

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

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

JULIANE KOKOTT

??? 17?? ?????????? 2019 (1)

?????? C?712/17

EN.SA. Srl

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Agenzia delle Entrate – Direzione Regionale Lombardia Ufficio Contenzioso

[?????? ??? Commissione Tributaria Regionale per la Lombardia (????????????? ??????????? ??????????? ??????????? ???????????, ??????) ??? ??? ????? ?????????????? ??????????]»

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

I. ????????

1. ? ?????????????? ??????? ?????? ??? ??? ?????? ??? (2) ?? ?????? ??? «?????????????
?????????» ??? ?????????? ????. ?? ??? ??????, ?? ?????????? ?????? ??????????
?????? ?? ??? ?????? ??? ?????? ?????? ?? ??? ????: ?? ?????????? ?????????? (??? ?
?????????????) ??????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ? ??????
????????????? ??? ?????? ?????? ??????????????, ??? ?????? ?????? ?????? ? ?????? ?? ?????????? ???
?? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ???.(3)

2. ?????????? ?????????? ? ??????? ?????????? (?) ?????????? ??? ??????????????
????????? ??? ?? ???? ?? ?????? ??? ?????????? ??? ??????) ?????? ??? ??? ??????????????
??? ??? ??? ?????????????? ? ?????????? ?????? ?????? ??? ??? ???, ?????????????? ???
????? ??? ??? ?????? ?????? ??? ?????? ?????????? ??????; ?????? ??? ??????????????
????????? ?? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ?????? -?? ???
????????? ?????? ?????? ?????? - ?? «?????????» ?????? ??? ?????????? ??? ???, ??
??? ?????? ?????????? ?? ??? ??? ?????????? ?????????? ??? ???, ??? ??????????
???? ?????????? ??? ?????????? ?????????? ???, ?????????? ?????? ?????????? ??????
????????? ??? 100 % ??? ??? ??? ??? ?????????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ??????;

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

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

3. ??? ?????? ?? ?????? ??? ??????, ?? ?????? ?????? ??? ??? ?????? ??????
????????? ? ?????? 2006/112/?? ??? ??????????, ??? 28?? ?????????? 2006, ??????? ?? ??
????? ?????? ?????? ?????????????? ??? (4) (??? ????: ?????? ????).

4. ?? ????? 168, ?????????? 1, ?????? ?!, ??? ?? ??? ?????? ?????? ????:

«[1.] ??? ?????? ??? ?? ?????? ??? ?? ?????????? ?????????????? ??? ??? ?????? ???
????????????? ???, ? ?????????? ??? ?????? ??? ?? ??????????, ??? ??????
????? ??? ?????? ?????????????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????????????? ???
????????? ???:

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

5. ?? ????? 203 ??? ?????? ??? ?????? ????:

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

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

6. ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????
????????? ?????????.

7. ?? ????? 19 ??? ?????????? ?????????? 633/72 ??? 26?? ?????????? 1972 (??? ????:
????????? ?????? 633/72) ?????? ??? «??? ?? ??? ?????? ??? ?????? ??? ??? ?????? ???
????????????? ? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ??? ?????????????? ? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ???».

8. ????????, ?? ????? 21, ?????????? 7, ??? ?????????? ?????????? 633/72 ??????
??? «?? ?????????? ?????????? ??? ?????????? ?????? ?????????? ??? ??? ?????? ??? ?????? ???
????????? ? ?? ?????? ?????? ?????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????????? ???, ?
????? ?????????? ??? ?? ?????? ??? ?????? ?????????? ?????? ??? ??? ?????? ??? ?????????? ???
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???».

9. ????? ??? ?????????? ??? ??? ?????? ????? ?????? ??? ?????????????? ?????????? ???
????????????? ?? ??? ? ?? ??????, ? ???????????, ??????? ?? ?? ?????? 26 ??? ??????????
????????? 633/72, ??? ??????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???,
???? ??????? ?? ?????????? ??? ??? ?????? ?????? ??? ?? ?????? ?? ?????? ?? ?????? ???,
??? ?? ?????? ?? ?????? ??? ?????? ? ??? ?? ?????????? ??? ??? ?????????? ??? ?????? ???,
??? ??????????, ??? ?????? ??? ??????????.

10. ??? ?? ?????? ??????????, ?? ??? 6, ?????????? 6, ??? ?????????? ??????????
471 ??? 18?? ?????????? 1997 (????????? ?? ?????????? ??? ?????????? ??? ?????????? ???
??? ?????????? ??? ??? ?????????? ??? ??????????) ?????? ??? ?????????? ???
????????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
??? ?????? ??? ??? ??????????.

