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MICHAL BOBEK

??? 26?? ??????? 2020 (1)

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SC Terracult SRL

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Direc?ia General? Regional? a Finan?elor Publice Timi?oara –Administra?ia Jude?ean? a Finan?elor Publice Arad – Serviciul Inspec?ie Fiscal? Persoane Juridice 5,

Agen?ia Na?ional? de Administrare Fiscal? – Direc?ia General? Regional? a Finan?elor Publice Timi?oara – Serviciul de Solu?ionare a Contesta?ilor

[?????? ??? Curtea de Apel Timi?oara
(????????? ??? ??????????, ????????)
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«????????????? ?????????? – ?????????? – ?????? 2006/112/?? – ????? ?????? ?????? ???
????????????? ?????? (???) – ?????????? ??? ?????????? – ?????????????? ??? ??????
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I. ????????

1.

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

2.

?????, ??? ??????? ?????? ?????? ??? ?????????? ?????? ??? ?????????????? ???????????, ?? ???
????????????? ?????????? ?????????? ?????????? ?????? (?? ?????????? ?????????????? ???
?????????????) ??? ?????? ??? ?????? ?????????? ?????? ????. ??? ??? ?????? ?????? ???,
????????? ?? ?????? ?????????? ?????? ??? ?????? ?? ?????? ?????? ?? ?????? ??? ??????
????????????? ??? ??? ?????????? ?????? ???, ?? ?? ??????, ?? ?????? ??? ?????????? ??? ??????????
???? ??? ?? ?????????? ?????????????? ??? ?????, ?????? ?? ?????? ??? ?????????? ??????
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????????????? ??????????? ???????, ? ?? ????? ?????????????? ?????? ??? ?????????????? ???
??? ?????? ?????? ??? ??? ??????????? ??? ?????;

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

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

3.

?? ????? 193 ??? ?????? 2006/112/??, ??????? ?? ?? ????? ??????? ?????? ??????????????
????? (2), ????? ??? ?????????? ????? ?? ??????? ?????? (3), ?????????? ?? ???:

«? ??? ?????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ?????????????? ??????????????
????????? ?????? ? ?????? ??????????, ?????? ??? ?????????????? ??? ? ?????? ?????????? ???
????? ?????? ?????? ?? ?? ????? 194 ??? 199? ??? ?? ????? 202.»

4.

?? ????? 199? ??? ??????? ??? ????? ?? ????? ?? ???:

«1. ?? ?????? ??? ???????, ??? ??? 31 ?????????? 2018 ??? ?? ?????????? ??????? ???
????, ?? ?????????? ??? ?????????? ??? ??? ?????? ? ??????????? ????? ??? ??? ??? ??? ???
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) ?????????? ?????????????? ??? ?????????????? ?????, ?????? ????? ?????????? ?????? ???
??????????????, ??? ?? ?????????????? ?????? ??? ?? ?????????????? ??? ?????? ???
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[...]».

5.

?? ??? ?????????? 2011/363/??, ??????? ?? ?????????? ?? ?????????? ???
????????? ?????????? ??? ?????????? ?? ?????????? ???????????, ?????????????????? ???
??? ?????????? ?????????????? (4). ??? 20 ?????????? 2014, ? ?????????? ?????????? ???
????????? ???, ??????? ?? ??? ?????? 2013/43, ?? ?????????????? ?? ?????????? ???
????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??? 18 ?????????? 2018.

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

6.

???? ?? ??? 7, ?????????? 2, ??? Ordonan?a Guvernului nr. 92/2003 privind Codul de
procedur? fiscal?, republicat? (????????????? ?????????? 92/2003 ???? ??? ??????
????????????? ??????????), ? ?????????? ??? ?????????? ?? ?????????? ?????????????? ???
????????????? ?????????, ?? ??????? ??? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??
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????????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ?????? ??? ?????? ??? ??
????????????? ??? ?????? ??? ??????????.

7.

???? ?? ??? 205, ?????????? 1, ??? ?? ??? 207, ?????????? 1, ??? ?????? ??????????

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

8.

?? ????? 213, ?????????? 1, ??? ?????? ?????????? ?????????? ?????????? ?? ????:

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

9.

?? ????? 159 ??? Legea nr. 571/2003 privind Codul fiscal (????? 571/2003 ??? ??????
????????? ???), ??? ?????????? ??? ?????????? ?? ??? Legea nr. 343/2006
(???? 343/2006), ? ??????, ??? ?????? ??? VI, ?????????? ??? ?????? ??????, ?????? ???,
??? ?????? ???, ?????? ?? ????:

«1) ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ? ?? ??? ?????? ???
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[...]

b)

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

3) ?? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ???
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????? ??? ?????? ??? ?????????? 1, ?????? b. ?? ?????????? ?????????? ??? ?????? ??
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??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? 145 ??? 1472.»

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

10.

