

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

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

PRIIT PIKAMÄE

??? 14?? ???? 2020 (1)

?????? C-235/19

United Biscuits (Pensions Trustees) Limited,

United Biscuits Pension Investments Limited

????

Commissioners for Her Majesty's Revenue and Customs

{?????? ??? Court of Appeal [England & Wales (Civil Division)]

[????????? (?????? ?? ??????) (????????? ???), ??????? ?????????]

?? ?? ?????? ?????????????? ??????????}

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

1. ? ??? ?????? ??????? ??????? ??? Court of Appeal [England & Wales (Civil Division)]
[????????? (?????? ?? ??????) (????????? ???), ??????? ?????????] ?????? ???
????????????????? (trustees) ??? ?????????????? ?????????????? ?????????????? ???
????????? United Biscuits (UK) Ltd ??? ??? Commissioners for Her Majesty's Revenue & Customs
(????????????? ??? ?????????? ??? ?????? ??? ?????????? ??????????) ?????? ??? ??????????????
??? ??????? ?????????? ?????????????? ?????????? ??? ?????????? ??? ?????????? ???
????????????????? ?????????????? ??? ?? ??? ?????? ?????????, ?????????? ??? ?????????? ???
????????????? ??? ??? ??? ?????? ?????????????? ?????? (???).

2. ?? ?????????? ??? ?????? ??????, United Biscuits (Pension Trustees) Ltd ??? UB
Pension Investments Ltd, ????, ????????????, ???????, ? ?????????????????? ???
????????????? ?????????????? ?????????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????????? ??? ?????????? United Biscuits (UK) ???, ???????, ? ?????????????????? ???

UB Pension Investment Fund, ??? ?????? ??????????? ??????????? ?????????????? ???
????????? ??? ???? ??? ?????? ??????????? ?? ?????????? ??? ?????????? ??? ?? ???
?????????????? ??? ?????????? ??? ?? 1989 ??? ?? 2006.

3. ????? ??? ?????? ??????? ?????????? ?? ??????? ?? ???? ?????????? ?? ???? ?????????? ??????????????
?????????? ?? ?????? ?????????????? ?? ??????? ?? ???? ?????????? ?? ???? ?????????? ?? ???? ??????????
????????????? ?????????????? ?????????? ?????? «????????????? ??????»,
???? ?? ?????? ??? ?????? 13, B, ??????? ??, ??? ?????? ?????? 77/388/?? (2) (??? ????:
???? ??????) ??? ??? ?????? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112/?? (3)
?? ?, ?? ???? ??????, ?????????????? ?? ???? ???.

I. ?? ?????? ????????

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

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

5. ? ??????? ???. ?????????????? ???. ?????? 2, ?????? 1, ??? ?????? ???????, ? ?????? ???.
?????? ???. ??? 31 ?????????? 2006.

6. ? ??????? ?? ??? ??????? 2006/112, ? ??????? ??????????? «?????????», ??????????????
?? ??????? 1 ??? ?????????????? «????????? ??????????», ??? ??????????? ?? ??? 131, ??
????? ?????????????? ?? ??????? ?????????? ?? ??????? ?????????? ?? ??????? 15 ??? ??
??????, ??????? ?? ????:

«?? ?????????? ?? ?????????????? ?? ?????????? 2 ?? 9 ?????????????? ?? ?? ??????????
????? ?????????? ?? ?????????? ?? ?? ?? ?????????????? ?? ?? ?????????? ?? ?? ?????? ??
?? ?????????? ?? ?? ?? ?? ?? ?????????? ?? ?? ?? ?????????? ?? ?? ?? ?????????? ?? ?? ?? ??????????
????? ?????????? ?? ??????????, ?? ?????????? ? ??????????»

7. ?? ?????? 135, ??????????? 1, ??? ??????? 2006/112, ??? ??????????????? ???.
????????????? «????????? ??? ??????????????» ??????? 3 ??? ????? IX ??? ??????,
????????? ?? ????:

«?? ?????? ??? ?????????????? ??? ?????????? ??? ??????:

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

[...]]>.

8. ? ??????? ?? ???? ?????????? ??? ?? 13, ?, ??????? ??, ??? ?? ???? ???????, ?
????? ?? ???? ?? ???? ?? 31 ?????????? 2006.

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

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

9. ?? ??????????? ?? ?????? ??????? 73/239/???? ??? ????????????, ??? 24?? ????????