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

11. ??? ?? ?????????? ??? ?? ?????? ??????????, ? ?????? ??? ?????? ???
????????????? ?? ???:

12. ? ?????????? ??? ?????????? ??? ?????? ??? (EN.SA S.r.l., ??? ???: EN.SA)
????????????? ??? ?????? ??? ?????? ?????????? ??????????, ?? ?? ??????????
????????? ??? ?????????????? ??? ?????????? ?????????? ?????????? ?????????? ???
????????????? ??? ?????? ??? Piattaforma dei Conti Energia (????????? ??????????
?????????).

13. ??? ?????? ???, ??? ?? ?????????? ??? 2009 ??? 2010 ? EN.SA ?????? ???
????? ?????????? ?????????? ?? ?????? ??? ?????? ?????????? «Green Network», ??
????? ?????????? ??? «?????» ??? ??? ?????? ?????? ?????? ????. ??? ??????????
????? ?? ?????????? ?????????? ??? ?????? ???, ?????????? ???, ?????????? ?? ???
??? ?? ?????????? ??????.

14. ??? ??? ?????????? ?? ? EN.SA ?????? ??? ?????? ??? ?????? ?????????? «Green
Network» ? ?????? ?????????? ??????????. ??? ??? ?????? ?????? ?????????? ?? ? EN.SA
????????? ?? ??? ?????? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?????????? ???
????? ??? ???, ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ????. ? ??????????
????? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ???
????? ??? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? (??? ????)
????????? ?? ?????????? ?????? ??? ?????????? ? EN.SA, ??????, ?? ??????.

15. ??????, ??? ?????? ?????? ??? ?????? ??? ? ?????????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ???
????????? ??? ?????? ???, ? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ??? ?????? ?????? ???, ??? ?????? ???, ??? ?????? ???, ??? ??????????
????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? «?????».
????????? ??? ?????????? ??? ??????, ?? ?????? ?????????? ?????? ??? ?????? ???
????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 2009 ???
2010 ?????? ?? ?????????? ??????????.

16. ?? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ?????? ??? EN.SA ??? ?????????? ???
????????? ?? ?????? ??? ?????? (????? ?????? ??? ?????? ?????? ?????????? ????)
??? ??? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????

?????? (???? ?????? EN.SA ?????? ?????????? ????????) ?????????? ??? ?????? ?????? ??????,
????? ??? ???????? ??? EN.SA ? ??? ?????????? ????????. ??? ?????? ??? ??????????
?? ???????? ?????????? ?????? (????????? ???, ?????? ??? ???????) ??? 47 618
491,00 ??? ?? 2009 ?? 22 001 078,00 ??? ?? 2010.

17. ? EN.SA ?????? ???????? ??? ?????? ??? ??????? ??????, ??? ?????? ???????? ?
Commissione Tributaria Provinciale di Milano (????????? ?????????? ?????????? ???????,
?????). ?? ?????? ?????????? ??????? ?? ??????? ?? ?????? ??? ?????? ??? ?????? ?
EN.SA

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

18. ?? ?????? ??? 9?? ?????????? 2017, ? ?????? ?????????? ??? ?????????? ??? 20
????????? 2017, ? Commissione Tributaria Regionale per la Lombardia (?????????????
????????? ?????????? ??????????, ?????) ?????? ??? ?????????? ?????? ??? ??????
267 ??? ?? ??????? ??????? ??? ??? ?????? ?????????? ?????????? ??????:

«??????, ?? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ?????????? ???
?????????????, ? ?????? ???????, ??? ?????????? ??? ??? ?????????? ??? ?????????? ???
??? 21, ?????????? 7 (????????? ??? ??????????), ??? ?????????? ?????????? 633 ???
26?? ?????????? 1972 ??? ??? ?????? 6, ?????????? 6, ??? ?????????? ?????????? 471
??? 18?? ?????????? 1997 (????????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ??? ?????????? ??? ??????????), ?? ??? ?????????? ??? ?????? ???
?? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ????:

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

?) ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????????? (?? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???

?) ??? ?????? ?????????? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??????;»

19. ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

V. ???????

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

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

21. ??????, ??? ??? ?????????? ?????????? ?????????? ??? ?????????? ???

