????????? ?????? ?? ?????? 6, ?????????? 3, ??? (61) ??? ???? 52,
????????? 3, ??? ?????? (62), ?? ?????? ??? ?????? ?????? ??? ?? ?????? ?????? ?????? ??????
????????????? ?????????? ??? ?????? ?????? ??????.

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

81. ?? ?????????? ?????????? ??? ?????????? ??? ?????????? (??? ????: ?????????? ???
?????????) ?????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????
1 ??? ?????????? ????. 1 (63). ?? ?????? ??? ?????? ??? «[?]????? ?????? ?? ?????? ???
????????? ????. ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????????? ???
??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????».

82. ?? ?????????? ??? ?????????? ??? ?????????? ???, ??????????, ??? ???? ?????? ??????
?? ?????? ??? ?????? ??? ?????? ??? ??????, ??? ??????, ??? ???? ?????? ???
????? ?????? ??? ?????? 1 ??? ?????? ????. 1 (64). ??? ?????? ?????? ???
????????? ????. «????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (65)
??? ??? «????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
(66). ?????? , ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????? «????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??», ?????? ??? ?????? «?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ??????» (67).

83. ? ??? «?????», ??? ???? 1 ??? ?????????? ????. 1, ?????????? ???
????? ??? ?????? ?????? ??? (68). ????????, ??? ?????? ???
????? ??? ???? ?????? ??? ?????? ??? ?????? ?????? . ?????????? ???
????????? , ?????? ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ???
????? ??? ???? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? (69).

84. ?????? ?????????? ??? ? ?????? ?????? ??? ?????? ?? ?????????? ??? ?????? ???
??? «?????», ??? ?????????? ??? 1 ??? ?????? ????. 1 (70). ????????,
«????? , ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
??? “?????” ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? , ??? ???? ?????? ???
????? ??? ???? ?????? ??? ?????? ?????? ??? ?????? ???» (71).

85. ?????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? , ??? ???? ????
??? ?????? . ??? ??????, ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ???
????????? ??? ???? ???? ???? ???? ???? ?????? ??? ?????? ??? (72).

86. ????????, ? ??? ?? ????? 1 ??? ?????????? ????. 1 ??? ?? ??????????
?????????? ?? ?? ?????? ?????????? ?? ????? ?? ?????????? ?? ?? ??? ? ??
??????????, ??? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?? ?????? ??? ?????? ??? ?????????? ?????????? ?????.

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

87. ? ??? ?? ?????????? ?????????????? ?????????????? ??? ?????????? ????.
?? ????????, ?????????? ?????? ?????? ?????????????? ?????????? (73). ??? ?????????? ?,
??? ??? ?????????????? ?????? ?? ?????? ?????????????? ??????, ??? ?? ??? ?????? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ?????? (74).

88. ??? ??????, ?? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?? ??? ?? ??????
????????? ??? (75), ?? ?????????? ?? ?????? ?????????? ??? ?? ?????????? ???
????????????? ??? ??? ?????? ?????????? . ???????, ??????, ?????????????? ?? ??????
??? ?????? ?? ?????????? ?? ????. ??? ???????, ??????????, ??? ?????? (76), ???
????? (77), ??? ?????????? (78) ??? ??? ?????? (79).

89. ?????????? ??????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??????????????????
????????? 11 ?????? ??? (80) ?????? ??? ?? ?????????????? ?????????? ???
????????? ?? ??? ?????? ?? ?????????? ?? ?????????? ?? ??? ?? ?????????? ?????????? ???
????? ?????? ?? ??? ?????? ??? ??????. ?? ??? ?? ?? 11, ?????????? ?????? ??
????????? ??????: ? ?????????????? ??? ?????????? ??? ??, ? ?????????????? ???
??? ??????, ? ?????????? ???, ? ?????????? ?????? ?????? ?? ?????????? ?????? ??????????
??? ?????? ?? ?????????? ??? ?????? (81).

90. ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ???
????????? ??? ?????? ?????????? ?????????????? ??? ?????????? ??? ?? ?????????? ???
(????????), ?? ?????????? ?????? (???????? ??? ??????), ?? ?????????? ??? ?? ??????
?? ??? ? ?????? ?????????? ?????????? (????????), ?? ?????? ?????????? ??????????
????????????? ??? ??????????, ??? ?? ??? ?????????? ??? ?????????? ??? ?????? ???
????????????? ??? ?? ?????????? (???????? ??? ??????), ?????? ??? ?? ??????????
????????? ??? ?????????? ??? ?????? ??? ? ?????????? ?????? ??? ?????? ???
(?????????).

91. ????????, ?????????? ?? ?????? ?????? ?????? ?????????? ??? ?? ??? ?????? ???, ???
?? ?????? ?????????????? ??????? ?? ?????????? ?? ??? ?????? ??? ?? ?????? ???
????, ? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?? ?????????? ??
????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???.

92. ??? ????????????, ??? ? ?????????? ?????????????? ??? ?? ?????????? ??? ?? ?????????? ???
????????? ?????? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ?? ?????????? ??? ?? ??????????
??? ?????????? ???, ??? ?????????? ?????????? ??? ?? ?????? ??? ?? ?????????? ???
????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?? ??????
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ??
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ?????? ?????????? . ??????, ?????? ?????????? -??? ?? ?????? ??? ?????? ??? ??????????
?? ?????????? ?? ???- ? ?????????? ?????????? ?? ??? ?????? ?????? ?????????? ???, ??
????? ???, ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???, ?????? ???

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

93. ??? ?????? ??? ?? ??????? «????», ?????????? ?? ?????? ?????? ?????????? ??? ?????? ??
????? ????, ???' ????, ? ?????? ?????? ?? ?????????? ?? ?????? ?????????? ?????????? ????.
?????? ?????? ?????? ?????? ??? ?? ?????????? ?????????? ??? ?????????? ?????? ?????????? ????.
?????? ??????????, ?? ??????? ?????? ??? ?????????? ?????? ?????????? ?????? ?? ?????????? ????.
????????? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ????.
?????? ?????????? ?????? ??? (82) ? ??? ?????? ??? ?????? ?????? ?????????? ?????? ????.
??? (83). ?? ?????? ??? ?????? ???, ?????? ?????? ?????? ?????? ?????? ?????? ?????? ????.
?????????, ?????? ??? ?????????? ??? ?? ?????????? ?????? ??? ?????? ?????? ??? ?????? ????.
????????? ?????? ?????? (84).

94. ??? ??? ?????? ?????????????? ??? 11 ?????? ??? ?????? ?????????? ?? ?????? ??
????????? ??? ???????, ?????????? ??? ?????????????? ??? ?????????? ?????? ?????????? (85).
??? ?????? ???, ?????? ?? ?????????? ?????????? ??? ??' ?????????? ?????????? ????.
????????? ?????? ???, ??? ?????? ?????????? ???, ?????? ?????? ?????????? ?????? ?? ?????????? ????.
? ??? ?? ?????????? ??? ?? ?????????? ??? (86).

