

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

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

HENRIK SAUGMANDSGAARD ØE

??? ?? ?????? 2019 (1)

?????? C-692/17

Paulo Nascimento Consulting – Mediação Imobiliária Lda

?????

Autoridade Tributária e Aduaneira

[?????? ??? Supremo Tribunal Administrativo
(????????? ????????????, ????????????, ????????????)
?? ?? ?????? ???????????????]

«????????????? ?????????? – ????? ?????????????? ?????? (???) – ?????? 2006/112/?? –
????????? – ??? 135, ?????????? 1, ?????????? ?? ??? ?? – ?????? ?????????? ?? ??
????????? ?? ?? ?????????????? ?????????? ?????? ?? ?????????? ?????????? – ???????
?? ?????? ????????, ?? ?????????? ?? ?????????? ?????????? – ??????? ?? ??
?? ?????????? ??????? ?? ?????????? ?? ?????????? ?? ?????????? ?????????? ?? ??
????????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?????????? ?? ??
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?? ?????????? ?? ??»

I. ????????

1. ? ?????? ?????????????? ?????????? ??? Supremo Tribunal Administrativo (?????????
????????????? ????????????, ????????????) ?????????? ??? ?????? ?????????? ?????????? ?? ??
????????? ??? ?????? ?????? ?????? ??? ?????????????? ?????? (?? ???: ???) ???
????????? ?? ??, ?? ??????? ??????, ??? ?????????? ?????? ??? ?????????????? ??? ?????? ?? ??
???? ?? ?? ?????? ??????? ?? ?? ?????? ?????????????? ??? ?? ?????????? ??????????????
????????? ?? ?? ?????? ?????????? ?????????????? ?? ?????? ?????????????? ?? ?????????? ?????????.

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

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

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

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

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

5. ????? ?? ?????????????? ?????? 1, ? ??????? 2006/112 ??????? ?????????????? ??? ?????
?????? 77/388/EOK (3).

7. ?? ?????? 9, ??????????? 1, ??????? ??????, ??? ?????? ??????? ?????? ?? ????????
«????????? ???????????» ??? ???? ?????? ??? ?????? ???.

8. ??? ? ? ?????? 14, ?????????? 1, ??? ? ? ?????? ???????, «[?] “????????? ??????”
????????? ? ?????????? ??? ?????????? ?? ?????????? ??????, ?? ??????, ???????
?????».

9. ????? ?? ?????? 24, ??????????? 1, ??? ??????? 2006/112, «[?] “?????? ???????”
?????? ?????? ?????? ? ?????? ??? ??????? ??????? ???????». ?? ?? ?????? 25, ??????? ?,
????????????? ??? «[?] ?????? ?????????? ?????? ?? ??????????, ?????? ????, [...] ???
????????? ????, ?? ??? ?????????????????? ? ??? ??? ??????».

10. ????? ?? ?????? 135, ??????????? 1, ?????????? ?? ??? ???? ?? ????? ??????????, ?? ?????? ????????????:

«?) ?? ?????????? ?? ???? ????????????????, ???????????, ????? ?? ???? ?????????? ?? ??????????
???, ???????????, ??? ????? ??, ??? ???????,

[...]

?) ??? ????????, ?????????????????? ??? ??????????????????, ?? ?????? ????????,
???????????, ?????????????? ??????????????, ??????????, ?????????? ??????????, ????????????,
????????? ?? ????? ????????????, ?? ?????????? ??? ?????????? ????????????, » (4).

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

12. ???? ?? ?????? 9, ??????????? 27, ???????? a ??? c, ??? ?? ????? ??????, ??? ?? ?????
???? ?? ?????? ??? ??????????? ?????????????? ?????????????? ??? ?????? ??? ?????? ???.

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

«a) ? ??? ?????????? ?????? ?????? ?????? ?????????????? ?????????? ??????????,
????????????????? ??? ??? ?????? ?????????????? ??? ?????????????? ?????, ??? ??? ??? ?
????????? ??? ?????????? ??? ??? ??? ?????? ??? ??? ??? ?????? ??? ??? ??? ??????

[...]

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

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

13. ??? ??? ?????? ?????? ?????? ?????????? ??? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ?????????? ?????????? ???, ??? ?????????? ???
2006, ? ?????? Paulo Nascimento Consulting – Mediação Imobiliária Lda (??? ????: PNC),
???? ??? ?????? ??? ?????????????? ??? ?????????? ?????????? ??? ?????? ?????????????? ???
????????? ??? ?????????? ??????????. ? PNC ?????? ??? ?????????? ?????????, ? ???,
??????, ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????, ? ??? ?????? ?????????? ??? ??????????
??? ?????? ??? PNC ??? ??? ?????????? ?????????.

14. ?????? ???, ? PNC ?????? ?????? ??? Tribunal de Família e Menores e de Comarca
de Portimão (????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? Portimão, ??????????) ????, ?? ??? ?????? ?????? ?? ?????????? ?
????????? ??? ?? ??? ?????????? ?? ??? 125 000 ??? ??? ??? ??? ?????????? ???
????????? ??? ??? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????????? ???
????????? ??? ??? ??? ?????? ?????? ??? PNC.

15. ?????????? ??? ? ?????????? ??? ?????????? ?? ?????????? ??? ??????, ? PNC ?????? ??? ??
???? ?????????? ??? ??? ?????? ?????????? ??? ??? ?????????? ??? ?????????? ???, ??? ???
????????? ??? ?? ??? ??? ??????, ? ??? ?????? ?????????? ?????????? ??? ??? ??? ??? 170 859,62
???? (6).

16. ??? ?????? ??? ?? ??? ?????????? ??? ?????????? ??? ?????????? ???, ??????????
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ????. ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
???? PNC ??? ?? ??? ??? 606 200 ??? (7), ?? ??? ?????????? ??? ?????????? ??? ??????????
???? ?????????? ?????????? ??? ?????????? ??? –??????, ?? ?????????? ?????? ??? ??????
??? ?????????? ??? ??? ?????? ??? ?????????? ??? –?????? ??? ?????? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? 417 937,12 ???.

17. ?? ??? ??? 29 ?????????? 2010 ??????, ? PNC ?????? ??? ?????? Starplant –
Unipessoal Lda (??? ????: Starplant) ??? ?? ?????????? ??? ?????????? ??? ?? ??????????
??? ??? ??? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???, ??? ??? ?????????? ???
?? Starplant ??? 351 619,90 ??? (8).

18. ??? ?????? ??? 2010, ??????, ? PNC ?????????? ?? ??? ??? 125 000 ??? ??
????? ??? ??? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????????? ??? ?? ???
?? 26 250 ??? ??? ?????????? ??? ?????? ?????????? ?? ??? ??? ??? ??? ?? ??? ??? ?? ???.
????????? ?? «????? ?????????? ??? ??? ?????????? ??? ?????????? ??? ??????????» ?? ??? ??? ??
369,90 ???, ??? ?????????? ??? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? Starplant

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

19. ???? 24 ??????? 2014 ? Autoridade Tributária e Aduaneira (????????????? ??? ????????????)
????, ??????????) ??????? ??? ?????????? ??? ??? (73 840,18 ??? (10)) ????? ??? (9
807,59 ???), ??? ??????? ??? 83 647,77 ???, ??? ?????????? ??? ??? ??? ?????? ??? ???
????????? ? PNC ??? ?? ?????????? ??? ?????? ??? ??? ?????????? ??? ??? ? ?????????? ???
????????? ??? ??? ??? 351 619,90 ????. ???????, ??, ??????? ??? ?????????? ???
????????? ??? ??? ??? ?????? ??? ?????????? ?? ?????????? ??????????, ? ?????? ??????
????????? ?? ???, ?????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ???
??? ?????????? ??? ??? ??? ?????? ??? ?????????? ??? ??? ?????????? ??? ???, ? ?????? ?????? ???
????? ??? ??????? ?????????? ??? ??? ?????????? ??? ??? ?????????? ??? ??? ?????????? ???
????? ??? ??????? ???.