? ?????? ? ?????????? ?? ?????????? ??? ??????? (????? ??????????????) ??????????. ?????? ??
????????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????????? ??????, ??? ?????? ??? ?????? ??? ?????? (????? ?????? ??? ??
????????? ??????) ?????????? ?????? ??? ?? ??? ?????? ??????, ??? ??????????
????????? ?????????? ??? ?? ???????. ??? ?? ?? ??? ?????? ?????? ??? ?? ?? ??? ??????????
????????? ??? ?????????? ????????????, ??? ?? ?????? ??? ?????? ??? ?? ?? ??? ??????????????
????? ??? ? ?????????? ?????????? ?????????? ?? ?????? ?????? ?????? ??? ?? ?? ??? ??????
????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ?????????? (5). ?? ??????
????? ?? ?????? ??? ? ?????????? ?????? ?????? ?????? ?????? ?? ?????? ?? ??????????
????????? ??? ?????????? ?????????? ?????? ??? ?????? ??? ?? ?????? ??? ?? ?? ??????????
(?????????????) ?????????? ?????????? ?????????? ?????????? ?????? ?????? ?????? ??????,, ??
????????? ??? ?????????? ?????????? ?????? ??? ?????? ?????????? ?????? ?????? ??????.

22. ??? ??? ??? ?????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?????????? ??
????????? ?????????? ??? ?????? ?????? ???????. ?? ?????? ?? ??? ?? ??? ?????????? ??
????? ?? ?????? –?? ?? ?????? ??? ?????? ?? ?????????? ?? ?????????? – ?? ?????? ??
????????? ??? ?????????? ?????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ?????????? ??? ??, ??????????.

2. ???????

23. ?? ?????????? ?????? ??? ?????? ??????????, ??????, ?????? ?????? ??????, ???
????? ?? ?????? ??????????. ??? ??????, ?? ?????? ?????????? ??????, ???' ??????, ??
????????????? ?? ??? ?? ?????? 168 ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??
????????? ?????? ??? ?????????? ?? ?????????? ?????? ?????? ?????? ?????? ?? ??? ??
????????????? ? ?????? ??? ?????? (????????? ??? 1). ??? ??????????, ?? ??????
????????? ???, ?? ?????, ?? ?????????????? ?? ??? ?? ?????? 203 ??? ?????? ??? ??
????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????????? ?????????? (??
????????? ? ?????????? ?????????? ?????? ?????? ?????? ?????? (????????? ???
2). ??? ??????, ?? ?????? ?????????? ???, ???' ??????, ?? ?????????????? ?? ?? ?? ??
????? ?????????? ?????? ?????? ?? ??? ?? ?????? ?????????????? ? ?????? ?????? ?????? ??
????????? ??? ??? ??? ?? ?????????? ??? (????????? ??? 3).

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

24. ?? ?????? 168 ??? ?????? ??? ?????? ?????? ?????? ?????????????? ??????????
????????? ??? ??? ?????? ??? ?????????? ?????? ???????????. ??????????,, ? ??????????????
?????, ??? ?????? ?? ?????????????? ? ?????? ?????????? ???, ??????, ?????? ?? ??????
????? ??? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? 15, ?????????? 1,
??? ?????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???.

25. ???????, ? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????? ??????????
????????? (6). ??? ???????, ??? ?????? ?????? ? ?????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ?????? (7).

26. ?????????????????????????? ?? ?????????? ???, ?????????????????????????? ?????? ? ?????????? ???
? ??????, ??? ??? ?????????? ?????? ?????? ?????????? ?????????? ?????? ?????? ??? ?????? 203
??? ?????? ???, ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????????? ??? ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (8).

27. ?? ?? ??????, ? EN.SA ??? ?????????? ?? ?????? ??? ?????? ?????? ??? ?? ??????
????????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????? ??????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? . ?? ?????? 168 ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??????.

28. ??????, ??? ?????????????? ??????????, ?????????? ?????????????? ?????????? ??? ??????,
??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????????.

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

29. ?? ??????, ?????? ?? ?????????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??????
-? ???? ??? ?????????? ?????? ?????? ?????? ?????? - ?????? ?? ?????????? ?????? ??????
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? . ??? ?????? ????
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ???? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ???? ??? ?????? ?????? ?????? ?????? ?????? ?????? (????? 2, ?????????? 1 -
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???
????????? ???).

1) ?????????? ?????? ?????? ?????? ?????????? ?? ?????? ?????? ?????? ??????????????
?????????