95. ?? ?????? ??? ?????? ??? ?????? ??? ???????, ??? ?????? ??? ???????, ?????????? ?? ??? ??? ??????????
????????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????????? ????.
??? ??? ?? ?????? ??? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????????? ????.
(87).

96. ??? ?????? (88), ??? ?????? (89) ??? ??? ?????? ?????????? ?, ?????????? ??????
????????? ?????????? ?????????? ??? ?????????????? ?????? ?????????? ??? ?????????? ?????????? ????.
????. ??? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ?????? ?????? ?? ?????? ????.
????????? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????? ?????????? ???, ??? ???
????????? ??? ?????? ??? ?????? ????.

97. ?? ?????? ???, ??? ???????????, ??? ????????, ??? ?????? ???????, ??????? 26,
????????? 3, ??? Value Added Tax Act 1994 (????? ??? 1994 ??? ?????? ??????????????)
?????), ?? Her Majesty's Revenue and Customs Commissioners (????????? ?????????? ????.
??? ?????????? ??????????) ?????????? ?????????? ?????? ?????? ?????? ?????????? ?????????? ????.
????????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? (90). ???????, ??? ?? ?????? 102?A,
????????? 1, ??? ?? ?????? ???, ? ?? ?????? ??? ?????? ?? ?????? ?????? ?????? ??????????
??? ?????????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????.

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

99. ??? ???????, ?? ??????? ??? ?? ?????? ??? ?????? 173 ??? 174 ??? ??????
2006/112 ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???' ?????????? ??? ?????? ????.
??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ????.
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ????.
????????? ??? ?????? ??? ?????? ????.

100. ????? ?????????? ??? ?????? ?????? ?????? ?? Nejvyšší správní soud (???????

???????????? ???? ???????) ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?eský
rozhlas (91) ???? ??? ??? ??????? ??? ?????? ?????? ?????? M. Szpunar ???? ???
?????? (92) ??????????? ?? ?????????? ??? ?????? ?????? ??? ?????????????? ??? ???
????????? ????????, ?????????? ??? ? ?????????? ?????? ?????? ??? ??????
????? ?????????? ??? ??? ??? ??????. ?? Nejvyšší správní soud ?????? ?? ????
??? ? ?????????? ??? ?????? ??? ?????? ??? ??? ?????? ?????? ??? ?? ?????????? ??
????? ?? ?????? ??? ?????? ??? ??? ??? ??? ?????? (93).

101. ??? ??? ?? ?????? ?????????? ??? ?? ?????? ?????????????? ?????????? ??? ???
?????, ??? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ???? 1 ???
????????? ????. 1, ???????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????????????? ???
????? ?? ?????????? ???, ?????? ??? ?????????? ???, ??? ???? ?????? ?????? ?????????? ??
????????? ??? ?????????? ??? ?? ??????????.

102. ????? ??? ?? ??????? ??? ?????? ??? ?????? 96 ??? 100 ??? ??????? ??????????,
??? ?????? ??? ? ?????? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ?? ???? ?? ?????? ??
????? ?????????? ??? ?????? ?? ?????? ??? ?? ?????? ??? ?? ???? ?? ?????? ??? ?? ??????
????????? ??? ?????? ?? ?????? ?????????? ?????? ?????????? ??? ?? ?????? ??? ?? ??????
????????? ?????? ??? ?????? ?? ?????? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ??
????????? ?????? ??? ?????? ?? ?????? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ??
????????? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ?? ?????? ??? ??
????????? ???, ?? ?????????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?? ?????? ??? ??
????????? ??? ?? ??????.

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

103. ?? ??? 16 ??? ???, ?????????? ??? ?????????? ??? ?????????? «?????? ?? ??
????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ». ??? ?? ??? 17,
????????? 1, ??? ???, «??? ?????? ?????? ?? ??? ?????? ??? ?? ????». ? ??
????????? ???, ?? ?? ?????????? ??? ?? ?????? ??? ?? ???? ?????? ??? ?? ?????????? ?. ?
???? ?????? ?????????? ??? «[?] ??? ?? ??? ?????? ??? ?? ?????????? ???
????????? ???, ??? ?????? ??? ?????? ?????? ?????? ???, ??? ?????????? ??? ?? ??? ??
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ??
??? ??? ?????? », ??? ?? ??? «[?] ??? ?? ??? ?????? ??? ?? ?????? ??? ??
????????? ??? ?? ???, ??? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?? ?????? ??? ??

104. ??? ??? ?? ?????? ??? ?????? ?? ?????????? ??? ? ?????????? ??? ?????????? ??? ??
????????? ??? ?? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?? ???? ?? ??????
????????? ??? ?? ?????? ??? ?????? . ???, ?? ?????????? ??? ?????? ??? ?? ?????? ???
????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?? ?????? ??? ?? ??????????
????????? ??? ?? ??? ??? ?? ?????? (94).

105. ??? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ? ??????????
????????? ?????????? ??? ?????????? ??? ?????? ??? ??????. ? ?????? ??? ?????? ??
????????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??
??? ?????????? ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ?? ?????? ?????? ??? ??
????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???, ??? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??, ?? ?????????? ??? ??
- ?????????? ??? ?????? ??? ?????? ??? ?????? 16 ??? ???, ?? ?????? ?????? ??? ??
????? ??? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?? ?????? ??? ?? ??? ??
????, ??? ?????? ?? ?? ?????? ?????? ?????? ??? ?????? IV ??? ?? ???-?

?????????? ?? ??????? ?? ???? ??????? ?? ?? ???? ?????????? ?? ?? ?????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??????? ?? ???? ??????? (95).

106. ????????, ??????? ?? ????? ??????? ?????? ?????? ?????? ?? ?????? ?? ?????????? ????????.
????? ?????? ?????????? ?? ??????????????, ? ??? ?????? ?????????? ?? ?????????? ?????????? ??
????? ??????, ?????????? ?? ?????????????? ?? ?????? ?? ?????????? ??????, ?????? ??????
????? ?? ?????? ?????????? ?? ?????????? ?? ?????? ?? ?????????? ?????? (96). ????????, ?
????? ?? ?????????? ?? ??????? ?? ?????? ?? ?????????? ?????? ?????????? ?????? ??
?????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ??????????, ?????? ??? ??
????????????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ??? ??
????? ?????????? ?? ?? ?????? ?? ?????????? (97). ??????, ? ??? ?????? ?????? ?????????? ??
????? ?????????? ?? ?? ?????? ?????????? ?? ?????????? ?????????? ?????? ?????????????? ??
??? ??? ?????? ?????????? ?? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ???
????????? ? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????????? ?????????? ?????? ???
????????? ??? (?????????? ??????????????) (98).