H Donauland SRL, ??????? ? ?????? ??? ?????????? ?????????????? ??? ?? Terracult SRL (???
????: Terracult), ?????????? ?? ?????????? ?????? ??? ?? ?????????? ?????????????? ???,
? ?????? ?????????? ??? ?????? ??? 2014. ? ?????? ?????????? ???, ??? ?? ??????
??? ??? 10 ??? ??? 14 ?????????? 2013, ? Donauland ??? ?????????? ??????????
????????????? ??? Almos Alfons Mosel Handels GmbH (?????????) (??? ????: Almos).
?????? ?????????? ??? ? Donauland ??? ??? ?? ??? ?? ?????????? ??????????????
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11.

????? 4 ??????? 2014, ?? ?? ??? ????? ?????? ?????????? ?????? ?????????????? ?????? (??? ????:
????? ????) ?????? ??????????????) ??? ?????????? ?????? ?????????????? ????????, ??? ??????
????????????????? ?????????? ?????????? ?????????? ?????????????? ??? ??? Donauland,
????????????????? ??? ??? 440241 ?????????? ??? (RON) ??? ??? ??????????
????????? ?????????????? ??? Almos ??? ?????????????????? ??? ?????????? ??? 2013, ??
????? ?????????? ?????????? ??????????, ?????????? ??? ?????????? ??? ?????? ?????????? ??? ??
????????? ?? 24 %.

12.

? Donauland ??? ?????????? ??? ?????? ?????? ??????????????.

13.

????? 28 ??????? 2014, ? Almos ?????????? ??? Donauland ??? ?????????? ??? ??
????????? ??? ??? ?????? ???? ? Donauland ?????????? ??? ?????? ?????????? ??? (??
????: ???) ??? Almos ??? ??????. ? Almos ?????????? ??? Donauland ??? ?? ?????? ???
????? ?????????? ?? ?????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????????? ??
?? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? Almos ???
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14.

15.

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?? ??????? ?? 2014. ? Donauland ?????? ?? ??????? ?? ??????? ?? ?? ?? ?? ??

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16.

????????? ?????????? ??????????? ??? ???, ?????????????? ??? ?????????????? ?????? ??? ?????? ???
????????? ?????? ?????????? ??? 2016 ??? ?????????? ??? 2017, ??????? ??? ??????
????????? ? ?????? ???????????? ??? 10?? ?????????? 2017 (??? ????: ??????? ???
??????????). ? ??????? ??? ????? ?????????? ??? ?????? ??? Terracult ?? ???????
????????? ??? ????? 440241 RON.

17.

????? ??? ???????? ??????? ?????????????? ? Terracult ??????? ??????????? ????????, ? ?????????????? ??? 14 ??????? 2017 ??? ??? Direc?ia General? Regional? a Finan?elor Publice Timi?oara (????????????? ?????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??????????).

18.

????? 2 ?????????????? 2018, ? Terracult ?????? ?????????-????? ?????? ??? Tribunalul Arad
(????????????? ?? Arad, ???????) ???????, ?????? ?????, ?? ?????? ??????? ???
????????? ??????? ?????????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ??????????????. ?? ?????????? ??? ?????? ?????????? ???
?????????-?????.

19.

???? 29 ??????? 2018, ? Terracult ?????? ?????? ??? ?? ??? ?????????????? ??????? ???
Curtea de Apel Timi?oara (????????? ??? ???????????, ?????????). ??? ?????????????? ?? ??? ?? ?
????????? ??? ?????????? ??????? ??????????? ?? ?? ??????? ??? ???????, ?? ?? ??? ??????????
????????? ?? ??????????? ??? ??????? ??? ?????????? ??? ?? ?????????? ??? ?? ?????????? ???
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«????????????? ? ??????? ????? ?? ?????? ??? ?????? ??? ?????????????? ?????????????? , ???
????????????????? ??? ?? ?????????????? , ??? ?????????????? ??? ?????? ?????? ???
????????? ??? ?????? ?????? , ?? ?????????? ?????? /??? ?????????? ??? ?????????? ???
????????? ?????????? ?? ?????????? ?? ?????????? ?????? ???, ????????, ??
????????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????? , ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????? , ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ???
????????? ?? ?????????? ?????? ??? ???????, ????? ?????? ??? ?????????????? ??? ?????? ???
????? ?????????? ?????? ?????? ?????????? , ? ?????? ?????? ?????????? , ???, ???, ??? ??????
??? ?????? ?????????? , ?????? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ;»

20.

????????? ?????????????? ?????????? ? Terracult, ? ?????????? ?????????? ??? ? ??????????
?????????. ?? ?????? ?????????? ??? ?????????????? ?????????????? ?????????? ??????
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5 ???????????? 2020.

IV. ???????

21.

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

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

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

23.

???? ?? ??? 193 ??? ??????? ???, «[?] ??? ??????? ??? ?? ??????????? ??? ?? ???? ???? ?
?????? ??????????????? ??????????? ??????????? ??????? ? ??????? ???????????, ?????? ???
?????????? ??? ? ??????? ??????? ??? ?? ??????? ??????? ?? ?? ?????? 194 ??? 199?
??? ?? ??? 202» (5).

24.