30. ?????? ???? ??? ?????????? ?? ?????? ?????? ?????? ?????? ?????? 193 ??? 203 ???
????????? ????. ?? ?????? 193 ???? ?? ?????? ?????? ?????? ?????? ???? ??? ?????? ?????? ???'
????? ???? ??? ?????????? ???? ???? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?????. ???? ?? ?????? ?????????? , ??? ?????? ?????? ?????? ?????? . ?????? , ???, ??
????? 203 ??? ?????? ?????? ???? ??? ?????? (?????) ??? ??????????
????? ?????? ???? ???? ???? ???? ?????? . ??? ?????? ? ?????? ?????? ?????? ??????
????? ?????? ??? EN.SA

1) ?????? ??? ?????? 203 ??? ?????? ????

31. ? ?????? ??? ?????? 203 ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? , ? ?????? ?????? ?? ?????? ?????? ??? ?????? ???? ????
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????
? ?????? (9). ???? ??? ?????? ?????? ?????? ?????? ?????? ? ?????? ?????? ?????? ??????.

32. ??????, ? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????????? ?? ?????????? ?????? ?????? ?????? (10). ??????, ? ?????? ?????? ??????
????????? ?????? ?????? ?????? ? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????
????????? ? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? 168 ??? ?????? ?????? ?????? (11). ?????? ??????

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

33. ?? ????? 203 ??? ?????? ??? ?????? ??? ?????????? ?????? ?? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 203 ??? ?? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
???' ?????? ?????? ??? ?????? ??? ?????? ???.

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

2) ?? ??????? ??? ?????? ?????? ?????? ??????;;

35. ??????, ?? ?????????? ?????? ?? ?????? ???, ?????? ?? ?????????? ???
????????? ??? ?????? ???, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?? ?????????? ??? (12).

36. ? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? -????? ??? ?????? ?????? ?????? ??? (???. ??????
24 ???. ??? ?????? ?????? ??????)- ??? ?? ?????? ??? ?????? ?????? ??? ?????? ???
????? ??? ?????? 203 ??? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?????? ?????? ?????? ??? ?????? ??? (?????????) ?????? ???
? ?????? ?????? . ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

37. ??????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (13) ?????? ??? ?
????? ?????? (14) ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?????? ???, ??? ?? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 203 ??? ?????? ??? (15). ?????? ???, ?? ?????? ?????? ??? ?????? ???
??? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????.

38. ?? ?????????? ??????????, ??????????, ?? ??? ?????? ?????? ??? ?? ??????
????????? ??? ?????? 21, ?????? 1, ?????? ?', ??? ?????? (?? ?????? ?????????? ???
????? 203 ??? ?????? ???) ?????????? ??? ?????? ?????? (????? ??????)
??? ?????????? (16).

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

? ?????????? ? ?????? ??? ?????????? ?? ?????, ??? ??? ? ? ?????? ? ?????? ? ?????? ???????????
????????? ?????????????? ??????????. ??? ??? ??? ?????????? ? ?????? ? ?????? ??????????
????????????? ?????? ?? ??? ?????? ??? ?????? ??? ??? ?????? ?????? ?????????? ? ?????? ????
?? ?????????? ?????? ?????? (17). ??? ??? ??? ?????, ??? ? ?????? ?????? ??? ??? ? ??????
????????? ?????? ??? ??? ??? ?????? ?????? ?????? ?? ?????????? ?? ?????? 203 ???
????????? ????.

40. ?? ?????? ?????????? ?? ?????? 203 ??? ?????? ??? ?????? ? ?????? ? ?????????????? ??????????
????????? ??? ??? ??? ?????? ?????????? ??? ??? ?????? ?????????? ?????????????? ??? ??
?????????, ?????????? ? ?????? ??? ?????????? ?????????? ?????????? ?????????????? ?????? ????
?????????, ? EN.SA ?????? ??? ?????? ??? ??? ??? ?????? ?????????? ??? ?????????? ???
????????? ?????????? ??????????.

2) ?????????? ?????????????? ??? ?????????????? ??? ?????????? ?????? ??? ?????? 203 ???
????????? ??? ??? ???

41. ?????? ?????? ?? ?????????? ?? ?????? ?????? ?? ?????? ? ?????? ? ?????????? ??????????
??? ?????????? ?????????????? ?????? ??? ?????????? ?????? ?????????????? ??????????
????????? ?????????????? ??????. ?? ?????? ??????, ???, ?????? ?? ?????? ??????????
??? ?????????????? ??? ?????? ?????? ?? ?????? ??? ?????????? ??? ?????????????? ? ??????????
????????? ?????????? ???.