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

107. ??? ?????? ???, ??????? ?? ?? ???? ??????? ?? ?? ?????? ?????????? ?????????? ???
????????? ?? ??????, ??? ?? ?????? ?? ?????? ?????????????? ?????????? ??? ???????.
????? ??? ?? ??????, ??? ?????? ?????? ??????.

108. ?? ?? ?????????????? ?? ?????? ??????? ?? ?? ?????? ?????????? ?????????? ?? ?? ?????? ???
?? ??? ?????????????? ?? ?????? ?????? ?????????????? ?????????? ?? ?????????? ?? ?????????? ???
??????????, ?????????????? ?? ?????? ?????????? ?? ?????? ??? ?????????? ?? ?????????? ???
????? ?????? ?????? ?? ?????? ?????????? ?? ?????? ??? ?????????? ??, ??? ?? ?????? ???, ?? ?????????? ??
????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ??? ?????????? ??, ??? ?????? ???, ?? ?????????? ??
????????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????????? ?? ???.

109. ???????????, ??????? ?? ?????? ?????? ?????????? ?? ?????????? ?????????? ?????? ???????????
????????????? ?? ??? ?? ??? ?????? ??, ?? ?????? ?????? ?? ?????????? ??, ?? ?????????? ???????????
????? ?????? ?? ?????????? ?????????? ?????? ?? ?????? ??? ?????? ?????? ??? ?????????? ???
?????????. ??? ?? ??? ?????? ??, ?????? ?? ?????? ?????? ?? ?????? ?? ?????????? ?????? ???
????????? ?? ?????????? ?????? ?????? ?????????????????? ?? ?????? ?????????? ?? ?????? ?????? ???
????????? ?????????? ?????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ??, ??? ?? ??? ?? ??
????????? ??? ? ?????????? ?????? ?????? ?????????? ?? ?????? ??? ?????? ?????? ???.

110. ????? ???, ??????, ??? ?? ?????? ?????????? ?? ?????? ?????? ?? ?????? ?????????? ???????????????
????? ?????? ?????? ?? ?????????? ?? ?????????? ?? ?????? ?????????? ?????????? ??? ??????????. ??????????
??? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?? ?????? ?????????? ?? ?????? ??? ?????????? ???
????????????? ?? ?????? ?? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????????? ?????? ?????????? ???
??? ?? ??? ?????? ?????? ?????????? ??, ?????? ?? ?????????? ?????? ?????????? ??, ?????????? ??? ??
?????? ??????, ?????????? ?????? ?????????????? ?? ?????? ??? ?????????? ?? ?????? ?????? ??? ??
????????? ?? ??? ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?? ??
? ??? ?????? ?????????? ??????????.

111. ??????????, ??? ??????? ?? ??? ? ???? ??? ?????? ??? ?????? ??????, ??? ?????????? ?????? ??? ??????????
????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????????? ??? ?????? ???.

112. ????????, ??? ???????????, ? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????????? ?????? ??? ?????? ??' ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ???, ???

?? ?????? ?????????????? ?????????? ?????????????? ?????? ?????????? ?????????????? ?????????????? ??? ??
????????????? ??? ??????? ?????? ??? ? ?????????? ?? ?????????? ??? ?? ?????????????? ?? ???
????? (99). ??? ??? ??????, ?? ??????? ?????????? ??? ?????????? ?????????????? ??????????????, ??
????????? ??? ?????? ??? ? ?????????????? ??? ?????? ?????????? ?? ?????????? ?????? ??????????
????????? ?????????????? ??? ??????? ??? ?????????? ?????????????? ?????????? ??? ?? ?????? ??????
????????? ?? ??? ?????????? ??? ?????? ??' ?????? ?? ?????????? ???, ?????? ?? ??????????????
????????? ??? ?????????? ??? ??????????.

113. ??????????, ?? ? ??????? ????? ????? ?????????? ? ?????????????? ?????? ?????????????? ??
?????? ?? ?????? ??? ?????????? ?? ??????? ?????, ?????? ????? ?????????? ?????????? ??
?? ?????????? ?????? ??????????, ?????????? ??? ?????????????? ? ??????????
????????? ??? ?? ??? ?????????? ? ??????????. ??????, ??? ??? ?????????? ?? ?? ???
168 ??? ?????? 2006/112, ?? ?????? -????????? ??? ?? ?????? ?????? ?????? ?????????? ??
?????????- ?????? ??? ??? ?????? ??? ?????????? ?????????? ??? ??? ??? ??? ??
????????? (100).

114. ??????? ??????????, ??? ?????? ??? ?????? ?????????? ?? ????????????, ?????? ??? ?? ??????????
????????? ?????? ?? ?????????? ??? ?????????? ?????? ??? ?????? ?????????????? ??????????
?????????: ? ?????? ?????? ?? ?????????? ?? ?????? ?????????????? ????????, ?? ???
????????? ?????????????? ??? ??? ?????????????? ??? ???, ??? ?????? ?????????? ???,
?????? ??? ????????????, ?????? ??? ? ?????????? ?????????????? ??? ??? ?? ??? ??
????????? ?? ?????????? ??? ?? ?????????????? ?? ??? ??? ?????????????? ??? ??
????????? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ?????????? ??? ??? ?????? ?????????? ?
????????? ??? ??????. ??? ??????????, ?? ??? ??? ?????????? ??? ?????????? ?? ?????????? ??
????????????? ?????????? ?? ?????????? ??????????.

115. ????????, ?????? ?? ? ???? ????? ?????????????? ?????????????? ???, ????????,
????? ??????????? ???????????, ?????? ?????????????? ??? ?????????????? ???, ?? ??????????
????????????? ?????? ?????? ?? ??????????? ?????? ?????????????? ??? ?????? ??? ?? ?????????? ??
????? ??? ??????? ???, ??? ??? ??????????? ???, ?????????????? ??? ?????? ??? ?????? ???
?????????? ??????????? ???????????????, ? ??????? ?????? ?????? ?????? ???
????????????? ??????????? ??? ?????? ?????? ?????????????? ?????? ??? ?????????? ??
????????????? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ?????? ?????? ???
????????????? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ?????? ???.

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

????????????? ?? ? ? ?????????? ?????? ?????? ?????? ?????? ?????? ??????;

116. ?????? ??? ?????????????????? ?????????? (101), ??? ???? ?????? ?????????? ?????????? ?????????? ?????????? ??
?? ?????? ?? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? .?????????, ?? ?????????? ,
??? ?????? ?????????????? ?????????????? ?????? ??? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?? ?????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (102).

117. ?????????????? ?????? ??? ?????? ??????, ?? ?????????? ??? ?????????? ?????????? ??????????
?? ?????? ?? ?????? ?????????? ?? ??????? ?? ?????? ?? ?????????? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? -??? ?? ?????? ???
????, ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????- ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

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

118. ??? ??? ?????????? ??? ?????????? ?????????? ??? ??? ??? ?????????? ?????????????? ?????????????? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 1? ?????????? 2016, ? ????