20. ?? ??? ??????? ?? 30?? ??????? 2015, ?? Tribunal Administrativo e Fiscal de Loulé (?????????? ?? ?????????? Loulé, ??????????) ??????? ?? ?????????? ?? PNC ??? ?? ??????? ?? ?? ??? ?????????? ?? (11).

21. ?? ?? ??????? ?? 4?? ?????????? 2016, ?? Tribunal Central Administrativo Sul
(????????? ?????????? ?????????? ?? ?????????? ?? ?????????? ?????? ?????? ??????????), ??????????
????????? ?????????? ?????????? ??? ?? Fazenda Pública (????????? ??????, ??????????),
????????? ??? ?????????? ?????????? ?? ?? ?????????? ??? ? ?????????? ?????????? ??????????
????????? ??? ?????????? ?????????????? ??? PNC, ?????? ?? ?????????? ??????????
?????? ?????????? ??? ??? ?????? ?????? ?????? ??? ??? ?????????? ??? ?????? 9 ???
?????? ??? . ??????????, ?????? ??? ? ?? ??? ?????? ??? ?????????? ??? ?????? ??????????
??? ?????????? ??? ?????????? ??? ?????????? 27, ??????? a, ??? ?? ??? ?????? 9 ???
??? ?????????? ??? ?????????? ?????????? ?????? ?????????? ??? ?????????? ??? ??????????
?????????.

22. ? PNC ??????? ?????????? ??? ?????? ?????????????? ?????? ?????????? ??? Supremo Tribunal Administrativo (????????? ?????????????? ??????????????), ?????????????? ?????? ??? ? ?????????? ??? ?????????????? ??? ?? ?????? 9, ?????????? 27, ?????????? a, ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 13, ?, ?????? ??, ?????? 1, ??? ?????? ??????, ??? 135, ?????????? 1, ?????? ??, ??? ?????? 2006/112 (12).

23. ??? ??????? ???, ?? ??????? ?? 8?? ?????????? 2017, ? ?????? ???????? ???
????????? ??? 11 ?????????? 2017, ?? Supremo Tribunal Administrativo (??????
????????? ???????) ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ?? ?????????? ?????????? ??? ??????????:

«???? ???? ??????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? ???? ?????????? 135,
????????? 1, ??????? ??, ??? ?????? ???, ??????? ?????? ??? “?????????”,
“?????????????????” ? “????????????? ??????????” ? ?????????? ?? ??????, ?? ?????????? ??????,
??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??????
????????? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??????
?????????, ? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??????
????????? ?????????? ???????, ?????? ??? ?? ??? ?????????? ??? ?? ?????? ?????? ??? ?????? ?????? ???
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????»

? ????? ? ?????????? ??? ???. ??? ? ??????? ????, ?? ?????????? ?????? ??? ?????????? ?? ?? ???? 2,
????????? 1, ??? ??? ???? ??????, ?? ??? ???? ?????????? ??? ?????? 2, ?????????? 1, ??????????
?? ??? ??, ??? ?????? 2006/112, ??? ??? ?????? ??? «????????????? ?????????? ? ??????
?????????, ??? ??????????, ?????????? ??????????, ?? ??? ?????????? ??? ??????????
???? ??? ?? ???? ?????? ?????????? ?? ?????????? ?????? [...] ??? ? ?????? ?????? ?????? ???
????????????? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????????????? ???
????????????? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ??? ??????????
?????».

31. ? ??????, ??? ? ??????????, ??? ???? ?????? ???, ??? ???? ?????? ??? ? ?????????? ??????????, ???
?? ?????????? ??? ???? ?????? ?????????? ??? ???? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ???? ?????? ??????, ??????, ??? ?????????? ??? ?????????? ??? ?????????? ??????????
??? ??? ?????????? ??? ???? ?? ??????????, ??? ??? PNC, ???, ???????, ??? ??????
????????????? ?????? ??? ?? ?????? ?????????????? (18). ?????????, ??? ?????? ??
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??? ???? ?????????????? ???
????????? ??? ??? ?????????, ??? ?? Starplant, ?????????? ???, ??? ??? ??? ?????? ???
?????????, ? ?????????? ??? PNC ??? ??? ?????????? ?? ?????????? ???????, ??? ???
??? ?????? ??? ??? ??? ??? ???, ??? ? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????????? ??? ?????????????, ??? ??? ?????????? ?????????????? ?????????????? ??? ???
????????????? (19). ?????, ????? ???, ??? ?????????? ???, ? ??? ?????? ??? ???
?????????, ??? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ??? ?????????? ???
????????? ?????????????? ??????????, ?????? ? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ???' ???? (20).

32. ? ??????, ?????????? ???, ??????? ?? ???? ?????????? ??? ?????????? ???, ? ??????????
??? ?????? ?????????? ??? ???? ?????????? ??? ???? ?????????? ??? ?????????? ??? ??????
????????? ????, ??? ?????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????????
????????? ??? ?????? ??? ??????, ?? ?????? ?????????? ?????????? ?? ?? ?????????? ???
????????? ??? ?????????? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
??? ?????????? ?????????? (21).

33. ??? ?????????? ??????????, ?? ??????? ??? ? ?????????? ??? PNC ??? ???
Starplant ?????????????? ??? ?????? ?? «cessão de crédito», ?????? ??? ?????? ??
????????? ?? «????????? ?????????» (22), ??? ?????? ?? ?????????? ?????????? ???
????????? ??? ??????, ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???
? ?????????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ???
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????????? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???????, ??? ??? PNC, ???
????????? ??? ?????????? ???, ? ?????? ??? ???? ?????????? ??? ?????????? ??? ?????? ???
????? ?????? ??? ??????????.

34. ? ??????, ?????, ??? ?????????? ??? ???? ?????????? ??? ???? ?????????? ??? ?????????? ???
? ?????? ??? ???? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ???? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? PNC ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? . ? ?????? ??? ?????? ??? ?????????? ??? ???? ?????? ???
??? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ????
????????? ?? ??? ???? ?????? ?????????? ??? ?????? ?????????? ??? ???? PNC ?????????? ??
????????? ??? ?????????? ?????? (351 619,90 ????) (23), ??????, ??????, ???
????????? ??? ?????????? ?????? ??? ?????????? ??? ???? PNC ?????????? ??
????????? ??? ?????????? ?????? (417 937,12 ????) (24), ??? ?????? ??? ??? 769 000
???? ???????, ?? ??? ?????? (25). ???????, ?????????? ??? ???? PNC ?????????? ????????