42. ?? ????, ?? ?????????? ?????? ?????? ?????????? ??? ?????????? ??? ? ??? ?????? (??
????? ?????? ??? ??? ?????? ?????? ?????? ???) ??? ?????????? ?????? ?????? ?????? ???
?????????????, ?? ?????? ??? ?????? ??? ??????????, ??? ?????? ?????????????? ???
????????? ??? (18). ??????, ?????? ?? ??? ?????? ??? ?????????? ??? ??? ?????????? ???
?????, ? ?????? ?????? ?????? ??? ?????? ???.(19)

1) ?????????? ?????? ??? ?????????? ??????????

43. ??????, ??? ?????????? ??? ?????????????? ??? ?????????????? ??? ???, ??? ?????? ??? ?????????? ??
?????????, ??? ?????????? ???, ?? ?????????? ?????? ???, ??? ?????????? ?????????? ???
????????? ?????????? ??? ?????????? ???, ?????? ?? ?????? ??? ?????????? ???
????????? ??? ??? ??? ??? (20).

44. ????????, ?????? ? ?????? ??? ?????????? ?????????? ?????????? ?????? ??? ?????? ???
????????? ?????????? ?????????? ??????, ? ??? ??? ?????????? ?????? ??? ??? ?????? ???
????????? ?????????? ?????? ?? ?????? ?? ?????????? ??????, ?????? ?? ?????? ? ??????????
????? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ?? ?????? ?????????? (21). ??????, ?
????????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ??????????
????? (22).

45. ?????? ????, ?? ?????? ??? ? ?????? ??? ?????? ?????? ??? ?????????? ?? ?????????? ???
????????????? ??? ?????? ?????????? ??? ?????? ??? ??? ??? ?????????? ? ?????????????? ???
????? ?? ?????????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ????. ???
?????????, ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ??
????????? ? ?????????? ??? ???, ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? ??? (23). ?????? ?????? ??? ?? ?????????? ?????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ?????????? (?????? ??? ??????, ?????? 34 ??? 35).

46. ??????, ?? ? ?????????? ??? ??? ?????????? ?????? ? ?????????? ?????????? ?????????? ???
?? ?????????? ??? ??? ?????? ?????? ?? ?????????? ?? ?????????? ?????????? ??? ??????,
?? ??? ??? ?????? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ???

????????????? ???? ??????? ?????????? ??? ?? ?????????????? ?????????????? ??? ??
????????? ???? ?????? ??? ?????????????? ?? ?????????? ??? ????? ?????? ??? ??????????
????? (24).

48. ???????, ??? ?????????? ?? ?? ?????????? ?????????? ?? ?? ?????????? ?? ?? ????
??????, ? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ?? ????
?? ?? ?? ?? ?? ?? ?????????? ?? ?? . ?? ?? ?? ?? ?? ??, ?????????? ?? ?? ????
?? ? ??????? ?? ??????? ?? ?????????? ?? ?? . ?????? ?? ?? ? ?????????? ?? ?? ????
????????? ?? ?? ?????????? ?? ?? ?? ?? ?? ??, ?? ?????? ?? ?? ??????? ?? ?? ????
????????? ?? ?? ?????? ?? ?? ?? ?? ?? ?? 203 ?? ?? ?????? ?? ??, ?????? ?? ?? ? EN.SA ???
????????? ?? ??????? ?? ?? ?? ?? ?? ?????????? ?? ?? ????.

2) ?? ??????? ?????? ??? ???????????? ??? ???

50. ???????, ?? ?????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????????
????????? ?????? ?????????? ??? ?? ?????????? ??? ?????????? ?????? ?????????? ??? ?? ??????
203 ??? ?????? ??? ??, ?????? ?????? ?????? ?????????? ??? ?????????? ?? ?????????? ?? ?????? ???
???, ?????? ??? ?? ?????????? ??? ?????? ?????? (25) ??? ?? ?????????? ??????????
????? «Green Network» ?? ?????????? ??????.

3) ??????????

51. ?? ?? ???????, ?? ?????? ?? ?????? (????? ?? ?????? ?? ??????????????? ?? ?? ??
?????????????? ?? ?? ????? ??????????????? ??) ??????? ?? ?????????? ????????????? ?? ??
?????? ?? ??????????? ?? ?? ?????????? ??????? ?? ?? ?????????????? ??????? ?? ?????
?????????????? ?? ?? ?????? ?? ?? ?????? 203 ?? ?????? ?? ?? ?? ?? ?? ?????????? ??????
????????????? ?? ?? ??????? ?? ??????? ?? ?????????? ??????????? ?? ?????.