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

119. ??? ??? ?????????? ??? ??? ?' ?????????? ?????????? ?????????? ??? ?? ??? ??? ?????? ??? ?????? ?????? 86, ?????????? 1, ??? ??? ??? ?????? ??? ?????????? ?????? 168 ??? ?????? 2006/112. ??????????, ? ?????? ?????? ?????? ?????????? ??? ?????? «????? ???? ???», ? ?????? ?' ??? ?????? ?? ?????? (103).

120. ??????, ??? ??? ?? ?????????? ??????? ?? ??? ??????:

121. ??????, ??? ?' ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? –????? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? – ???, ???' ??????, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (104).

122. ??????, ?? ??? ?????????? ??? ?????????? ??????.

123. ??????, ? ?????? ?????? ?????????? ??? ??????.

124. ??????, ?? ??? ?????????? ??? ?????????? (105). ? ??????.

125. ??????, ? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

????????????? ??? ???? ??' ?????????????? ?????????? ??? ???? ??? ???? ??? ???? ??? ???? 1?
?????????? 2016 ?? ?????????????? ??? ???? ????? ?????????? ?? ?????????? ?????? ???
????????? ??? ???? ??? ???? ?????????? ??? ??. ?????????????? ??? ???? ? ?????????? ??? ???? ??????????
?? ?????????? ??? ???? ?????? ??? ?????? ?? ? ?????? ??? ?????? ?????? ???????????, ??? ???? ?????? ???
??? ?????????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ? ?????? ??? ???? ??????
????????????? ??? ???? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ???? ??????
????????? ?????? ??????. ? ?? ??? ?????????? ?????????? ?????????? ?????? ?????? ??? ???? ???? ?
????????? ??? ???? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ???? ???? ???? ?
???? ???? ??? ?????? ??? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? . ?????? ??? ???? ?
??? ?????? ?????? ?????? ?????????? ??? ???? ?????? ?????? ?????? ?????? ??? ???? ???? ???? ?
?????.

126. ????? ?? ??????? ???, ?? ?????????????? ?????????????? ??? ?????????????? ??? ?? ?????????????? ???.
??? ?????????????? ???, ???, ??? ?? ?????????? ???, ???, ??? ?? ?????????? ???, ???, ??? ?? ?????????? ???, ??? ??
??? ?????? ??????? ??? ?? ?????????? ?? ?????????? ???, ???, ??? ?? (?? tributum) ??????????????
??? ?? (lex) ????? ??????? ??? ?? ?????????????? ???, ??? ?? ?????????????? ???, ??? ?? ?????????? ??? ??
???????? ?????? ?????????????? ?????????????? ??? ?? ?????????? ?? ?????????????? ??? ?? ?????????? ??? ??
??? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????? ???.

127. ?????????? ?????, ? ??????? ?????????????? ??? ?????????????? ?? ?????????? ?????? ???
??? ??? ??????? ?????????? ?? ?????? ??? ??? ?? ??????? ??? ?? ?????? ? ?????? ? ??????????????
????? ??? ?????? ?????????? ?? ??????????? ?????????????? ?? ?????????????? ?? ?????????????? ?????? ???
?????? ??? ??????????? ??? ????????, ?? ??? ????? ?????????? ?? ?? ????????????. ? ??????
????????? ?????????? ???????, ?? ??? ?????????? ??? ??? ??????? ???, ?????????? ??????????
????????? ??? ??????????? ????, ??? ??? ????????, ?????????? ?????????? ?? ?????? ??
?????? ?? ??????????? ????, (106).

128. ?????????????? ?????? ??? ?????????????? ??? ?????? ?????? ?????? ?? ?????? ??????
?????????? ????????????, ? ?? ?????? ?????????????? ?????? ?????? ?????? ???????????
????????? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ?????? ???????????
????? ? ?????????? ???????, ??? ?????????? ?????????? ?????????? ?????????? ?? ?????? ??
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??????.

129. ???????????, ??? ???. ???????????, ??? ???????????, ??? ???????????, ??? ???. ??' ???????????, ???????????
????????? ???, ?????????? ??? ?????????? ?????? ?????? ??? ?????????? ?????????????? ???????????, ??
???? ??????? ?????????? ??? ????? ?????????? ?????????? ?? ?????????? ??? ? ???????
????????? ?????????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ???
????????? ???, ??? ??? ?????????? ?????????????? (107). ?? ?????????? ??? ???
????????? ??????? ?? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?? ??
????????? ?? ??? ?????? (108).

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

131. ?????? ??? ?? ?? ??? ??????????? ?????????? ?? ??? ?? ?????????????? ??? ?????? ?
?????? ?????? ??????. ?? ??????? ?? ??????? ?????????? ?? ??????? ?????? (109), ???
?????? ??? ?????? ?????? ??? ?????? ?? ??????? ?????? ?????????? ?????????? ?????????? ?
????????? ?????? ??? ?????? ?? ??????? ??? ?????? ?? ??????? ?? ??????? ??? ?????????? ???
????????? ?????? ??? ?????? ?? ??????? ??? ?????? ?? ??????? ?? ??????? 2006/112, ??? ??????
????????? ??? ?? ?????????? (110).

132. ???????????, ? ??????? ?????? ??? ?????????????? ?????????????? ?????????? ? ??????????
????????? ??? ?????????????? ??? ??? ?????????????? ?? ????. ??????, ?????????? ??? ??? ??
????????? ???????? ??? ??? (tributum) ?????????????? ?? ??? ????? ????? ??? ?????? ???, ?
?? ??? ?????????? ??? ?????????????? ???????, ?????? ??? ?????? 2006/112, ?????????????? ???
?? ?????????????? ??? ?????? ?????? ??? (111). ?????, ??? ?????????? ?? ?????????? ??????
? ?????????? ??????? ??? ?????? ??? ?????????????? ?????????? ??? ??? ??? ??? ??????.

133. ?? ?????????????? ?? ?????????? ?? ??????? 73 ?? 115 ?? ?????????? ??????????? ??
????????????? ?? ?? ?????????? ??, ?? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????
????????? -????? ?? ??????????- ????. ??' ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ????
????????? ?? ?????????? ?? ???????, ?? ?????? ?? ?????? 53 ?? ??????, ?? ??????????
????? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ????
????? (112).

134. ?? ?????????????? ?? ??????? ?? ???? ?????????????? ?? ???? ?????????? ?? ???? -???
?? ???? ?? ???? ?????????? ?? ??????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? -
?? ???? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?? ???? ??????
?? ???? ?? ???? ?????? ?? ???? ?? ???? ?? ???? ?????? ?? ???? ?? ???? 217 ?? ???? ??????
????????????.