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

35. ????????, ??? ? ?????????? ??????????, ??????????, ??? ???, ?? ?????????? ???
????????? ??? ???? ?? ?????????? ??? ?????? ??? PNC, ? ?????????? ?????????? ???
Starplant, ?????? ??????, ?? ?????????? ??? ???, ?????????????? ?? ?????? ???
?????????, ??? ???? ?? ?????? ?????????? ??? ?????? ??? ?? ?????? ??????????, ??? ??????????
?? ?? ??? ?, ??????????????, ?????????, ??? ?????? ?????????? ?????????? ?????????? ???
????????? ??? ?????? ?????? ?????? ??? ??????. ??? ?????? ?????????????? ?????????? ???
?????????, ??? ???? ? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ???,
????????? ??? ?????? ??? ?????????????? ???, ??? ?????????????? ??? ??? ??? ???,
??? ??? ??? ???? ?????? ??? ?????????? ???, ??? ?????? ?? ?????????????? ??? ??????,
????????? ?? ?? ?????? ? ?????????? ?????? ??? ?????? ??? ?????? ??? (27). ????????, ???
?????? ? ???? ?????? ??? ? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ????
??????, ?????????, ??, ???, ??? ????? ?????? ??? ?????????? ?????????, ?????? ??? ?
?? ??? ??? ???? ??? ?????????? ?????? ??????.

36. ??????, ????????, ????, ?? ???? ??, ???, ??? ?????? ??? ?????? ?????? ?????? ???
????????? ? ?????? ????, ?? ?????? ??????, ?? ?????? ??? ?????? ?? ?????? ??? ?????? ??
Starplant ?? ?????? ????, ?? ?????? ??? ?????? ??? ?????? PNC ??? ?????? ?? ?????? ???
??????, ???????, ????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??????, ???????, ????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??????, ???????, ????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
??????, ???????, ????, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????? 14, ???????, 1, ??? ?????? 2006/112 (28). ???????, ??? ?????? ?????? ???, ???
???? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? PNC
????? ?? ?????? ???, ??? ?????? ?? ?? ?? ?????? 2, ?????? 1, ?????? ??, ??? ?? ?? ???
??????, ???????, ??? ?? ?????? ??? ?????? ??? ?????? PNC ?????? ?? ?????? ???
??????, ??? ?????? ???, ??? ?? ?????? ??? ?????? ??? Starplant ?????? ??? (29).

37. ??????????????, ?????????? ???, ????? ??? ??? ?????? ?????? ??? ?????????? ???
???????, ? ?????? ??????, ?? ?? ??? ?????? ???, ?? ?????????????? ?? ??????????
????? ?. ??????????, ?? ??????, ?? ??????????, ?? ?????????? ????? ?????? ?????? ???
????? 24, ?????????? 1, ??? ?????? 2006/112, ? ?????? ?????????? ??? ?????? ???
????????? ??? ??? ?????????? ?????? ??????. ??????????????, ??? ?????????????? ?
????????? ??? ??? ?????????? ??? ? ??????????, ? ?????? ?????? ?? ?????????? ?? ?????????? ???
????????? ?????????? ??? ?????? ?????? ?????? ???, ??? ??? ?????? ??? ?????? 25 ???
?? ??? ??????. ???????, ????? ?????? ?????????????? ??? ? ?? ??? ?????? ??????
????????????? ?? ?????? ??????, ?????? ?????? ?????????????? ??? ? ?? ??? ?????? ??????
??? ???????, ??????? ??? ?????????? ???' ??? ?????? ?????????? (30).

38. ????????????, ????, ?? ??? ?????? ?????????? ? ?? ??? ?????????????????? ??????
??? ?????????? ?????????????? -?????? ?? ? ?????????? ??? ?????????? ?????? ??
??????-, ??? ??? ?????? ??? ? ??????? ?????? ?? ?????????????? ?? ?????????? ?????? ??
????????? ?????? ??? ???? ?????? ??? ?????? 2, ?????????? 1, ?????????? ?, ??? ??????
2006/112, ???, ?? ??? ????????????, ?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ??????
?? ???? 2.

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

39. ? PNC ??????????? ????????, ???' ??????, ???, ??? ??????????? ?????? ???
???????, ??? ?????? ????, ??? ?????? ?? ????????, ??? ? ????????, ????????, ???
???????, ??? «?????????? ??? ??????????????», ????, ??? ?????? ??? ?????? 9, ??????????
1, ?????? ??????, ??? ?????? 2006/112. ?????????? ??? ? ??? ?????? ??? ?????? ???

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

40. ??? ???? ?????, ???, ?????????? ??? ???? ?????????? ??? ???? ?????????? ???, ? PNC
???????? «?????????» ??? ???? ??? ?????? «?? ??? ?????? ???», ??? ???? ???? ?
????? 2006/112 (31), ??? ???? ? ?????????????? ?????????????? ??? ???? ???? ????
????? ??? ???? ?????????? ?????????????? ??? (32).

41. ???????, ??? ?????????? ? ?????????? ??? ???? ??' ?????????? ??????????, ??? ??
????????? ??? ?????????? ?????????? ??? ???? ?????? ??? ?????????? ??? ???? ???? ??
????? ??? ?????????? ?????????? ???, ?? ?????? ?? ?????? ?????????? ?????????? ??? ???? ??
??? ??? ???? ?????????? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ???? ??
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? 9, ?????????? 1,
????? ???, ??? ?????? 2006/112 (33). ?? ???? ?, ???, ??? ???? ???? ???,
????? ??? ? PNC ?????????? ??? ???? ?????? ?????? ???' ?????????, ??? ???? ???? ???? ?
????? ??? ???? ?????? ?????? ?????????? ?? ??? ?????? ?????????? ?????????? ??? ???? ??
????????? ??? ???.

42. ????, ??? ???? ?????????? ?????????? ??? ???? ??????, ??? ???? ???? ???? ???? ?
????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ???? ?????????? ??? PNC ???
????????? ??? ?????? ?????? ?????????? ?????????? ?????????, ?????????? ??? ???? ???? ???? ?
??? ?? ?????????? ??? ?????????? ?????? ??? ?????? ?? ??? ??? ???? ?????? ??????????
??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ???? ??
????????? (34). ??????, ??? ???? ???, ???? ?????? ???, ???? ?????? ?????? ?????? ??? ???? ?
????????? ??? ??? (35).

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

44. ?????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????? ?????????? ?? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ???, ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ??? ???? 135, ?????? 1, ?????? ?? ??? ?, ??? ???? 2006/112.
????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?

2. ?? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? 135, ?????????? 1,
????????? ?? ??? ?, ??? ???? 2006/112

45. ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
??? ???? ???? 2006/112 (????? 3 ??? ???? ???? 4 ????), ?? ???? ???? ???? ?
????? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
(????? 1) ???, ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ?
????????? ??? ???? ???? ???? ???? ???? (????? 2).

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

46. ?????????????? ???, ??? ?????? ??????, ?? ?????????? ???????, ?? ?????????????? ??????? ??? ?????? ??? ?????? ???
?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ??????
135, ?????????? 1, ??? ?????? 2006/112, ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ???
??? ?????? ??? «?????????», ??? «?????????????» ? ??? «?????????» «?????????».
??? ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? PNC ??? ?????? ?????? ??????
??? ?????? (36). ??????, ?? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? ???? ?????? ?????? ??? ?????? ??????.

47. ??????????, ??? ?????? ??????, ??????????, ?????????? ?? ?????? ??? ??????
????????? ??? ??????, ?? ?????????? ??????? ?? ?????????? ?? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?? ?????? ?????????? ??? ??????????, ??? ? ?????? ???
????????? ??? ???? ?????? ?? ?????? ?????????? ??? ?????? ??? ???? ?????? ???
????????? ??????, ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ?????????? ??? ?????? ??? ?????????? ??? ?????? (37).