52. ??????, ??? ???? ?? ?????? ?? ???????????, ?? ?????? ?? ?????? ?? ?????? ?? ??????????
 ?? ?????? ?? ??????????????? ?? ??????? ??????? ?? ?????? ?? ?????? ?? ??????????
 ?????????? (?? ???????????) ?? ?????? ????? ??????????? ?? ??? ???, ?? ???
 ?????? ???????, ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? (26).

3. ?????????????? ?????????? ?????????? ??? 100 % ??? ?????????? ?????? ???
????????????? ??? ?????????? ??????????

?????????? ??????? ?? ???? ?????? ?????????????????? ? ?????????? ?????????? ??????????
????????????? ??? 100 % ??? ?????????? ?????? ??? ?????????????? ??? ????? ??????
??????????.

54. ?????????? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??
 ?????? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ??
 ?? ?????? ?? ?????? ?? ?????? ?? ?? ?????? ??, ?? ?????? ?? ?????? ?? ?????? ??
 ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
 ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??, ??
 ??????, ?? (27).

55. ?????????? ?????, ??????? ?????????? ?????????? ??? ?????? ?? ??????? ?????? ?????? ???
????? ?????????? ??? ???? ?????????? ??? ?????? ??? ?????????????? ??? ?????????? ?????? ??????????
??? ?????? ??? ??? ?????????? ??? ??????????????, ?????????? ?? ?????????? ?????? ?????? ??? ???? ???? ?
????????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ???? ???? ?
????????? ??? ?????????? (28).

56. ????? ?????? ?? ??????????? ??? ?????? ?????? ?? ??????????? ?????????? ?????????? ?????????
???? ??????? ?? ??????????? ???, ?? ??????????? ??? ?????? ??? ??????? ?????? ?????? ??????
??? ?? ?????? ?????????? ??? ? ??????? ?????????? ?????? ??? ???????, ??????, ??
????????? ???? ??? ?????? ?? ?????????? ??? ?????????? ?????? ??? ?????????? ???
??? ???, ?????, ??? ?????? ?? ?????? ??? ?????????? ??? (29).

57. ????? ??? ??????? ????????, ?? ?????????? ??? ??????????? ??? 100 % ??? ???
????????????? ?????????????? ?????????? ?????? ?????????????? ?????? ??? ?????????? ???
????????????? ?????????????? ?????????? ??? ???' ??? 203 ??? ?????? ??? ???? ???
????????????? ??????. ????, ???, ??? ?? ?????????? ? ?? ??? ?????????? ??? ?????? ?????????? ???
???? ?????????? ?????????? ?????????? ?????????????? ??????, ?????????? ??? ?????????? ???
????????? ??????. ??? ?? ?????? ??? ? ??? ?????? ?????? ?? ??? ?????? ??? ??????????,
????????? ??? ??? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ???.

58. ?????????????? ??? ?????????????? ??? ?????????????? ??? ?????????????? 50 % –?????? ? ??????????????????????, ???????, ??? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????????????? ??? ??, ???????, ??? ?????????????? ?????? ?????? ?????? ?????? ?????? – ??????? ? ?????????? ???????, ???????, ?????? ?????? ??? ?? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????? (30). ?????? ??????, ??? ?????? ?????? ???, ??? ??? ?????? ?????? ?????? ?????? 100 % ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? (31).

59. ????????, ????. ????. ????. ????????, ???. ????????????, ???. ????. ??????. (32), ????????, ????????
???. ????????, ??????. ????. ????????, ??????. ???. ????????????, ??????. ??????. ???. ????????????
??????????, ? ???????????, ??????. ??????. ????. ??????. ??????. ??????. ??????. ??????. ??????.
??????????, ??????. ????. ??????. ???. ??????. ??????. ??????. ??????. ??????. ??????. ??????. ? ??????
??????????, ??????. ????. ??????. ??????. ??????. ??????. ???. ??????. ??????. ??????. ??????. ??????.
??????????, ????. ??????. ??????. ??????. ??????. ??????. ??????. ??????. ??????. ??????. ??????. ??????.
?????. ????. ????. ????. ??????. ????. ??????. ??????. ??????. ??????. ??????. ??????. ??????. ??????.
????. ????. ??????. ????. ????. ??????. ??????. ????. ??????. ??????. ??????. ??????. ????. ????.
????. ??????. (?)?. ????. ???. ??????. 273 ????. ???. ??????. 131 ????. ??????. ????. ??????.
?????. ????. ??????. ??????).