?? ??? ??????????? ??????? 2011/363, ??????? ??? ??????? -???, ?? ???????????
????????- ?? ??????? ??? ??????? ??????????? ??? ??????????? ??? ??????????? ??? ???????
?????????? ????????????. ??? ?? ??? 199?, ??????????? 1, ??? ??????? ??? ??, ?? ???
?????? ????????, «????????? ??? ?? ??? ??????? ??????????? ??? ??????? ??? ?? ??? ??
??????????[??]?? [??] ??????????? ? ??????» (6).

25.

??????, ?? ??????????? ??? ??????????????? ???, ???' ??????????? ??? ???????????
?????????? ??? ???????????, ??????? ??????? ??? ??????????? ??? ??????????? ??? ??????? ??
?????? ??? ?? ??? ???????, ??????? ??? ? ??????? ??????????? ??? ??????????? ?? ???????????,
?? ?? ??? ??????? ???????????, ??? ?? ??? ??? ???????, ??? ??????? ??? ??????? ??
????, ?? ??????????? ??? ??????? ??? ???????, ??? ?? ??? ??????? ??? ??????? ??? ??????? ??
?????????? ???? (7).

26.

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

27.

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

????? ????, «????? ?????????? ??? ?????????????? ??? ???, ??? ?????? ???
????????? ?? ??????????, ??? ?????? ?????? ???, ?? ??????????
????????????? ??? ?????? ??? ?????? ?????? ???, ??? ??????????, ??? ?????? ???
????????? ?????????? ??? ?????? ???» (9).

29.

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

30.

????????? ?????????? ??? ?????? ?????? ??? ? ?????????? ??????????????, ??? ???
????? ??? ??????????, ??? ?????? ?????????? ??? ?????????? ??? (11), ??? ???
????????? ?? ??? ?????????? ?????????? ??? (12), ?? ?????????? ??????????????
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???
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????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
????????? ? ?????? ??? ??????.

31.

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

32.

????? ??? ?????? ???????, ??? ?????????? ??? ? ?????? ?????????? ??? ?????? ???
????? ??? ??????????. ??????, ? Terracult ?????????? ??? ? ?????? ??????????

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

33.

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

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????????? ??? ??? ?????; .

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

34.

? ?????????? ?????????? ?????????????? ??? ? Terracult ??? ?????????? ??? ???? ?
????????????? ?????????? ??? ?????? ?????? ?????? ?????????? . ??? ?????? , ? ?? ??? ???? ????
????????????? ?????????? ?????????? .

35.

???? ?? ?????? ???, ?? ?????????? ??? ?????????? ? ?????????? ?????????? ?????????? ???
????????????? ?????????? . ??????, ??? ?????????? ??? ??? ?????? ?????? ??????????????
????????????? ?????????? ???/ ? ?????? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??????????
??? ?????????? ??? . ??? ?? ?? ?????????? , ??? ?????? ??? ??? ?????? ??????????
????????????? ?????????? , ?????????? ??? ?????????????? . ?????????? , ??? ??????
????????????? ?????????? ??? ?????? ??? ?????????????? ?????????? ?????????? ??????????
????????? , ?? ?????? , ?????? ?????? , ??? ?????? ??? ?????? ??? ? ?????????? ??? ?????? . ???
????????? ??? , ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ? ?????????? ??? ?????? . ???
????????? ??? , ?? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ?????? .

36.

???? ???? ???? ?????? , ?????? ?? ?????????? ???, ?? ? ??? ???? ??????????????
????????? ?????? ??? ?????? ?????? ?????? ?????? , ?????????? ? Terracult ?????? ?? ???
????????? ?????? ??? ?????????????? ??? ?????? ?????? ?????????? ?????????? . ? ?????????? ???
?? ?? ?????? ?? ?????? ??? ? ?????? ?????????? ?????? -????????? ??? ?????????? ??? ?????????? ?
??? ?????????? ???- ?????????? .

37.

? ? ?????????? ??? ?????? ???' ?????????? ??? ?????? ?????????? ?? ?? ?????? ??? ?????? ?
????????? ?????? ?????? ?????? ??? ??? ?????? ?????????? , ?????? ??? ?????????? ??????????
??? ?????????? ??? ?????? ??? ?????????????? ??? ??? ??? ?????? ?????????? ?????????? ??????
????????? ?????????? , ?? ?? ??? ?????? ???, ??? ?????? ?????? ?? ?????????? ??????????
????????? ? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?? ?????? ??? ?????? ???
??????, ??? ??? ?? ???? ??? ?????? ??? ?????????? ?????? ?????????? ???' ?????? ???
????????? , ?? ??? ? ?? ?????? , ??? ?????????? ?????? ?????????? (13).

38.