48. ?? ??????????, ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?
????? ?????????? ?? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???,
????? ??? ? ?????? (38), ??? ? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? ?????? 135, ?????????? 1, ??? ?????? 2006/112, ??? ?????? ?????????? ??
????????????? ??????, ??? ???? ?????? ?? ??? ???? ?????? ??? ?????? ??? ?????? 1,
????????????? ??? ???? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ????
????????? ??? «?????????».

49. ??? ??? ?????? ???, ??? ? ?????? ?????? ?????????? ???, ??? ? ?????? ???, ??? ? ??????
??? ?????????? ?????????? ??? ???? ?????? ??? ???? ?????? ??? ???? ?????? 135, ?????????? 1, ??
????????? ?? ?????? ? ?????????? ?????? ??? ???? ?????? ?????? ?????? ?? ?????????? ???
?? ?????????? ??? ?????????? ??? ???? ?????? ??? ???? ?????? 1 (39). ????????, ??? ???
????????????? ?????????? ?? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
«?????????», ??? ?????? ?????? ??? ?????? ?? ?????? ?? ??? ???? ?????? ???, ??? ???
«?????????», ??? ?????? ?????? ??? ?????? ?? ??? ???? ?????? ?? ?, ? ?????? ??? ?????? ???
????? ?????????? ?? ??? «créditos» ??? ???? ?????? ?? ??? ???? ??? ?????? ???,
????? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ???? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? (40).

50. ??????, ?????? ?? ?????? ?????????? ?????????? ?? ?????????? ?????? ??? ?????????? ???
????? ?????? ?? ?????? 135, ?????????? 1, ??? ?????? 2006/112,
?????, ??? ???? ?????? ???, ?? ?????????? ??? ???? ?????? ?? ??? ???? ?????? 1,
????????? ?? ?????????? ?? ??? ???? ?????? ??? ???? ?????? ?????? ?? ?????? ?? ??? ????
??? ??? ?????? ??????, ??? ???? ?????? ??? ?????? ?????? ??? ???? ?????? ?????? ??? ?????? ???
????????? ??? ??????.

51. ?????????? ??? ???? ?????? ??? ???? ?????? ?????? ?????? ?????????? ??? ???? ??????
????????? ???, ??? ??????, ?? ?????????? ?? ?????? ??? ???? ?????? ??? ???? ?????? ??? ???? ???
??? ?????? 135, ?????????? 1, ??? ?????? ??? ??????, ??????????, «????? [...] ???
??? ?????????? ?? ??? ??????» ??? «?? ?????????? ??? ????» (41), ??????????
????? ?????????? ??????, ??? ???? ??? ?????? ??? ?????? ??? ???? ???, ??? ???? ??????
????? ??? ?????? ?????? (42). ? PNC ?????????? ??? ?????? ??? ???? ??????

????? ?? ??? ??????? ??????????? ??? ?????? ??????? ??? ?????????? ??????????? ??? ?? ??
??? ??????????? ??? ?????? ??? ?????????? ??? ????????. ??????, ?? ?????????? ??? ????? ??
?????? ??? ?????????? ??? ?????????? ??? ??????? ?? ?????? ?????????? ??? ??? ??
????????? ??? ??????? ??? ??????, ??? ?? ??????? ??? ??????? ??? ??????? ??? ??????? ??? ??
(43).

2. ?? ??? ?? ?????????? ??? ??????? ??? ?????? ?? ??? ??????? ??? ?????? 135,
????????? 1, ??????? ?? ??? ?, ??? ?????? 2006/112

52. ??????? ?? ?? ?????????? ??? ?????????? ??? ??? ???????, ??? ?? ???????
????? ??? ?????????? ?? ??? ?? ??? ?????? 135, ?????????? 1, ??? ?????? 2006/112,
????? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
(44).

53. ??????, ??? ?? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????????? ??? ?????? 135,
????????? 1, ??? ?? ??? ?????? ?????? ?????????? ?????????? ?????????? ??? ??????? ???
??????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ???
?? ?????? ??? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??? (45).
?????????, ??? ?? ?????? ?????? ?? ??????? ??? ?? ??? ?????? ?????? ?????????? ?????? ??? ??????
????????? ??? ?? ??? ?????? ?????? ??? ?? ??????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????????? ???
?? ??? ?? ??? ?????? ?????????? ??? ?? ?????????? ???.

54. ???????, ?? ?????????? ??? ?????????????? ??? ?????????? ??? ?? ??? ?? ???
????????????? ??? ?? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? 135, ?????????? 1, ???
?? ?????????? ??? ??????????, ?????????? ??? ?? ?????????? ??? ?????????? ?????? ?????????? ???
?? ?? ?????? ??? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???
????????????? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????????? ??? (46).

55. ??????, ??? ?? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
????????? ?? ??? ?? ??? ?????? 135, ?????????? 1, ??? ?????? 2006/112, ?? ??????????
????? ?? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????, ??? ?? ?????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (47). ?? ??????????
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ??? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (48).

56. ?????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
?? ??? ?????????? ?? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? 135, ?????????? 1.

3. ??? ?? ?????????? ??? ?????? 135, ?????????? 1, ?????? ??, ??? ??????
2006/112

57. ?? ?? ?????????? ??? ??????, ?? ?????? ?????????? ??? ?????? ???' ?????? ??
????????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? «?????????», ???

«?????????????????» ? ??? «?????????????» «?????????», ??? ???? ?????? ??? ?????? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112.

58. ??????????, ????????????, ???, ?????????????? ?????? ??? ?????????????????? ??????????,
?? ?????? ??? ????????????, ??? ?? ?????? ?????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????????? ???
????? ?????? ?? ?????????????????? ?? ?????????? ?????? (49)? ?? ?? ??????, ??
????????????? ?? ?????? ? PNC ??? ?? ?????????? ?????? ?????? ??? ?? ??? ?? ??????
?? ?????? ?? ?????????????? ?? ?????? ?????? ?? «cessão de crédito» (50) ????, ??? ??
????? ???, ??? ??????.

59. ??????????????, ?????????? ???, ??? ?????????????? ?? ??? ???? ?? ?????? ??????????,
??? ?? ?????????? ??? ?????????? (51) ?????????? ?????? ??? ? ?????? ??? ??? ??? ???
????????? ?? ?? ??? ????? 135, ?????????? 1, ?????????? ??, ?????????? «??? ?? ??????
??? ?????? ? ??? ??????? ??? ??????????, ?????? [? ?? ???] ?????????? ?????????? ??
????????? ?? ?? ??? ????? ?????????? ??? ??????????, ??? ??? ?? ?????????? ?? ?? ??? ???
?????????» (52). ?? ?????? ?????????? ?????? ?????? ?? ?????????? ?? ?????????? ??? ? ?? ???
????????? ?????? ?? ?????????? ?????? ?????? ??? ?????????? ?? ?????????? ??? ?????? ???, ???
??? ??? ????? ?????????? (53).

60. ??????????, ?? ?? ??? ?????????????? ?????????? ?????????????? ?? ??? ?? ?????????????
????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ??????.
????????? ?? «?????????, ?? ?????????? ??????, ?????????????? ?????? ?? ?????? ?? ????
????????? ?????????? ?? ?????????? ?????????? ?????????? ?? ?????? ?? ?????????????? ?? ?????? ?? ????
????????» (54). ??????? ?? ?? ?????? ??????????, ?? ?????????? ?????? ?? ?????? ?????? ?? ????
????????? ?? ?????? ?? ?????????????? ?? ?????????????? ?? «?????????
?????????/?????????????/????????? ?? ??? ?????????????? ?????? (?????? ?? ??????????)
?? ??????, ??????? ? ??????????????».