135. ????? ?????????????? ?? ?????? ????????????, ??? ? ? ?????? ??? ?????????? ??????, ??
????? ?? ?????? ??, ?????? ?????, ?????????????????? ?? ?????????? ?? ?????????? ??
????????????? ??, ??? ?????????????? ?????????????? ??, ?????? ?? ? ? ?????????? ??????????
????????????? ??, ?????????????? ??, ?????? ?????????? ??, ?????? ?? ?????????? ??, ?????? ??
??? ?????????????? ??, ?????? ?????????? ??, ?????? ?? ?????????? ??, ?????? ??, ?????? ??
????????????? ??, ?????????????? ??, ?????? ?????????? ??, ?????? ?? ?????????? ??, ?????? ??
????????????? ??, ?????? ?????????? ??, ?????? ?????????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??
????? ?????????, ??? ?? Trybuna? Konstytucyjny (????????????? ??????????, ??????) ???
??? ?????? ??, ??? ? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ???
????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ???
????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ??? ?????? ??, ???

136. ?? ????? ????????????????, ?? ?????????? ?????? ?? ?????????? ?? ?????? ?? ????????????

137. ?????????? ?????????? ?????????????? ?????? ??? ? ?????? ??????????, ?????????????? ???
????? ?????? ????, ??? ??????? ?? ? ???? ?????? ?????????? ??? ?????????????? ??? ?????? ???
?????????, ??? ?? ?????????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? ??? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ???
????? ??? ??? ?????????? ??? ?????? ??? ?????????? (114).

138. ?????????? ??? ??? ??? ?????? ??? ?????? ??????????? ??????? ??? ??????? ?????????? ??????????
?????????? ?? ?????? ??? ?????? ?? ??????????? ?? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??? ??? ??? ?? ??????????? ?? ?????? ?????????? ??? ?????? ??????. ?????? ?????? ???
????????? ??? ??? ?? ??????????? ?? ?????? ?????????? ??? ?????? ?????? ?????? ?????? (115).
?????????, ??? ?? ?????? ?????? ??? ?????? ???????????, ?? ?????? ?????????? ?????? ?????? ???
????????? ??? ?? ?????? ?????????? ???, ??? ?? ?????? ?????????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ???, ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ???, ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? (116).

139. ?????????? ??? ??? ???????????????, ??????, ?????? ??? ??????????? ??? ??????
73 ??? 115, ??? ?? ?????? ?????????? ?????? ?? ?????????? ??? ?????? ?????????? ?????? ??????????
??? ?????? ?????? ??? ?? ?????? ?????? ?? ?? ?????? ??? ?????? ?????? ?????? ?? ? ??????????
???? ?????????? ?????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ?????? ?? ?????????? ??? ??????
????????????? ???????, ?? ??? ?????????? ?????????????? ??? ??? ?????? ?????????? ??? ???, ???
????? ?????????? ???, ?????? ??? ?????????? ???, ??? ? ?????????? ?????? ?????????? ??? ????
????? ?? ?????? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????????? ?????? ??? ??? ??
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????. ??? ?? ?????????? ?? ?? ?????? ??? ?????? ?????? ?????? ?????????? ???
????????? ?? ??? ??? ?? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???.

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140. ??? ?? ?????? ??? ???????????, ??????? ??? ?????????? ?? ?????? ???
????????? ??? Wojewódzki S?d Administracyjny we Wroc?awiu (???????????)
????????? ??? Wroclaw, ???????:

- ? ?????? 2006/112/?? ??? ???????????, ??? 28? ?????????? 2006, ?????? ?? ?? ????
????? ??? ?????? ?????????????? ???, ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ??????
??? ?????? ?????????? ???, ??? ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ??
Zwi?zek Gmin Zag?bia Miedziowego w Polkowicach (?????? ?????? ?????), ?? ?????????? ??
????? ??? ?????, ??? ?????? ??? ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ?????????????? ???, ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ??
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????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
- ???????, ??? ???????????, ?????? ?????????? ???, ?????? ?????????? ??? ?????????? ???, ??
????????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ??? ??
????????? ?? ?????? ??? ?????????? ???, ??? ?? ?????????? ???, ?????????? ??? ?????? ??? ??
????? ?? ?????????? ??? ?????????? ?????????? ???, ? ?????? ??? ?????? ??? ?????? ??? ??
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
- ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??

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

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

2 ????? 2006/112/?? ??? ??????????, ??? 28? ?????? 2006, ??????? ?? ?? ????
?????? ????? ?????????????? ??? (?? 2006, L 347, ?. 1).

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

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

5 ?? ??? 174 ?????? ?? ??????? ??? ??????? ?? ?????????????? ??? ?????????????? ???
???? ?????????? ??? ?????????? ?? ?????? ?????? ?? ?????????????? ??? ?????????????? ???
??? ?????????? ?????????? ?? ??? ??? ?? ??????. ?? ?????? 175 ?????? ??? ? ??????????
????????? ?????? ?? ?????????????? ?? ?????????? ??? ??? ?????????? ??? ???, ??
????? ????, ?????????? ?????? ??? ?????????? ???, ??? ??? ?????? ??? ?????????? ??? ?????????????? ???,
??? ?? ?????????????? ??? ?? ??????? ???, ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
?????????.

6 *Dziennik Ustaw*, 2011, ????. 177, ??? 1054 (?? ????: ?????? ???? ???).

7 ??? ????: ?????????? ??? ?????????? ????

8 ?? ??? ??????????????, ??? ?? ??? ????? ?????????? ??????? ???', ???' ????,
?????? ?????????? ??? ?????? ?????? ?? ??? ??? ?????? ??? ?????????? ??? ??????????
????????????? ?????????? ??? ?????????? ?????? ?????????? ??? ?????????????? ??? ??????????????
????????????? ?????????? ??? ??????. ? ?????????? ??? ?????????? ??? ?????? 14b ???
14s ??? Ordynacja podatkowa (????????? ????) ??? 29? ?????? 1997, *Dziennik
Ustaw*, 1997, ????. 137, ??? 926, ??? ??????????????.

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

10 ?????? | FSK 9/10. ?? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ???
Naczelnego S?d Administracyjnego (?????? ?????????? ??????????) ?????? ??? ?? ??????
?????? ? ?????????? ??? ?? ?????? 90 ??? ?????? ??? ?????? ??? ?????????? ??? ?? ???
????????? ??? ?? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
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????????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ???, ???
????????? ??? ?????????? ???, ?? Naczelnego S?d Administracyjnego (?????? ??????????)
????????? ???, ?????? ? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ???
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????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????????.

11 ?. ?????? 12 ??? 14 ??? ?????? ??? ??????.

12 ?. ?????? 14 ??? ?????? ??? ??????.