????' ??????????? ?? ???? ?????, ?? ??????????? ???? ?????? ???, ??? ??????? ??
?????????? ??????????? ?? ???? ???????????, ? ??????????? ????????, ??? ?????? ?
?????????? ??????????? ?? ???? ??????? ?? ???? ??????????? ??????? ??????????? ???????????
???? ???, ??? ??????? ?? ??????? ?? ??????? ?? ???? ??????? ??? ??????? ? ??????? ??
??? (14). ???????, ? ??????? ?? ???????, ????? ?????? ??????? ???????, ???
?????????? ?? ??????? ?? ????' ??????? ??????????? ??? ?? ??????????? ????? ?? ??
?????????? ???????, ? ????? ??????? ?? ???? ??????? ??' ??????? ??????? ?? ?? ??
?????????? ?? ??????? ?? ??????? ?? ??????? ?? ???? ??????? ????? ?? ?? ?? ??
?????????? ?? ??? ??????? ?? ??????? ?? ???? ??????? ?? ???? ????? ?? ?? ?? ?? (15).

39.

???????, ? ??????? ??????? ?????????? ?? ????????. ?????????? ??? ??????? ?????? ??
?????????????? ??????????. ?? ??????????, ??? ?????????? ?? ???????????, ? ??????
????????????? ??? ?????????? ??????? ??? ?????????? ??? ??? ?????????? ??????. ? ??????
????????????? ??????? ?? ??? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??? ??
????????????? ??? ?????????????? ??? ??? ?????????? ?????? ??????. ?????? ??????????
???????????, ??????? ?? ?????????? ??? Almos ??? ??? Donauland, ?? ??????? ???
???????.

40.

?????????, ? ?????????? ??????????? ?????? ??? ?????? ?????? ??? ?????? ?????????????????? ???
?? ?????????? ??? Terracult ??? ????? (16). ? ?????? ??? ?????? ?????? ?? ?? ???
??? ?????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? . ??? ???
????????? ????, ? Terracult ?????? ?? ?????? ??? ?????? ??? ?????? ??? ??? ?????? ??? ??
????????????? ??? ?????????????? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ??
????????? ???, ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????????.

41.

????????????????? ??? ? Terracult ?? ????????, ????????????, ?? ?????????????? ??? ???
????? ????????????, ??? ?????? ??? ?????? ????????????, ?????????? ? ?????? ??? ???
???????, ????????????, ?? ??? ?????????? ????????????, ?? ?????? ??? ??? ??? ??? ???
????? ??? ?????? ????????????, (17). ??????, ??? ?? ?????? ??? ?????????? ??? ?? ???
??? ?????? ????????????, ??? ?????? ?????????? ??? Terracult ?? ??? ?????? ????????????

42.

???????, ?????? ?????????????? ??? ?? ?????????? ??? ?????????????? ??? ? ?????? ? ?????? ?????? ???
????? ??? ?????????????? ??? ?? ?????? ?????? ??????????, ??? ??? 159 ??? ????? 571/2003
???? ?????????? ?????????????? ????. ? ?????? ?????? ?????????? ?????????? –?????? ?? ??????–
????????????? ??? ?? ?????? ??? ??????. ?? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?
????? ??? ?????????? ?????????????? ??? ? ???? ??? ?????????????? ?????????????? ?????????? ???
????????? ?? ???? ??? ?????? ??? ?? ?????? ??? ?????? ?????????????? ??? ?????? ?????????? ??? ??
????????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??????????????
????????????? ??? ?? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??????????, ??? ?? ?? ??????????
????????????? ??? ?? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ??????????
????????? (18).

43.

?? ?????????????? ??? ?????????? ? ?????????? ?????????? ??? ?? ?????????? ??? ? Terracult
??? ??? ? ? ?????????? ?? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ??????. ? ??????????
????? ?????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????,
????? ??? ?????? ??? ?????? ?????? ?????? (?) ?????? ?????? ??? ??? ?????? ?????? ?????? ??????
??? ?????? ?????? ??? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????) ???,
?????????, ??? ?????? ??? ?????? ?????? ?????? (?) ?????? ?????? ??? ??? ??????
????????? ??? ? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

44.

????? ?? ?????? ???, ? ?? ??? ?????????? ??? ?? ?????? ?????????? ?????? ?????? ??????????. ???
??? ?????????? ??? ?????? 35 ??? ?????????? ??????????, ?? ?????? ?? ?????? ??? ?????? ???
????? ??? ? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????????
????? ? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???
????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

45.

?????, ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???, ?????????? ???
????????? ??? ?????? . ? ?????????? ??? ?????? ??? ?????? ? ?????????? ??? ?????? ??? ?????? ??????????
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?? ?????? ??? 30 ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? . ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? . ?? ?? ?????? , ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? 30 ?????? ??? ?????? ??? ?????? ??? ?????? 5 ???.

46.

? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? , ?????? , ??? ?? ?????? ???
????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? , ?????? , ?????? , ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ?????? . ?????? , ?????? , ??? ?????? ??? , ??? ??????
????????? , «? ??? ??? ?????? ?????? , ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
? ??? ??? ?????? ?????? , ?????? ??? ?????? ?????? , ?????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ?????? , ?????? ??? ?????? , ?????? ??? ?????? ?????? , ?????? ??? ?????? ???
????????? » (19).

47.