62. ????? ?????? ??? ?????? ??? «?????????????????» ??????????????? ?? ?????? 135,
????????????? 1, ?????????? ??, ??? ?????? 2006/112, ?? ?????????? ??? ?????? ???
????????????? ??? ?????????????? ??? ????? ?????????? ?????? ?????? ?????? ?????? ??????
?????????????, ? ?????? ?????????? ?? ????? ?????????? ?????? ?????? ?????? ?????? ??? ??
????????? ?????? ??? ??? ?????????????????? ??????, ?????? ? ?????? ? ?????? ?????????????? ??
????? ?????????? ?????? ??? ?????? ?????? ?? ?????? ?????? ??? ?????? ?????? ??? (57).
?????? ?? ??? ?????????? ?????????? ??? ? ?????? ??????, ? ?????? ?????? ?????? ???
????????????? ?????? ??? ?????? ?????????? ?????? ?????? ??? ?????? ?????? ???
??? ?????????? ???, ??? ?????????? ?????? ??? ?????? ???.

63. ??????, ??? ?????? ?????? ??? ??????? ??? «?????????????» ?????????? ?????? ?? ?????????? ??,
????????? ??? ?? ?????????? ?????????? ???, ?????????? ?? ??????????, ?
????????????? ??? ?????? ?? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??????. ?
????????????? ?????????? ????????????, ?????? ??? ?? ?????? ???, ??? ? ?????? ???
????????? ?? ?????????? ?? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????, ? ???????? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
???? ??? (58), ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????
?????????????.

64. ????????, ????. ??? ?????? ???? ???. ??? ?????? ????. ? ????????. ??? ????????. ??? ????????.
????????????????????? ????. ????. ??? ?????? «?????????????», ??? ?????????????? ????. ????. ????. ????.
????????????? ????. ????. ????. ????. 135, ?????????? 1, ?????????? ?, ????. ?????????? 2006/112.

4. ??? ??? ?????????? ??? ?????? 135, ?????????? 1, ???????? ??, ??? ??????
2006/112

65. ?????????????? ?????? ??? ?????????????? ??? ?????????? ??? ?????? ??????, ?????? ??
????????? ?? ? ?????????? ??? ?????????? ??? ?????? ??? ?? ?????????? ?? ?????????? ???
????????? ??? ?????????? ??? ??? ??? ??? ?????????? ??? ?????? 135, ?????????? 1,
????????? ??, ??? ?????? 2006/112, ?????? ?????????? ?????? ??? ????? «?????????» ???
??? ?????? ??? ?????????? ???, ??? ??? ??? «????????? ??????????», ? ??? ??????????
??? ??? ??? ?????????? ??? ?? ??? ????? ?????????? ?? in fine.

66. ??? ??????? ????, ?????????? ???, ??????? ?? ??? ????? ??????????????????
????????????? ??? (59), ?? ?????????? ??? ?????????????????? ?????? ???,
????????????? ?? ?????????? ?? ??? ????? ????? ?????????????? ??? ?? ??? ?????? ?? ?
????????? ?? ??? ????? 135, ?????????? 1, ?? ?????? ?? ?????????? ?????? ?? ??????????
????????????? ??? ??? ?????? ?????? ??? ??? ?? ?????????? ??? ?? ??????????, ??? ???? ??
?? ?????????? ??? ????? ????? ?????????????? ??? ????? ?????????????? ??? ??????????
????????????? ??? ?????????????????? ??? ?????????? ??? ?? ?????????????? ??? ?? ???
????????? ?? (60). ?? ??? ??????, ???, ?? ?????????? ??? ??? ????? ?????? ?????? ??????
?? ?????? ??? «?????????» ??? ?????? ??? ?????????? ???.

67. ?????????? ???, ?????? ??? ?? ??????? ??? ??? ????? ?????????? ?? ?????????? ?? ???
????????? 1 ??? ?????????? ?????? ??? ?????????? ?????? ?????????? ?????? ?????? ??? ?? ??
???? «?????????» (61) ??? ?????????????? ??? ?? ????? «????????? ??????» ??? ??
???? ?????? ??? ?????? ??? ??????, ?? ?????? ??? ??? ?????????? ??? ?????? ?????? ???
????????? ?? ?? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????, ?????????? ??? ??
????????? ??? ?????????? ?' ??? ?????? ?????? ?????????? ?????????? (62) ??? ?? ??????
????????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? (63).

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

???????????????, ??? ?????? ??? ??????? ??? ???, ?? ?????? ?????????? ?????????????? ??????????????
???? ???????? ??? ?????? ????????????, ? ???????? ??? ??? ??? ?? ?????????? ?????????????? ??????????
????????????? (64), ??? ?????????? ??? ?????? (65). ?? ??? ??????, ??? ??? ?????? ???,
??? ?????? ?? ??????? ??? ? ?????????? ?????? ?????? ?????? ??? ?????????????? ???
????????? ?????????? ?????????????? ?????????? ?????? ??? ?????????? ?? «?????? [...] ???
????? [...] ?????????» ??? ??? ?????? ??? ?????????? ??.

69. ?? ?? ????????, ??? ?????? ??? ??????? ??? «????????? ??????????» ???
????????? ?? ??????? ?? in fine ??? ?????? 135, ?????????? 1, ??? ?????? 2006/112, ???
?? ???????? ?? ?????????? ??? ?????????? ???, ?????????? ??? ?????????? ??? ?????????? ???
????? ??? ?????????? ??? ?????????? ???, ?????????? ??? ?????? ?? ?????????????? ???
????? ??? ?????? ??? ?????? ??????. ???????, ??? ?????? ?????????? ??? ?????? ???
????? ?????? ??? ?????? ?????? ??? ??????? ??? ?????? ?????????? ??? ?????? ???
????? ???, ?????????????? ??? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ???
????????? ?? ??? ??????? ??? ???????, ?????? ? ?????????? ??? ?????? ???
????? ??? ?????? ??? ?????????? ??? ?????????? (66).

70. ?? ??????????, ??? ?????? ?? ??????? ??? ? ?????? ?????? ??? ?????? ???
????????? ?? ?????? ????????, ?? ??? ?????? ???????, ? ?????????? ???
????????????? ??? ??? ?????????? ???, ??? ??? PNC, ?????? ?????? ??
????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????????????????, ??? ?? Starplant (67), ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ???.

71. ??? ????????, ??? ?????? ?? ??????? ??? ? ??? ?????? 135, ?????????? 1, ???
????? 2006/112 ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ???
????? ??? ?????? ??? ?????? ???.

V. ??????

72. ?????????? ??? ?????? ??? ??????????????, ???????? ??? ?????????? ?? ?????????? ???
????????? ??? ?????? ??? Supremo Tribunal Administrativo (????????? ??????????) ?? ???:

?? ??? 135, ?????????? 1, ??????? ?? ??? ??, ??? ?????? 2006/112/?? ??? ??????????,
?? 28?? ?????? 2006, ??????? ?? ?? ?????? ?????? ?????? ?????? ?????????????? ???,
????? ?? ?????????? ??? ??? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ?????? ?????????? ???
?? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?? ?????? ?????? ?????????? ???
????????? ??? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ??
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
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1 ?????? ??? ??????????: ? ??????.

2 ?????? ??? ??????????, ??? 28?? ?????? 2006, ?????? ?? ?? ?????? ?????? ???
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3 ??? ?????? ??? ??????????, ??? 17?? ?????? 1977, ??? ?????????? ??? ?????? ???
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????????????? ?????: ?????????? ?????????? ??? (?? ??. ???. 09/001, ?. 49, ??? ????: ??? ??????).