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

61. ??? ?????? ?????? ?? ?????? ?????? ??? o ?????? ??? ??????? ?????? ?????????????? (?? ????
??? ?????????????? ?????????????? ??? ?????? ??? ??????) ?????????????? ??? ??? ??????????????
????????????? ??? ??? ?????????? ??? ?????? ?????????????? ?????????? ??? ?????? ??? ??????. ???
?? ??? «????????» ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????. ??? ?? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??
?????????.

62. ????, ??? ?????????? ??? ?? ?????????????? ??? ?????????? ???? ?????? ??? ??
(??, ??? 206 ??? ?????? ???), ? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?? ?????? ? ?? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

63. ? ?????????? ??? ?? ?????????? ?????????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?? EN.SA (??? ?????????? ??? ?????????? ??? ?????? ??? ??? ?????) ??? 0
????, ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???
????????????? ?? ?????? ??????????. ? ?????? ?????? ??? ?????? ??? ?????? 100 % ???
????????? ??? ?? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????, ??? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
???? ?????, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?? ?????? ??? ?????? ???.

64. ? ?????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ???
??? ?? ?????????? ??? ?? 203 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
(????????? ??? ?????? ??? ??????????) ??? ?? ?????? ??? ?????? ??? ?????? ???, ???
?????????????, ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ???.

VI. ??????

65. ?????? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ? Commissione
Tributaria Regionale per la Lombardia (????????? ??? ?????? ??? ?????? ???, ????) ?? ???:

?? ????? 168 ??? 203 ??? ?????? 2006/112/?? ??? ??????????, ??? ??????????
????????????? ??? ??????, ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????
????????????? ??? ?????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
??? (????? ??? ???' ?????????? ??? ?????? ?????????? ??? ??????). ??? ?????? ?????????? ???
????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? 203 ??? ??????
????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?? ???
????? ?????? ??????, ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ???
????? ??????, ? ?????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?? ???
????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??????????????, ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

2 ???. ?????????? ???????? ??? 20?? ?????? 2018, Enteco Baltic (C?108/17, EU:C:2018:473), ??? 22?? ???????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719), ??? 18?? ?????????? 2014, Schoenimport «Italmoda» Mariano Previti (C?131/13, C?163/13 ??? C?164/13, EU:C:2014:2455), ??? 9?? ???????? 2014, Traum (C?492/13, EU:C:2014:2267), ??? 13?? ?????????? 2014, Maks Pen (C?18/13, EU:C:2014:69), ??? 6?? ?????????? 2012, Bonik (C?285/11, EU:C:2012:774), ??? 6?? ?????????? 2012, Mecsek-Gabona (C?273/11, EU:C:2012:547), ??? 21?? ?????? 2012, Mahagében (C?80/11 ??? C?142/11, EU:C:2012:373), ??? ??? 6?? ?????? 2006, Kittel ??? Recolta Recycling (C?439/04 ??? C?440/04, EU:C:2006:446).

3 ?????? ??? 22?? ???????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719, ??? 48), ???????? ??? 20?? ?????? 2018, Enteco Baltic (C?108/17, EU:C:2018:473, ??? 94), ??? 13?? ?????????? 2014, Maks Pen (C?18/13, EU:C:2014:69, ??? 27), ??? 6?? ?????????? 2012, Mecsek-Gabona (C?273/11, EU:C:2012:547, ??? 54), ??? 6?? ?????????? 2012, Bonik (C?285/11, EU:C:2012:774, ??? 39), ??? ??? 6?? ?????? 2006, Kittel ??? Recolta Recycling (C?439/04 ??? C?440/04, EU:C:2006:446, ??? 56)? ?????? ?? ?? ?????????? ??? ???????? ??? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ???. ?????? ??? ?????? ??? ???????? ??? ??? ?????? Vetsch Int. Transporte (C?531/17, EU:C:2018:677, ??? 39 ??.).

4 ?? 2006, L 347, ?. 1.

5 ?? ?????????????? ??? ?????????????? ?????????????? ?? ?????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ??? ?????? ???, ????, ?????, ?????????? ??? 6?? ?????? 2006, Kittel ??? Recolta Recycling (C?439/04 ??? C?440/04, EU:C:2006:446, ??? 50), ??? 12?? ?????????? 2006, Optigen ?.?. (C?354/03, C?355/03 ??? C?484/03, EU:C:2006:16, ??? 49), ??? ??? 29?? ?????? 2000, Salumets ?.?. (C?455/98, EU:C:2000:352, ??? 19).