????????? , ?? ?? ?????????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? 30 ?????? , ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,

? ?????? ??? ??????? ?? ?????????? ??? ?????????????? ?? ?????????? ?????????????? ??????????????
?????????: ??????? ?? ??? ???? ????? ?? ?? ???? ??????????, ? ?????????????? ???
???? ?? ??? ????? ?? ????? ?????????? ??? ?? ?????????? ??? ????? ?????????????? ? ??
????????? ??????? ?? ?????? ??? ?? ????? ??????????. ??? ??????????, ??? ??
????????? ??????, ? Terracult ?? ??? ????? ?????????? ??? ????? ?????? ??? ?? ?????????? ???
????? ??? ????? ?????????? (? ??? ????? ?????????? ??? 4 ??????? 2014) ?????? ?????? ??????
?? ??? ?????????? ?????????? (???? 28 ??????? 2014). ?? ??? ??? ?????????? ??????
??? ??? ??? ?????? ?????? ?????????????? ????, ? Terracult ?? ?????????? ?? ?????????? ??
????????? ??? ?? ?????? ?? ?????????? ?????? ??? ?????????? ?????????? ??? ??
?????.

48.

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

49.

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

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

50.

? ?????????? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ?????????????? ???
????????? ??? ???, ?? ??? ?????? ??? ?????? ?????????? ??? ?? ?????? ??? ??????????,
????? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??????
?????, ?????? ? ?????? ??? ?????? ?????? ?????????? ?, ?? ??? ?????? ??????????, ?????????? ???
????????? ??????????. ??????, ? ?????? ?????? ?????????? ?????????? ??? ?? ?????? ??? ??????????
??? ?????????? ?????? ?? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??
??????????. ??????, ? ?????? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ??? ??
Terracult ??? Almos ??????????, ??? ??? ?????? ???, ?????????? ??? ?????????? ??? ??????
????? ??? Almos ??? ?????.

) ??? ?????

51.

??' ?????, ?????? ?? ?????????? ???, ?????? ?? ?????? ?????????? ?????????????? ??? ???

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

52.

? ???????, ?? ?????? ?? ?????????? ???, ???? ?????????? ???? ??? ?????? ?????????? ???
???????????, ?? ?????? ?????????? ?????????? ???? ???? ?? ?????????? ?????????? ???? ??
???????????, ?????? ?????????? ?????????? ???? ?????????? ???? ?????????? ???? ?? ???????
(Almos) ??????. ?????? ?????? ? ?????? ???? ???? ?????? ?? ?????????? ?????? ???? ??????????
?? ?????????????? ?? ? ?????? ?????????? ?? ?????????? ???? ??? ???????, ???? ?? ??????????
?????? ? ?????????? ???? ?????????? ?????????????? ???? ???? ?????? (??? Terracult) ??????
?????? ?????? ???? ?? ?????????? ??????. ???? ?????????? ???? ???? ?????????? ???? ???? ???'?
????????????? ???????, ? ?????????? ?????????? ???? ?????????? ?? ?????????? ???? ?????????? ??????.

53.

? ?????????? ??? ?????? ????, ?? ?????????????? ???? ???? ???? ???? ?????? ???? ??
????????? ??? ?????????? ? ?????????? ?????????? ???? ?????? ???? ?????? ???? ?????????? ??????????
????????????? ?? ?????????????? ???? ? Terracult ??? ?????? ???? ??????????.

54.

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

55.

? ?????? ??? ?????????? ??? ?????????? ???? ?????? ???? ?????? ???? ?????? ?????????? ???? ??
????? , ?????? ?????????? ???? ?????? ???? ?????? ???? ???????, ?????????? ?????????? . ???
????????? , ?? ?????? ???? ???? ???? ?? ?????????? ?????????? ?????????? ???? ?????????? ???
??? ?????? ?????? ?????????? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ???? ?????????? ???
????????? ?????? ?????? ???? ?????????? ???? ????. ???? ???? ?????? ????, ?????????? ????
????????? . ?????????????? , ??????, ???? ? ?????? ??? «????? ??????» ?????????? ????
????????? ???? ???? ?????????? ???? ?????????? ?????? ?????????? (22).

56.

? ???????, ?? ?????????? ???? ?????? ???? ?????? ?? ?????????? ?????? ???? ?????? ?????? ????
????? ?????????? ?????? ???? ?????????? ???? ?????? ???, ?????????? ???? ?????? ?????? ???
????????????? ???? ?????? ???? ?????? ???? ?? ?????? ???? ???, ???? ?????????? ,
????????????? ???? ?????? ???? ?????? ???? ?????? ???? ?????????? ???? ?????? ?????? ???? (23).
????????? , ???? ?????? ????, ???? ? ?????? ???? ?????? ?????? ???? ???? ?????????? ????
??? ?????????? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ???? ?????? ???? (24).

57.