4 ??????????? ?? ???? 135, ?????????? 1, ??????? ?? ??? ?, ??????????? ?? ??? ?????', ???' ??????, ?????????? ??? ?????????? ??? ?????????? ??? ?? ??? 13, ?, ??????? ??, ?????? 1 ??? 6 ???????????, ??? ?????? ?????? (??., ??????, ??????? ?? 25?? ?????? 2018, DPAS, C?5/17, EU:C:2018:592, ??? 4).

5 ?? ???? ????? ?? ??? ?????????? ???????????, ??., ??????, ??????? ?? 8?? ??????? 2012,
????????? ???. ?????????????? (C-524/10, EU:C:2012:129, ????? 14).

6 ? ?????????? ?????????????? ?? ????: 125 000 ??? (????????? ??????????) + 26 250 ??? (??? ??? ??? ??????????) + 19 609,62 ??? (????? ???????????).

7 ??? ???. ?????? ??????? ?????. ?????????? ???. ???. ???. ???. ?????????? ?????? ???. 70 % ???.
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8 ??????? ?? ??? ?????? ?????? ??? ????????, ? ?????? ?????????????? ??? ??????????
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PNC ??????? ?? ?????? ?? ??? ?????? ?????????? ?????????? ???/?? ?? ?????? ?????? ??? ??????
??? ?????? ?? ?? Starplant, ??? ? ?????????? ?????????? ??? ?? ?????? ??? ?????? ????.

9 ?? ??????? ??????????? ?? ????: 351 619,90 ??? (?????????? ?? ?? Starplant
?????) – 125 000 ??? (???????? ?? ????????) – 26 250 ??? (?? ??? ?? ?? ??????????).

10 ? ??? ???????????? ?? ????: 351 619,90 ??? (?????????? ?? ?? Starplant ??????) x 21 %.

11 ?????????? ??? ? ??????? ?? ???? ?????? ?????? ?????? ?????? ?????????????? ?? ?????????? ???
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????????? ??? ??? ? PNC ??? ?? ??????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

12 ? PNC ??????????? ??? ???????? ??? 15?? ??????? 1989, Stichting Uitvoering Financiële ActiesStichting Uitvoering Financiële Acties (348/87, EU:C:1989:246), ??? 27?? ???????? 1993, Muys' en De Winter's Bouw- en AannemingsbedrijfMuys' en De Winter's Bouw- en Aannemingsbedrijf (C-281/91, EU:C:1993:855), ??? ??? 21?? ?????? 2007, Ludwig (C-453/05, EU:C:2007:369).

13 ????? ?????? ??????????, ??? ??????? ?????????? ?????????????? ?????????? ??
????????? ??? ?????? ?? ??????? ?? ?????? ??? ?????? ?????????? ??? ?? ?????? ???
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????????? ?? ?????? (??., ????, ??????? ?? 5?? ?????? 2014, Mahdi, C-146/14 PPU,
EU:C:2014:1320, ?????? 78 ?? 80, ?????? ?? ?? 7?? ?????? 2018, C-329/17, Prenninger
?.., EU:C:2018:640, ?????? 27).

14 ??., ??????, ?????? 19 ??? ??????? ?????????.

15 ?? ??? ??????? ?????????????? ???, ? ???????? ?????????? ??? ? ??????? ???
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16 ?? ???? ???. ?????????? ?????? ???. ???. ?????? ???. ???. ?????? 51 ???
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17 ??????? ?? 27?? ?????????? 2011 (C-93/10, EU:C:2011:700).

18 ?????????????? ??? ? PNC ?????? ?? ??? ??? ??? ?????????? ??? ??? ??? ?????????? ?????? ??? (???. ?????? 33 ??).

19 ????? ???. ?????????????? ???. ?????????????? ???. ??????????????, ? ????????
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20 ????? ???. ????????, «? ?????????? [??] ????. ????? ???. ????. ????????, ???. ??????????
???? ??????????, ????. ?????????? ????. ???. ????. ????. ?????????? ?????????? ????. ?????????? »..
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PNC ??????. ?????????? ????. ????. ?????? ????. ?????????? ? Starplant.

21 ??., ?????, ?????????? ??? 12?? ??????? 2012, J.J. Komen en Zonen Beheer
HeerhugowaardJ.J. Komen en Zonen Beheer HeerhugowaardJ.J. Komen en Zonen Beheer
HeerhugowaardJ.J. Komen en Zonen Beheer HeerhugowaardJ.J. Komen en Zonen Beheer
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HeerhugowaardJ.J. Komen en Zonen Beheer HeerhugowaardJ.J. Komen en Zonen Beheer
HeerhugowaardJ.J. Komen en Zonen Beheer HeerhugowaardJ.J. Komen en Zonen Beheer
Heerhugowaard (C?326/11, EU:C:2012:461, ???? 33), ??? 22?? ??????????? 2018, T-2T-2 (C-
396/16, EU:C:2018:109, ???? 43), ??? 22?? ??????????? 2018, MEO Serviços de Comunicações
e MultimédiaMEO Serviços de Comunicações e MultimédiaMEO Serviços de Comunicações e
MultimédiaMEO Serviços de Comunicações e MultimédiaMEO Serviços de Comunicações e
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22 ??????? ?? ?? ?????????? ??????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? «credito»,
??, ?????? 49 ??? ??????? ??????????.

23 ??? ????? ??????? ?????? ?????????? ?????????? ???? ?????? ???? ?????? ???? ?????? ???? ??????
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24 ????? ??' ??????????? ????????, ? PNC ??????? ??? ? Starplant ?? ?????????? ??
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25 ? ??????? ?? ??????? ? Starplant, ????, ?? ??????? ???, ??????????? ?? ??? ???????????
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?????????), ??? ??????? ?? ??????? ??????????? ?????? ??????????? ???????.

26 ??, ?????? 18 ??, ??? ??????? ??????????

27 ??., ????, ???????, ??? 10?? ??????? 2011, Bog ???. (C-497/09, C-499/09, C?501/09
??? C?502/09, EU:C:2011:135, ??????? 53 ??.), ??? 18?? ??????? 2018, Volkswagen
Financial Services (UK)Volkswagen Financial Services (UK)Volkswagen Financial Services
(UK)Volkswagen Financial Services (UK)Volkswagen Financial Services (UK)Volkswagen
Financial Services (UK)Volkswagen Financial Services (UK)Volkswagen Financial Services (UK)
(C-153/17, EU:C:2018:845, ??????? 30 ??.), ????? ???. ??? 28 ??????????? 2019, Sequeira
MesquitaSequeira MesquitaSequeira Mesquita (C-278/18, EU:C:2019:160, ??????? 30 ??.).

28 ????? ?????? ???????????, ? ??????? ??? «????????????? ??????» ??? ? ???? ?????? ??????? ???.
?????????? ???. ??????????? ???. ????? ??????????? ???. ??? ??????????? ???. ??? ??????????? ???.
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Shipping and Forwarding Enterprise SafeShipping and Forwarding Enterprise SafeShipping and
Forwarding Enterprise SafeShipping and Forwarding Enterprise SafeShipping and Forwarding Enterprise
SafeShipping and Forwarding Enterprise SafeShipping and Forwarding Enterprise Safe, C-320/88,
EU:C:1990:61, ??????? 7 ??? 9, ??? 3?? ??????????? 2015, Fast Bunkering Klaip?daFast
Bunkering Klaip?daFast Bunkering Klaip?daFast Bunkering Klaip?daFast Bunkering Klaip?daFast
Bunkering Klaip?daFast Bunkering Klaip?da, C-526/13, EU:C:2015:536, ????? 51, ????? ??? ???
19?? ??????????? 2018, AREX CZAREX CZAREX CZ, C-414/17, EU:C:2018:1027, ????? 75).