- 13 ??????? ??? 13?? ??????? 2008, Securenta (C?437/06, EU:C:2008:166, ????? 33).
- 14 ??????? ??? 16?? ??????? 2015, Larentia + Minerva ??? Marenave Schiffahrt (C?108/14
??? C?109/14, EU:C:2015:496, ????? 26). ?? ?????????? ?????????????? ?????? ???,
????????????? ?? ??? ?????????? ? ?????? ?????????????? ??? ?????? ?????????? ?? ???
????????? ???, ?? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? 2006/112 ???
??? ?? ?? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?? ?????????????? ???
????????????? ??? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????????? ??
????????? ?????? ??? ??? ??? ?????? ?????? ??? ?????? ?? ?? ?????? 173 (????????? ??? 29??
????????? 2004, EDM, C?77/01, EU:C:2004:243, ????? 54, ??? ??? 27?? ?????????? 2001,
Cibo Participations, C?16/00, EU:C:2001:495, ????? 44).
- 15 ??????? ??? 16?? ??????? 2015 Larentia + Minerva ??? Marenave Schiffahrt (C?108/14
??? C?109/14, EU:C:2015:496, ????? 32).
- 16 ??????? ??? 13?? ??????? 2008, Securenta (C?437/06, EU:C:2008:166, ????? 34).
- 17 ??????? ??? 16?? ??????? 2015 Larentia + Minerva ??? Marenave Schiffahrt (C?108/14
??? C?109/14, EU:C:2015:496, ????? 27).
- 18 ??., ???' ??????????, ??????? ??? 14?? ??????????? 2006, Wollny(C?72/05,
EU:C:2006:573, ????? 28).
- 19 ??., ???????, ??????? ??? 3?? ?????????? 2006, Banca popolare di Cremona (C?475/03,
EU:C:2006:629, ????? 28 ??? ??? ?????????? ??????????).
- 20 ??., ???????, ??????? ??? 10?? ??????? 2008, Sosnowska (C?25/07, EU:C:2008:395,
?????? 14 ??? 15).
- 21 ??????? ??? 23?? ?????????? 2017, Di Maura(C?246/16, EU:C:2017:887, ????? 23 ???
???? ?????????????? ??????????).
- 22 ?????????? ??? ??????? C?228/05, EU:C:2006:425, ?????? 82 ??? 83 (? ??????????????
????? ???).
- 23 ??? ?????? 77/388/??? ??? ???????????, ??? 17?? ????? 1977, ??? ?????????????? ???
????????????? ??? ?????? ?????, ??? ??????? ?? ??? ????? ?????? ?????? ?????? – ???
?????? ?????? ?????????????? ????: ?????????? ?????????? ??? (?? ????. ???.. 09/001, ?.
49?? ???.. 09/001, ?. 49?? ???.. 09/001, ?. 49?? ???.. 09/001, ?. 49) (??? ????
168 ??? ??????? 2006/112).
- 24 ??????? ??? 28?? ?????????? 2013, MDDP (C?319/12, EU:C:2013:778, ????? 42).
- 25 ??., ???????, ??????? ??? 30?? ??????? 2006, Uudenkaupungin kaupunki (C?184/04,
EU:C:2006:214, ????? 24), ??? ??????? ??? 5?? ??????? 2014, Gmina Mi?dzyzdroje
(C?500/13, EU:C:2014:1750, ????? 19).
- 26 ??????? ??? 16?? ??????? 2015 Larentia + Minerva ??? Marenave Schiffahrt (C?108/14
??? C?109/14, EU:C:2015:496, ????? 23).
- 27 ??????? ??? 16?? ??????? 2015 Larentia + Minerva ??? Marenave Schiffahrt (C?108/14
??? C?109/14, EU:C:2015:496, ????? 24).

????? ?? ??????????? ?? ??????????? ?? ??? ????? ?? ?????? ?????? (????? 38
??? ??????? ???).

45 ??., ???????, ??????? ?? 12?? ??????? 1988, Direct Cosmetics ??? Laughtons
Photographs (138/86 ?? 139/86, EU:C:1988:383, ??? 23). ??., ??????, ??????? ?? 6??
????? 2010, ??????? ?? ?????? (C?94/09, EU:C:2010:253, ??? 40).

46 ??., ???????, ??????? ?? 6?? ??????????? 2012, Portugal Telecom(C?496/11,
EU:C:2012:557, ??? 35).

47 ??????? ?? ???????????, ?? 7?? ??????? 2007, ?? ?? ??????? ?? ?????? ??????? ??
?????????? ?????????? (EE 2007, L 163, ?. 17).

48 ?? ???????????, ?? 2014, ?? ?????? ????? ?? ?? ??????????? ?? ?? ?? ?? ??????? ??
?????? ?????? ?????? ??????????? ?? ?? ??????????? ??????? ??????? ???????????, ??
?????????? ?? ?? ?????? ?????? ?????? ??????????? ?? 13,2 % ?? ?????????? ???????????????
?? ??????. ?? . ??????? ??????????????? ??????? 2014-2020 ?? ??????????????? ??
??????, ?. 24.

49 ??., ???????, ??????? ?? 5?? ??????? 2018, Kolev ?.?. (C?612/15, EU:C:2018:392,
?????? 51 ?? 52). ?? ? ??????? ??????????? ?? ??????????? ?? ?? ??????? ???????????
?????????? ?? ?? ?????? ?????? ?????? ?????? ???????, ?? ??????? -?? ?? ??????? ??
????????? ?? ?? ?????? ?????? ??????????? ??????????? ?? ?? ??????? - ?? ???????
????????? ??????????????? ?? ?? ?????? ?? ???????, ??? ?? ?????????? ?????????? ?? ?? ??
?? ?? ?? ?? ???????, ?? ?? ?????? ?? ??????????????? ?? ?? ???????.

50 ??., ???' ???????, ??????? ?? 5?? ??????????? 2017, M.A.S. ?? M.B. (C?42/17,
EU:C:2017:936, ??? 38 ?? ?? ??????????? ??????????).

51 ??., ???????, ??????? ?? 5?? ??????? 2018, Kolev?.?. (C?612/15, EU:C:2018:392,
????? 64).

52 ?? . ??????? 11 ?? ??????? ????????

53 ??., ???????, ??????? ?? 8?? ??????????? 2015, Taricco ?.?. (C105/14C105/14,
EU:C:2015:555, ??? 49).

54 ??????? ?? 5?? ??????????? 2004, Pfeiffer?.?. (C?397/01 ??? C?403/01, EU:C:2004:584,
????? 116).

55 ??????? ?? 11?? ??????? 2018, IR (C?68/17, EU:C:2018:696, ??? 63).

56 ??., ???????, ??????? ?? 19?? ??????????? 2016, DI (C?441/14, EU:C:2016:278, ???????
33 ?? 34 ?? ?? ??????????????? ??????????). ??., ???????, ??????? ?? 17?? ???????
2018, Egenberger (C?414/16, EU:C:2018:257, ??????? 72 ?? 73).

57 ?? 2010, C 83, ?. 389 (?? ???: ???????).

58 ??., ???????, ??????? ?? 5?? ??????? 2018, Kolev?.?. (C?612/15, EU:C:2018:392,
????? 68 ?? ?? ??????????? ??????????).