?????????????? ??? ????? ??? ??????? ?? ??????? ??? ? ??????? ??? ?????? ???????
????????????? ??? ????? ?? ??????? ?????? ?????????? ??????. ???????, ??? ??????
???? ?????? Zabrus Siret (24) –??? ??????? ?????? ??? ?????? ??????? ??? ??????
???? ?????? ??? ?????? ???????– ?? ?????????? ?????? ?????? ?????????? ??? «[?? ???????]
??? ?????? ???] ??? ?? ?????? ??? ???????????????, ??? ??????????
????????????? ??? ??? ?????????????? ?????? ??? ?????? ??? ?????????? ?? ?????? ??????
??????, ??? ? ?????? ??? ?????? ??? ?????? ???, ??? ?????, ??? ?????????? ??? ?? ??????
????????? ?????? ???, ??? ??????????, ??? ?????????? ?????? ?????? ??? ?????????? ??? ??????
????, ?? ?????????? ??? ?????? ?? ?????? ?? ?????? ?????????? ?????????? ?? ?????? ??? ??????
????????? ??? ?????????? ?????????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??????
??? ?????????? ??? ?????????? ??????????» (25).

58.

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

59.

???????. ?????????????? ??? ?????? ??? ?????????????????? ??? ?????????? ?????????????? ???
???????. ??? ?????????? ??? ?????????????? ???, ?????????? ??? ?? ?????? ?????????? ??? ??
???????. ?????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ??????????
?????????? ???, ?? ?? ??????, ??? ?????? ??? ?????? ??? ? ?????????? ??? ?????? ??? ??????
??? ??????? ?? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
?????????? ??? «????????? ??????»: ??? ?????? ?????????? ?????????? ??? ?????? ??? ??
????????, ?? ??????, ??? ?????? ????. ??????, ??? ?????? 34 ??? 49 ??? ??????
????????, ?????? ??? ?????? ??? ?????? ??? ?????? ??????, ??? ?????? ?????? ??? ??????, ? ?????? ???
??? ?????? ?? ?????? ???.

) ?????????? ??????????

60.

?? ?????? ?????????? ??????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???
? Terracult ??????? ??? ?????????? ??????????.

61.

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

62.

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

63.

??????, ??? ?? ?????? ??? «????????? ?????????? ??? ?????? ? ?????????? ?? ??????????
???? ?????????? ?? ??? ?????? [???? ???] ?????» ? Terracult ?????????? ?? ??????????
?? ?? ?????????? ??? . ??? ?????????? ??? ?????? 23 ??? 26 ??? ?????????? ??????????, ?
Terracult ??? ??? ?????? ??? ??? ?????? ??? ??????????. ??????, ??? ??? ?????? ??? ??????
????????? ?????????? ???, ?????????? ?????????? ??? ??????. ??? ??????????, ??? ? Terracult
????????? ??? ??? ??' ?????????? ??? ??????, ??? ?????? ?????? ??????: ??????, ???
????????? ??? ?????? ??? ? ??????, ?????????? ??? ??????????, ??? ?????????? ??
????????? ??? ?????????? ???, ?????????? ?????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???.

64.

???? ?? ??? ?? ???, ?????? ??? ? Terracult ??? ?????????? ??? ?????????? ??????????????
??????????????. ?????????? ??? ?????? ??? ?????????????? ??? ?????????????? ??? ?????? ???
????????? ?????????? ???.

65.

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

66.

??? ?? ?????? ??? ?????????? ???, ?? ?????? ?????? ?? ??? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ?? ?? ? ?????????? ??? ?????????? ?????????????? ??? ??
??? ?????????? ??? ?????????? ? Terracult ?, ??????????, ?? ?? ??? ?????? ??????????
????????????????? ?? ?????????? ??????. ?????? ?? ?????? ??? ?????? ?????? ?????????? ???
????????? ?????? ??? ?????????? ??????.

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67.

???? ?????????????? ???, ? ?????????? ?????????? ?????????????? ??? ?? ?????????
????????????? ??? ?????????? ??? ??? Terracult ??? Almos ??????????, ??? ??? ??? ??????
???, ?????????? ?????? ?????????? ?????? ??? Almos ??? ???.

68.

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

69.

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

70.

?? ?????? ???, ?????????? ?? ?????????? ??? ?? ?????????? ?????????? ??? ??????????
????????? ?? ?????? ?????? ??? ?????? ??? Terracult, ?? ?????????? ??? ??
????? ?? ?????????? ??? ? Terracult ?????????? ??? ?????? ??? ?????? ??? ?????? ?,
??????????, ??? ?? ?????? ??? ?????? ?? ?? ?????? ???, ???????, ?????????? ??? ??
????? ?? ?????? ?????????? , ? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??
????????? ??? ?????? ??? ? ??? ?????? ?????? ?????????? . ???????, ??? ??????????
????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ? Terracult ?????? ? ?????? ??
????????? ??? ?????? ?????? ?????????? ??? ?????????? ?????? ??? ?? ?????? ??? ?????? ???
??? ?????? ??? ??? ??? Almos.

71.

???? ??? ??' ?????????? ???, ? ?????????? ?????? ??? ?????? ?? ???????
????????? ???, ??? ?? ?????? ???, ? Terracult ??? ?????? ?? ?? ?????? ??? ???????
???? ??? ?? ?? ?????? ?????????? ???, ??? ?????? ?????? ??? ?????? ??? ???????
??? ??? ?????? ??? ?? ?????? ??? ?????? ?? ?????????? ?? ?????? ??? ?? ??????? ??
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ???????
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??
??? (?????????????) ?????????? ??????????.