29 ??? ?? ?????????? ??? ?????????? ?????????? ??? ? ?????????? ??? ?????? «??
????????? ????, ????, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???,
????????? ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???,
????????? ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???,
????????? ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???,
????????? ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???, ???,
????????? 2013, Dixons RetailDixons RetailDixons Retail, C-494/12, EU:C:2013:758, ??? 32,
??? 11?? ??? 2017, Posnania InvestmentPosnania InvestmentPosnania Investment, C-36/16,
EU:C:2017:361. ????? 31. ????? ??? ??? 13?? ?????? 2018. Gmina Wroc?awGmina

Wrocław Gmina Wrocław, C-665/16, EU:C:2018:431, ???? 43).

30 ??? ?? ?????????? ??? ??????????? ?????????? ??? ? ?????? ?????????? «?? ??????? ??????», ???? ??? ?????? ??? ?? ??? ?????????? ??, ?????? ?????? ?????? ?????? ?????? ?????????????? ?????? ??? ?????????????? ?????? ??? ?????????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (??., ????, ???????? ??? 29?? ???????? 2015, SaudaçorSaudaçorSaudaçor, C-174/14, EU:C:2015:733, ??? 32, ??? 5?? ?????? 2018, Marcandi, C-544/16, EU:C:2018:540, ?????? 36 ??? 37).

31 ??????????????, ?? ?????? 2, ??????????? 1, ?????????? ?? ??? ?, ??? ?? ?????? 9,
?????????? 1, ?????? ??????, ?????.

32 ?? ????????, ????, ?? ?? ?????????? ??????????, ??? ? ??????????? ??? ?? ?????????????? ??? ??
????????????? ??? ?? ?????????? ??? (??., ????, ?????????? ?? 4?? ?????????? 1995,
Armbrecht, C-291/92, EU:C:1995:304, ??????? 16 ??., ?????? ??? ?? 9?? ??????? 2015,
Trgovina PrizmaTrgovina PrizmaTrgovina Prizma, C-331/14, EU:C:2015:456, ??????? 18 ??.).

33 ???. ??????? ???. 13?? ???. 2013, Kostov (C-62/12, EU:C:2013:391, ??????? 27 ??.),
????? ???. ?????????? ???. ??????? ?????????? J. Kokott ????. ?????? Posnania
InvestmentPosnania InvestmentPosnania Investment (C-36/16, EU:C:2017:134, ?????? 33 ??.),
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35 ??., ???' ??????????, ?????????? ?? 12?? ?????????? 2006, Optigen ?.?. (C?354/03, C-355/03 ??? C-484/03, EU:C:2006:16, ??????? 42 ??.), ????? ?? 8?? ?????????? 2018, C&D Foods AcquisitionC&D Foods AcquisitionC&D Foods AcquisitionC&D Foods AcquisitionC&D Foods AcquisitionC&D Foods AcquisitionC&D Foods Acquisition (C-502/17, EU:C:2018:888, ??????? 35 ??.).

36 ???.?????? 22 ??? ?????????? ???????????.

37 ??., ?????, ?????????? ??? 22?? ?????????? 2015, Impresa Edilux ??? SICEFImpresa Edilux ??? SICEF (C-425/14, EU:C:2015:721, ????? 20), ????? ??? ??? 19?? ?????????? 2018, AREX CZAREX CZAREX CZ (C-414/17, EU:C:2018:1027, ?????? 34 ??? 35).

38 ????? ??????? ?????????????? ????, ? PNC ??? ? ?????????????? ?????????? ??????????
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??? ??????? 2006/112. ??????, ??????? ??? ? ? ?????????? ?? ? ??????????????, ??? ???? ??'
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39 ?? ?????? ?? ???????, ?? ?????? ?? ??????????? ??? ?? ???? ??????? ?????????? ???
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????????? ??? (??., ????, ????????, ??? 22?? ????????, 2015, Hedqvist, C-264/14,
EU:C:2015:718, ??? 47, ??? 25?? ????????, 2018, Tänzer & TrasperTänzer &
TrasperTänzer & TrasperTänzer & Trasper, C-462/17, EU:C:2018:866, ???
20).

40 ? ??????? ??????????????? ???, ??? ??????????? ??????? ??? ?????? 135,
?????????? 1, ??? ??????? 2006/112, ? ??? «créditos» (???, «?????????»)
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??????, «?????????») ??????????? ??? ?? ??????? ??, ?????? ??? ??????? ?? ?????
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????????? (????? ??? ?? ??????? ??? ??????? ??? ?? ???????), ? ??? ??
?????????? ??? ??? «créditos» ??????????????? ??? ?????????? ?? ??? ??, ??? ??, ??? ??, ???
??? ??????????? ??? ??? «dívidas» ??????????????? ??? ?????????? ??.

41 ????? ?????? ?? ?? ?? ?????? ?? ?????????? ?? ?? ??? ??????????? ?????? ???
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?????????? ?? ??? ???????, ? ????? ??????????????? ??? ?? ??? ?????? ??????????? ??
?? ???», ??? ??? «????????? ??????? ??? ??????????».

42 ??? ??????? ?????????? ??? ??? ?????? Blasi (C-346/95, EU:C:1997:432, ???
15), ? ??????? ??????????? F. G. Jacobs ??????????? ???, «[?]???? ??? [?????] ???????, ?
????????? ??? ? ?????????? ??????? ?????????? ?????????? ???' ????? ??? ??? ??? ????,
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??????????, ?? ???????, ??? ???????????????, ?????? ?? ??????? ?????????? ?????????? ???
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43 ?????????? ??? ?????????? ???????????, ????, ??? ?????????? ??? 17?? ??????????
2013, Woningstichting MaasdrielWoningstichting MaasdrielWoningstichting Maasdriel (C-543/11,
EU:C:2013:20, ??????? 22 ??? 36), ??? ??? 13?? ??????? 2018, Polfarmex (C-421/17,
EU:C:2018:432, ??? 43), ????? ??? ??? ??????? ??? ?????? ?????????? ?. Bobek ???
?????? KPC HerningKPC HerningKPC Herning (C-71/18, EU:C:2019:226, ??? 23 ??.).

44 ????? ?????? ?? ?????????? ??? ??????????? ??????? ?? ?? ?????????? ??? ?????
?????? ??? ?????? ?????????? ???????????, ??? ?? ??? 13, ?, ??????? ??, ?????? 1 ??
6, ??? ??????? ????, ??? ??????? ??? ??? ?????? ??? ?????? 135, ?????????? 1,
????????? ?? ??? ??, ??? ??????? 2006/112 (??, ??????? ?? 26?? ?????? 2016, Bookit, C-
607/14, EU:C:2016:355, ??? 32, ??? ??? 26?? ?????? 2016, National Exhibition
CentreNational Exhibition CentreNational Exhibition CentreNational Exhibition Centre
Exhibition Centre, C-130/15, ?? ???????????, EU:C:2016:357, ??? 27).