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

16?? ??????????? 2017, C. K. ??. (C?578/16 PPU, EU:C:2017:127) [?????????? ??????????? ???? ?????????? ??? ?????????? ??? ?????????? (?) 604/2013 ??? ?????????? ?????????? ??? ??? ?????????, ??? 26?? ??????? 2013, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (?? 2013, L 180, ?. 31)]? ??? 5?? ??????????? 2017, M.A.S. ??? M.B. (C?42/17, EU:C:2017:936) (???? nulla poena sine lege ??? ?????? ??? ?????? 325 ???), ??? ??? 25?? ??????? 2018, Minister for Justice and Equality (????????? ??? ????????????) (C?216/18 PPU, EU:C:2018:586) [????????? ??????????? ?????????? ??? ?????? ??? ?????? 2002/584/???, ??? ???????????, ??? 13?? ??????? 2002, ??? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? (?? 2002, L 190, ?. 1)].

60 ??., ???????, ??????? ??? 7?? ??????????? 2004, X (C?60/02, EU:C:2017:10, ??????? 61 ??? 63), ??? ??? 5?? ??????????? 2017, M.A.S. ??? M.B. (C?42/17, EU:C:2017:936, ?????? 61).

61 ??? ?? ???? ?? ?????????, «[?] ? ??????? ???????????, ??? ? ??????????????? ??? ???? ?????????? ??????? ??? ??? ?????????? ??? ?????????? ??? ???? ???? 1950 (??? ????: ???)] ??? ??? ?????????? ??? ???? ??? ?????????? ??? ???? ???? ?????????? ??? ?????????? ?????? ?????? ?????? ??? ???? ??? ???? »..

62 ?? ??? ?? ??????? ??? ????? ??????? ?? «[?]??? ?? ???? ??? ? [...] ??? ? ?????? ??????????? ???? ?????????? ??? ??????????? ?? ???? ?????? ??? ??????????? ?? ???? [????], ? ?????? ??? ? ??????? ??? ???? ??? ?????? ?? ???? ?????? ??? ?????? ??? ?????? ??? ???? ??? ??????», ?? ??? ?????????? ??? «????????? ??????????» ??????????? ??? ?? ?????? ??? ??????. ????????, ??? ??? ?????????? ??? ?????? ?????? ??? ?????? ??????? ?????????? ??? ?????? ??? ?????? ??? ????????, ??? ??? ?????? ?????????? ?? ?????? ??? ??????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? (?????? ??? 28?? ??????????? 2013, ?????????? Arango Jaramillo ??. ??? ??, (C?334/12 RX?II, EU:C:2013:134, ?????? 28).

63 ??????? ????. 1 ??? ??????????? ??????????? ??? ??? ??????????? ??? ?????????? ??? ???? 1952 (??? ????: ?????????? ????. 1).

64 ?????? ??? ??? 9?? ??????? 2002, Orion B?eclav s.r.o. ??? ??????? ?????????? (CE:ECHR:2002:0709DEC004378398, § 7).

65 ?????? ??? ??? 29?? ??????????? 2003, Masa Invest Group ??? ?????????? (CE:ECHR:2005:1011DEC000354003, § 12).

66 ?????? ??? ??? ??? 14?? ??????? 2013, N.K.M.??? ?????????? (CE:ECHR:2013:0514JUD006652911, § 50).

67 ?????? ??? ??? 20?? ??????????? 2011, OAO Neftyanaya Kompaniya Yukos??? ?????? (CE:ECHR:2011:0920JUD001490204, § 559, ? ?????????? ??? ??? ???).

68 ?????? ??? ??? ??? 14?? ??????????? 2010, Shchokin???? ?????????? (CE:ECHR:2010:1014JUD002375903, § 51).

69 Grgi? A., Mataga Z., Longar M., ??? Vilfan A., ??????? ??? ??????? – ?????? ?????????? ?????????? ?????????? ??? ??????? ???????, *Le droit à la propriété dans la convention européenne des Droits de l'Homme. Un guide sur la mise en oeuvre de la convention européenne des Droits de l'Homme et de ses protocoles*

», Précis sur les droits de l'homme ???.°10, ??????????? 2007, ?. 13 (?????????? ??? ??????? ???????, ??? ??? ????? ????????: <https://rm.coe.int/168007ff64>).

70 ??????? ??? ??? 9?? ?????????? 1999, Špa?ek???? ???????? ?????????????? (CE:ECHR:1999:1109JUD002644995, § 54).

71 ??????? ??? ??? 25?? ??????? 2013, Khodorkovskiy ??? Lebedev ??? ?????? (CE:ECHR:2013:0725JUD001108206, § 881 ??? 885).

72 ??????? ??? ??? 29?? ?????????? 2003, Masa Invest Group ??? ?????? (CE:ECHR:2005:1011DEC000354003, § 12 ??? 13).

73 ????? ???????, ?????? ?????, ??? ??????????? ??? ?????????? ???????????, ??? ? ?????? ??? ?????????????? ??? ?????? ??? Bill of Rights ??? 1689 (??? ??????????? ?? ??????), ??? ?????????? ??? ???????, ??? ? ?? ??? ?????? ?????????? ??? ??? Declaration des droits de l'homme et du citoyen ??? 26?? ?????????? 1789 (?????? ?? ???) ??? ??? ????? ??????????? ??? ???????, ??? ?????????????? ??? Artyku?y henrykowskie ??? 1573, ?? ??? ????? ??????????? ??? ??? ??? ??? 24 ?????????? 1795.

74 ????? ??????? ??? ??????? ??? ?? ???????.

75 ????? ??????? ??? ?? ??? ?????: ?? ?????? (????? 170, ??????????? 1, ??? ??????? ???????????), ? ?????? (????? 24, ?????????? 2, ??? ?????????? ???????????), ? ?????? (????? 113 ??? ??????? ???????????), ? ?????????? (????? 81, ??????????? 1, ??? ??????????? ???????????), ? ?????? (????? 23 ??? ??????? ???????????), ? ?????????? (????? 22.2.1 ??? 22.2.6 ??? ??????????? ???????????), ?? ??? ?????? (????? 104 ??? ??????????? ???????????), ? ?????????? ??????????? (????? 11, ??????????? 5, ??? ??????? ??????? ?????? ?????? ??????????? ???????????), ? ?????????? (????? 127, ?????????? 3, ??? ??????????? ???????????), ?? ?????????? (????? 99 ??? ???????????????), ? ?????????? (????? 56, ?????????? 3, ??? 139, ??????????? 1, ??? ???????????), ? ?????????? (????? 59, ?????????? 2, ??? ?????????? ???????????) ??? ? ?????? (????? 4 ??? ??????? 1 ??? Regeringsformen, ? ?????? –????? ?? ?????? ?????? ?????? ??????– ??????? ?? ??????? ???????).