72.

?????? ??? ? ???????? ??? ??????? ???????, ??? ?????? ? Terracult (???, ???.
??????, ? Almos) ??????? ?? ? ??????? ?????? ?? ??????????? ??????? ?????? ???
????????????????? ??? ??????? ?? ??????? ???????, ??? ??? ??????? ???
?????? ?????????? ??? ??????? ??????? ??????? ?? ?????? ??? Terracult ??? ???
????????? ??? ??? ??? ??' ?????????? ???????, ?? ??? ???????????, ??? ??? ???????
??? ?????????? ??????? ??????? -? ????, ??? ????? ??????? ? ???????, ???
?????? ??????? ??? ?????? ??????? -? ??? ??????? ? ?????????????? ??? ???????
??? ?????????? ??? Terracult ?? ?????? ?? ??????????? ??? ?? ??? ?????????? ? ???.

73.

???? ?????? ???????, ?? ?????? ??? ?????? ??? ?????? ?? ??????? ?????? ??? ??
????????? ??? ?????? ??????? ??? ??? ??? ?????? ??? ?????? ??? ????????????.
??????, ?? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ??? ??????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????????? ??? ?????? ??????? ???
????? ?? ?????????? ??? ?????????? ??? (30). ??????????, ?? ?????????? ???
?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ???
???? ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ?????????? (31). ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???
?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???, ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?????????? ???.

74.

??????, ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? ?? ??? ?????????? ???
????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ???, ??
???? ?????????? ??? ???????, ?? ?????????? ??? ?????? ??? ?????? ??? ? ?????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???
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75.

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

V. ??????

76.

?????? ??? ?????????? ?? ?????????? ??? ?????????? ?????? ??? Curtea de Apel
Timi?oara (??????? ??? ???????, ???????) ?? ???:

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? ?????? 2006/112/??, ??? 28?? ??????? 2006, ?????? ?? ?? ?????? ?????? ???
????????????? ???, ??? ?? ?????? ??? ?????????? ???????????, ???
????????????? ??? ?? ?????????? ?????? ?????????? ?? ?????? ??? ?????????? ???
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????????????? ?? ?????? ??? ?????????? ?????????? ?????????? ??? ?????? ???
?????? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ???, ? ?????? ??????
????????? ???, ???, ??? ??? ?????? ??? ?????? ?????????? ???, ?????? ??????

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

(1) ?????? ??? ??????????: ? ??????.

(2) ?????? ??? ??????????, ??? 28?? ?????????? 2006 (?? 2006, L 347, ?. 1) (??? ????:
????? ????.).

(3) ??? ?????????? ?? ?????????????? ?? ?????????????? ?? ?????? 2013/43/?? ???
??????????, ??? 22?? ?????? 2013, ??? ??? ?????????? ??? ?????????? 2006/112 (?? 2013, L
201, ?. 4).

(4) ?????????? ?? ???????, ??? 20?? ?????? 2011, ??? ?????????? ??
????????? ?? ?????????? ?????? ?????? ?????????? ?? 193 ??? ?????? 2006/112
(?? 2011, L 163, ?. 26).

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

(6) ? ?????????? ????.

(7) ??. ?????? ??? 13?? ?????? 2013, Promociones y Construcciones BJ 200
(C?125/12, EU:C:2013:392, ??? 23), ??? 26?? ?????? 2017, Farkas (C?564/15,
EU:C:2017:302, ??? 41), ??? ??? 11?? ?????? 2019, PORR Építési Kft. (C?691/17
(EU:C:2019:327, ??? 30).

(8) ??., ???' ????????, ?????? ??? 23?? ?????? 2015, GST – Sarviz Germania
(C?111/14, EU:C:2015:267, ??? 29).

(9) ???. ?????? ??? 11?? ?????? 2013, Rusedespred (C?138/12, EU:C:2013:233, ??? 26
???. ??? ?????????????? ???, ? ?????????? ???).

(10) ??., ?????? ??????, ?????? ??? 16?? ?????? 2013, Alakor Gabonatermel? és Forgalmazó
(C?191/12, EU:C:2013:315, ??? 22 ??? ??? ?????????????? ???).

(11) ??., ?????? ??????, ?????? ??? 19?? ?????? 2000, Schmeink & Cofreth ??? Strobel
(C?454/98, EU:C:2000:469, ??? 48 ??? 49).

(12) ??., ??? ??????????, ?????? ??? 11?? ?????? 2019, PORR Építési Kft. (C?691/17,
EU:C:2019:327, ??? 39 ??? ??? ?????????????? ???).

(13) ??., ?????? ??????, ?????? ??? 14?? ?????? 2019, Nestrade (C?562/17,
EU:C:2019:115, ??? 41 ??? ??? ?????????????? ???).

(15) ???. ??????? ???. 14?? ???????????? 2019, Nestrade (C?562/17, EU:C:2019:115, ????? 41
???. ????. ?????????????? ??????????).