6 ?????? ??? 27?? ?????? 2018, SGI ??? Valériane (C?459/17 ??? C?460/17, EU:C:2018:501, ??? 35), ??? 31?? ???????? 2013, LVK (C?643/11, EU:C:2013:55, ??? 34), ??? 26?? ?????? 2005, António Jorge (C?536/03, EU:C:2005:323, ?????? 24 ??? 25), ??? 29?? ?????? 2004, Terra Baubedarf-Handel (C?152/02, EU:C:2004:268, ??? 31), ??? ??? 8?? ?????? 2000, Breitsohl (C?400/98, EU:C:2000:304, ??? 36).

7 ???. ????, ?? ??? ??????????, ?????? ??? 27?? ?????? 2018, SGI ??? Valériane (C?459/17 ??? C?460/17, EU:C:2018:501, ??? 36).

8 ?????? ??? 27?? ?????? 2018, SGI ??? Valériane (C?459/17 ??? C?460/17, EU:C:2018:501, ??? 37), ??? 31?? ???????? 2013, LVK (C?643/11, EU:C:2013:55, ??? 34), ??? 15?? ?????? 2007, Reemtsma Cigarettenfabriken (C?35/05, EU:C:2007:167, ??? 23), ??? ??? 13?? ?????????? 1989, Genius (C?342/87, EU:C:1989:635, ??? 19).

9 ??., ????, ?????? ??? 31?? ?????????? 2013, LVK (C?643/11, EU:C:2013:55, ?????? 35 ??? 36), ??? 18?? ?????? 2009, Stadeco (C?566/07, EU:C:2009:380, ??? 28 ??.), ?? ?????????? ??? ?????? ??? 19?? ?????????? 2000, Schmeink & Cofreth ??? Strobel (C?454/98, EU:C:2000:469, ?????? 57 ??? 61), ??? ??? 6?? ?????????? 2003, ?????????? ??. (C?78/02 ??? C?80/02, EU:C:2003:604, ??? 50).

10 ?????? ??? 13?? ?????????? 1989, Genius (C?342/87, EU:C:1989:635, ??? 13).

11 ??., ????, ?????? ??? 18?? ?????? 2009, Stadeco (C?566/07, EU:C:2009:380, ??? 28 ??.), ?? ?????????? ??? ?????? ??? 19?? ?????????? 2000, Schmeink & Cofreth ???

Strobel (C?454/98, EU:C:2000:469, ????? 57).

12 ??????? ??? 6?? ???????? 2003, ??????????? .?. (C?78/02 ??? C?80/02, EU:C:2003:604, ????? 53).

13 ???????? ??? 18?? ??????? 2009, Stadeco (C?566/07, EU:C:2009:380, ????? 35), ??? ?? 6?? ???????? 2003, ??????????? .?. (C?78/02 ??? C?80/02, EU:C:2003:604, ????? 49).

14 ??? ?????? 77/388/??? ??? ??????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????? ??? ?????? ????, ??? ?????????? ?? ??? ?????? ?????? ?????? ?????? ?????? – ??? ?????? ??? ?????? ?????????? ????: ?????????? ?????????? ??? (?? ????. ????. 09/001, ?. 49).

15 ??., ????, ?????? ??? 19?? ?????????? 2000, Schmeink & Cofreth ??? Strobel (C?454/98, EU:C:2000:469, ????? 48) – «[...] ? ??? ?????? ??? ?????????? ?????? ?????? ?????? ????, ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? [???]».

16 ?????? ??? 15?? ???????? 2002, ???????? ??? ?????????? (C?427/98, EU:C:2002:581, ????? 41).

17 ??, ?????? ?????? ??? 31?? ?????????? 2013, LVK (C?643/11, EU:C:2013:55, ????? 42) – ?????? ?????? ??? ?????? 203 ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

18 ??., ????, ?????? ??? 19?? ?????????? 2000, Schmeink & Cofreth ??? Strobel (C?454/98, EU:C:2000:469, ????? 48). ?????????? ??? ?????? ??? 18?? ?????? 2009, Stadeco (C?566/07, EU:C:2009:380, ????? 35), ??? ?? 6?? ???????? 2003, ?????????? .?. (C?78/02 ??? C?80/02, EU:C:2003:604, ????? 49), ?? ?????? ?????????? ??? ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

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