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46 ??., ????, ?????, ?????????? ??? 28?? ?????????? 2010, Axa UKAxa UKAxa UK (C-175/09, EU:C:2010:646, ????? 25), ??? 16?? ?????????? 2017, Kozuba Premium SelectionKozuba Premium SelectionKozuba Premium SelectionKozuba Premium SelectionKozuba Premium Selection (C-308/16, EU:C:2017:869, ??????? 39 ??? 45), ??? 25?? ?????? 2018, DPAS (C?5/17, EU:C:2018:592, ????? 29), ????? ??? ??? 19?? ?????????? 2018, Mailat (C-17/18, EU:C:2018:1038, ????? 37).

47 ??., ????, ?????, ?????????? ??? 19?? ???????? 2007, Velvet & Steel ImmobilienVelvet & Steel ImmobilienVelvet & Steel ImmobilienVelvet & Steel ImmobilienVelvet & Steel Immobilien (C?455/05, EU:C:2007:232, ?????? 21 ??.), ??? 22?? ?????????? 2009, Swiss Re Germany HoldingSwiss Re Germany Holding (C?242/08, EU:C:2009:647, ??????? 44 ??.), ??? 28?? ?????????? 2010, Axa UKAxa UKAxa UK (C-175/09, EU:C:2010:646, ??????? 26 ??.), ??? 22?? ?????????? 2015, Hedqvist (C-264/14C-264/14, EU:C:2015:718EU:C:2015:718EU:C:2015:718EU:C:2015:718, ??????? 37 ??.), ??? 26?? ?????? 2016, Bookit (C-607/14, EU:C:2016:355, ??????? 36 ??? 54), ????? ??? ??? 25?? ?????? 2018, DPAS (C-5/17, EU:C:2018:592, ??????? 31 ??? 45).

48 ??., ????, ?????, ?????????? ??? 19?? ???????? 2007, Velvet & Steel ImmobilienVelvet & Steel ImmobilienVelvet & Steel ImmobilienVelvet & Steel ImmobilienVelvet & Steel Immobilien (C?455/05, EU:C:2007:232, ????? 24), ??? 26?? ?????? 2016, Bookit (C-607/14, EU:C:2016:355, ????? 55), ????? ??? ??? 25?? ?????? 2018, DPAS (C-5/17, EU:C:2018:592, ????? 46).

49 ???. ?????? 53 ??? ??????? ??????????.

50 ????? ?????? ??? ??????? ?????????? ??? ?? ??? ????? ?????????????? ??? ?? ?????? ?? ??? ?????? ??? ?? ?????? ??? ?????? ??? ??????? ??? ?????? ???, ?? . ?????? 33 ??? ??????? ??????????.

51 ??., ????, ?????, ??????? ??? 21?? ?????? 2007, Ludwig (C-453/05, EU:C:2007:369, ????, 25).

52 ??., ??????, ?????????? ??? ?????????????? ??? ?????????????? 47 ??? ?????????? ??????????.

53 ??????? ??? ? ?? ??????? ?? ?????????? ? ?????????????? ? ?????????????? ??????? ??? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

54 ?????? «??? ?????????? ??? ?? ?????????? ?????????? ?????????? ?????????? ??????» ????? «??? ?? ?????????? ??? ?????? ??? ?????? ?????? ?????? [????? ???] ?????????????? ??? ?????????? ??? ?????? ?????? ?????? ??????».

55 ??., ??? ???????????, ?? ??????? ??? ?????? ??? ??????? ??? ??????? ??? ??????? ??? 29??
????????? 2004, EDM (C-77/01, EU:C:2004:243), ??????? ??? 7?? ??????? 2010, Curia (C-
381/09, ?? ???????????????, EU:C:2010:406), ????? ??? ??????? ??? 8?? ??????????? 2016,
Stock '94 Stock '94 (C?208/15, EU:C:2016:936).

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58 ? ?????????? ??????????, ??? ??? ?? ?????, ??? ??????? ??? 19?? ??????? 2012,
Deutsche BankDeutsche BankDeutsche Bank (C-44/11, EU:C:2012:484, ??????? 23 ??? 24), ?
????? ????. ?????? ?????? ?????????? ?????????????? ?????????? ?? ?????? (?????????
?????????????).

59 ??, ?????? 53 ??, ??? ?????????? ??????????.

60 ??., ????, ??????? ?? 22?? ??????? 2009, Swiss Re Germany HoldingSwiss Re Germany Holding (C?242/08, EU:C:2009:647, ??????? 45 ??.), ??? 22?? ??????? 2015, Hedqvist (C?264/14, EU:C:2015:718, ??????? 38 ??.), ??? 26?? ????? 2016, National Exhibition CentreNational Exhibition CentreNational Exhibition CentreNational Exhibition CentreNational Exhibition Centre (C-130/15, ?? ??????????????, EU:C:2016:357, ??????? 34 ??.), ????? ??? ??? 25?? ??????? 2018, DPAS (C-5/17, EU:C:2018:592, ????? 36).

61 ?????? ?????? ??? ?? ?????? 9, ??????????? 27, ???????? c, ??? ?????? ??? ??? ?? ????:
«as operações [...] relativas a [...] transferênciasrecebimentos [...]» ??? ??? ? ??????????
??????? ??? ?????? 135, ?????????? 1, ???????? ??, ??? ?????? 2006/112 ????:
«[a]s operações [...] relativas a [...] transferênciascréditos [...]» (?????? ?????????????? ???
?????, ?? ?????? ?????? ?? ???????????, ? ?????? ?? «?????????» ??? ? ?????? ??
«?????????»).

62 ??????? ?? ?? ?????????? ?? ?????????? ?? ?????? 53 ?? ??????? ??????????.
63 ??? ?? ??' ??????????? ????????, ? ??????????? ?????????? ?????????? ??? ??
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«?????????», ?? ?? ?? ?????????? ?? ?? «????????» ?? ?????????????? ?? ?? ??
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?? ?? ?? ???????????, ?? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ??
?????? ?? ?? ???.
64 ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ?? Starplant ?? ?? ??
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?? ??, ?? ?? ?? ?? ?????????? ?????????? ?? ?? ?? ?? ?????????? ?? ?? ?????????? ?? ??
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?????? ?????????? ?? ?? PNC (??., ?? ??, ?? ?? 34 ?? ?? ??????? ?? ???????).
65 ?????????? ?? ?? ?? ?????????? ?? ?? ?? ?????????? ?? ?? ?????????? ?? ??
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????????? ?? ?? ?? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? PNC (??.
?????? 16 ?? ?? ??????? ?? ???????).
66 ??., ?? ??, ?? ??????? ?? ?? 26?? ?? 2003, MKG-Kraftfahrzeuge-FactoringMKG-
Kraftfahrzeuge-FactoringMKG-Kraftfahrzeuge-FactoringMKG-Kraftfahrzeuge-FactoringMKG-
Kraftfahrzeuge-Factoring (C?305/01, EU:C:2003:377, ?????? 49, 58 ?? 72 ?? 80), ?????? ??
?? 28?? ?? 2010, Axa UKAxa UKAxa UK (C-175/09, EU:C:2010:646, ?????? 29 ??
36).
67 ??? ??????? ??????????? ?? ?? ??????? ?? ??????? ??, ?? ?????????? ?? ???????, ?
Starplant ?? ???????, ???????, ?? ?????????? ?? ?????????? ?? ?????????? ?? ?? ?? ??
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????????? ?? ?? ?? ?????????? ?? ?? ?? Starplant ??????? ?? ?????????? ?? ?????????? ?? ??
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