(16) ??? ?? ???????, ? Terracult ??????? ?? ?????????? ?? ?????????? ??? ?????????? ????? ??
?????????? ?????????? ???, ??????????? ?? ?????????????? ??? ??????? ??? ????? ??????????????,
????????? ??? ?????????????? ????. ??????????? ?? ?????????????? ??????????????, ??????
?? ?????????? ???' ??? ?? ??? ????? ??????? ?? ?????? 203 ??? ??????? ??? ??, ??? ??
????? «[?] ??? ??????? ?? ?????????? ??? ?????????? ??? ??????? ??? ?? ??? ????? ??
?????????».

(17) ? ?????????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ??????, ? ?????? ?? ????
????????? ?? ?????????????? ??? ??? ?????????? ??? ?????? ?? ?????? ?????? ?????????? ???
????????? ??? ??????????. ????????, ?????????? ??? ? Terracult ??????? ?? ???
????? ???, ?????????? ??? ?? ??? ?????? ??? ?????? ??? ?????????? ??? ??? ?????? ??????????.

(18) ?????. ??????? ?? 11?? ??????? 2013, Rusedespred (C?138/12, EU:C:2013:233, ????? 30 ??? ???. ??????????????? ??????????).

(19) ??., ??? ????????????, ??????? ??? 13?? ??????? 2014, Jetair ??? BTWE Travel4you
(C?599/12, EU:C:2014:144, ????? 53).

(20) ?????????? ?????????? ??????? ?? ?????????????? ?? ??? ?????????? ?? ?????? ?????? ?????? ?????? ??
????????? ??? ??????????? ????????. ??? ??????? ????, ??????? ?????? ?????? ??????????? ?????? ??
?????? ?????????? ??? ?????????????? ?? ??????? ??????? ??? ?????????????? ??
????????????? ?????????? ???????, ? ??? ?????? ??????? ??? ?????? ?????????? ?? ?????? ?????????? ??
????????????? ? ??? ??????????? ??????. ??????, ?????? ??? ??? ?????? ????, ?? ???????
??? ??? ??? ??????? ??????? ??? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??
??? ??????? ????, ?? ??????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??
????????????? ??? ?????? ??????? ????. ???????, ?????????? ?????? ??? ?????????? ?????? ??
????????????? ??? ?????? ??????? ????????. ??????, ?????????? ?????? ??? ?????? ?? ?????????? a
fortiori ??? ??????? ??? ???, ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??
???? ex post ?????????? ??? ?? ?????????? ?????????? ?? ?????? ??? ?????????? ??
?????????????.

(21) ??. ??????? ?? 19?? ?????????? 2000, Schmeink & Cofreth ?? Strobel (C?454/98, EU:C:2000:469, ??????? 58 ?? 68), ?? 18?? ??????? 2009, Stadeco (C?566/07, EU:C:2009:380, ??????? 37 ?? 38), ?? ?? 11?? ??????? 2013, Rusedespred (C?138/12, EU:C:2013:233, ????? 27).

(22) ??????? ?? 21?? ?????????? 2011, Vlaamse Oliemaatschappij (C?499/10, EU:C:2011:871, ??? 26).

(23) ??? ??????????? ???. ??? ?????????? ??????, ???. ?????????? ??? ??? ?????? Altic
(C?329/18, EU:C:2019:442, ?????? ?????? 33 ??? 36).

(24) ??????? ?? 26?? ??????? 2018 (C?81/17, EU:C:2018:283).

(25) ??.?. (????? 56 ??? ??????????).

(26) ?????. ?????????? ??? 21?? ??????????? 2006, Halifax ? .?. (C?255/02, EU:C:2006:121.

?????? 74 ??? 75), ??? ??? 22?? ??????? 2012, Klub (C?153/11, EU:C:2012:163, ????? 49).

(27) ??? ???????????? ???????????? ??? ??? ?????????? ?????, ???. ?????????? ??? ???
?????? Cussens ?..?. (C?251/16, EU:C:2017:648, ?????? 23 ??? 31 ??? 58 ??? 107).

(28) ?????. ???????? ??? 22?? ??????? 2015, PPUH Stehcemp (C?277/14, EU:C:2015:719,
?????? 48 ??? 50), ??? ??? 3?? ??????? 2019, Altic (C?329/18, EU:C:2019:831, ??????? 30
??? 31).

(29) ?????. ???????? ??? 6?? ??????? 2006, Kittel ??? Recolta Recycling (C?439/04 ???
C?440/04, EU:C:2006:446, ?????? 45 ??? 46), ??? ??? 22?? ??????? 2015, PPUH
Stehcemp (C?277/14, EU:C:2015:719, ????? 49).

(30) ?????. ??????? ??? 11?? ??????? 2013, Rusedespred (C?138/12, EU:C:2013:233,
?????? 28 ??? 29).

(31) ?????. ??????? ??? 12?? ??????? 2012, EMS-Bulgaria Transport (C?284/11,
EU:C:2012:458, ?????? 68 ??? 70).