76 ?? ????? 14 ??? Declaration des droits de l'homme et du citoyen ??? 26?? ?????????? 1789 ??????? ?? ??????????? ?? ??? ?? ??? ????????: ? ??????????? ???, ? ??????????? ??????????? ?? ??? ?? ??????????? ??????? ??? ??????? ??? ???????.

77 ?? ????? 78, ?????????? 1 ??? 4, ?? ?????????? ??????????? ??????????? ?? ??????? ?? ??????????? ?? ??? ?? ??? ????????: ?? ?????????? ??? ???????????, ?? ?????????? ?? ??? ?? ??????????? ????? ??????????? ?? ???????, ?? ??????????? ???????????, ?? ?????????? ?? ??? ?? ??????????? ????? ??????????? ??????????? ?? ???????, ?? ??????????? ???????????, ?? ?????????? ?? ??? ?? ??????????? ????? ??????????? ?? ???????.

78 ?? ????? 103, ?????????? 2, ?? ??????????? ??????????? ??????????? ?? ??????? ?? ??????????? ?? ??? ?? ??? ????????: ? ?????????? ???, ? ??????????? ???????????, ?? ??????????? ???????????, ?? ?????????? ??? ??????????? ????? ??????????? ????? ???????, ?? ??????????? ???????????, ?? ?????????? ??? ??????????? ????? ???????, ?? ??????????? ??????????? ??? ???????, ?? ?????????? ??? ???????.

79 ?? ????? 217 ?? ?????????? ???????????, ?? ??????????? ??? ??????? 6 ??? ??????? ???????.

80 ??????????????: ????????, ??????, ????????, ??????, ??????, ?????? ????????,
???? ???, ??????, ????????, ???????????, ??????? ???? ?????? ???????????.

81 ??????, ? ??? ???? ????? ??????? ?? ?????? ?????? ?????? (?. ?????? 85 ??? 86
??? ??????? ??????????).

82 ????? ?????? ??? ???????, ??? ??????, ????? ??????, ??? ???????, ??? ??????? ??????????, ???
?????? ????? ??? ??????? ???????????.

83 ????? ?????? ??? ??????.

84 ????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???????.

85 ?????????? ??? ??????? ?????????? ?????????? ??? ?????? ?????????????? ?????????? ???
????????? ??? ?????????? (?. ?????? 82 ??? ??????? ??????????).

86 ?????? ?????? ? ?????????? ??? ?????????? (????? ??? ??? 1? ?????????? 2017), ???
?????????, ??? ?????? (?? ? 2000), ??? ??????? ??????????, ??? ??? ??????, ???
????????? ??? ??? ??????? ???????????.

87 ?????? ??? ???????, ?????? ?????? ??? ??????????, ??? ??????, ??? ???????, ??? ??????? ??? ???
?????? ???????????.

88 ??? ??????? ????, ??? ?????? ??? ?????? ?? ??????? ??????? ??? Staatssecretaris van
Financiën (?????????? ???????????) ??? ?????????? ??? ???, ?? ??????? ??? ???
?????????? ??? ?????????? ?? ??????? ?????? ??? ??? ??? ??? ?????? ??????????
?????????? ???, ?????? ?????? ??? ?????? ?????? ?????? ???.

89 ??., ?? ???????, ?? ??????????? ??????? ?????????? ?????????????? ?????????????? ????. 131
446423-15/111 ?? 25?? ?????????? 2015 ??? ?????. 202 377677-17/111 ?? 19?? ???????????
2017.

90 ??.. VAT Notice 700 ?? 17?? ?????????? 2014 (????????? ?? ?? ???, ??????? ??
??????????), ????? 32, ?????????? 5.

91 ?????? ??? 22?? ?????? 2016, ?eský rozhlas (C?11/15, EU:C:2016:470).

92 ?????????? ??? ?????? ?eský rozhlas(C?11/15, EU:C:2016:181).

93 ?????? ??? 30?? ?????????? 2016, ?????. 5 Afs 124/2014?178.

94 ??.. ?????? 39 ??? ??????? ??????????.

95 ?????? ??? 28?? ?????????? 2013, ?????????? ??? Manufacturing Support &
Procurement Kala Naft (C?348/12 P, EU:C:2013:776, ?????? 121 ?? 123).

96 ?????? ??? 10?? ?????????? 2009, Plantanol(C?201/08, EU:C:2009:539, ????? 46).

97 ?????? ??? 16?? ?????????? 2008, Isle of Wight Council ?.?. (C?288/07,
EU:C:2008:505, ????? 47).

98 ?????? ??? 26?? ??????? 2005, «Goed Wonen» (C?376/02, EU:C:2005:251, ????? 33).

99 ?? ??? ???? ??????? ?? ?????? a priori ??? ??? ?????????????? ? ????????

? ??????????. ?????, ?????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ???
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100 ???. ?????? 41, 48 ??? 55 ??? ??????? ??????????.

101 ???. ?????????????? ??? ?????? 74 ??? 75 ??????.

102 ??? ??? 1?? ?????? 2014, Ålands Vindkraft (C?573/12, EU:C:2014:2037, ????
126).

103 ??? ??? ???????? ??? ?????? 168 ??? ?????? 2006/112, ???. ?????? 41, 48 ??? 55 ???
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104 ?? ??? ??????????????, ? ?????????? ??? ?????????? ??? ?? ?????? 103, ??????????
1, ??? ?????? ???, ?? ????? ?????? ?? ?????????? ?? ?????????? ?? ?????? 250, ?????????? 1, ???
???????, 2006/112.

105 ???. ?????????? 8 ??? ??????? ??????????.

106 ???. ?????? 112 ??? ??????? ??????????.

107 ???, ??????? ??? ? ?????????? ?????????????? ??? ?????????????? ??? ?????????????? ???
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108 ???. ?????? 85 ??? 91 ??? ??????? ??????????.

109 ???. ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? 78 ??? 115 ???
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110 ??? ?????? ?? ??? ?????????? ??? ?????????? ??? ?????? 35 ??? 60 ??? ?????? ???
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111 ???. ?????? ??? ?????? ?? ?????????????? ?? ?????? ??? ?????????????? ??? ?????
??? 5?? ?????? 2004, Pfeiffer?... (C?397/01 ??? C?403/01, EU:C:2004:584, ??? 108).

112 ???. ?????? ??? 26?? ?????????? 2013, Melloni (C?399/11, EU:C:2013:107, ??? 60).
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113 ?????? ??? Trybuna? Konstytucyjny ??? 16?? ?????? 1998, U 9/97, ??? 51. ???
??' ?????????? ?????? ?????? ??? ?????? ??? ?? ?????? ?????????? ??? ???
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114 ???. ?????? 61, 64 ??? 65 ??? ??????? ??????????.

115 ???. ?????? 57 ??? 59 ??? ??????? ??????????.

116 ?????? ??? 5?? ?????????? 2017, M.A.S. ??? M.B. (C?42/17, EU:C:2017:936, ????
47).