1973, ?????????????? ??? ?????????? ?????????????? ?????????????? ??? ?????????????? ?????????????? ???
????????? ??? ??????? ?????????????? ??????????????, ????? ??? ?????????? ???, ???
??? ?????? ??? (4), ??? ?????????????? ?? ??? ?????? 84/641/??? ??? ??????????, ???
10?? ?????????? 1984 (5) (??? ????: ????? ?????? ??? ?????????? ??????????), ????? ??
????:

«?. ?????????? ??? ?????????? ??? ??????

[...]

18. ??????

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

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

10. ?? ??? 1 ??? ?????? ?????? 79/267/E?? ??? ??????????, ??? 5?? ?????? 1979,
???? ?????????? ??? ??????????, ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????? ??? ?????????????? ??? ?????????????? ??? ?????? ??? ??? ?????? ???
(6), ??? ?????????????? ?? ??? ?????? 2002/12/?? ??? ?????????? ?????????????? ??? ???
??????????, ??? 5?? ?????? 2002 (7) (??? ????: ????? ?????? ??? ?????????? ???),
????? ?? ???:

«? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ??????????
????????????? ?????????????? ??? ?????????? ??? ?????????? ?? ?????????? ???
????????????? ?' ??? ?????? ?????? ??? ?????? ??? ?????????? ?? ?????????? ?? ???:

1. ??? ?????????? ??????????, ??' ??? ?????? ?????????? ??? ??? ??????:

?) ??? ????? “????” [...]?

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

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

?) ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ???
????????? “permanent health insurance” (????????? ?????????? ??? ?????????? ???)?

2. ??? ?????????? ?????????, ??' ??? ?????? ?????????? ??? ??? ??????, ?????????? ???
?????? ??? ?????????? ??? ??? ?????????? ??? ?????????? ?????????? ?????????? ???
????????? ????:

[...]

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

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

[...]».

11. ??? ? ? ????? 7, ?????????? 2, ??? ?????? ?????? ??? ?????????? ????:
«? ????? ???????? ????. ? ??? ?????? ?????? ?????????? ?????????? ??? ?????????? ??? ???????????.
????????? ????????, ????? ?? ? ????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????????? ??? ?????? ????.»

12. ?? ????? 8, ?????????? 1, ??? ? ? ????? ?????? ????:
«????? ?????? ?????? ??????, ??? ? ? ?????????? ??? ?????????????? ??? ?????????? ??? ?????? ???
????? ??? ??????:

[...]

?) ?? ?????????? ?? ?????? ??? ?????? ??? ?????????????? ??? ?????????????? ??? ??
????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????, ?????????????? ???
????? ?????? ???????????.»

13. ?? ?????????? ?? ?????? ?????? ?????????? ?????????? ?????????? ?????????????? ????:
«????????? ??? ?????? » ??? ? ? ????? VII ??? ?????? ??? ?????????? ??? ?????????? «??
????????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????????? ??? ??????
1, ??? 2, ?????????? ?? ??? ??.»

14. ? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????????? ??? ?????????????? ??? ??
?????? 2002/83/?? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??, ??? 5?? ??????????
2002, ??????? ?? ??? ?????????? ??? (8) (???: ?????? 2002/83). ??? ?????? 2 ???
????????? 2002/83 ?????????????? ?? ?????????? ??? ?????? 1 ??? ?????? ?????? ??? ??????
????????? ????. ?? ?????? 5, ?????????? 2, ??? ?????? 2002/83 ??? ?????? ??? ?????? ??????????
?? ?? ?????? 7, ?????????? 2, ??? ?????? ?????? ??? ?????????? ????. ?? ?????????? ?
?? ?????? 2002/83 ??? ?????? «????????? ??? ?????? » ??? ??????????, ???
????? ??? VII, ??? «????????? ?????????? ??? ?????? ?????????? ?????????? ?????????????? ???
????????? [?]?? ??? 2 ?????? 2 ?????? ?? ??? ??.»

15. ? ?????? 2002/83 ?????????? ??? ?????????????? ??? ?????? 2009/138/?? ??
????????? ?????????? ??? ?????????? ??? ??, ??? 25?? ?????????? 2009, ??????? ?? ??
????????? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????????? (????????????? ??)
(9) (???: ?????? ?????????? ??). ?? ?????? 2 ?????????? 3, ??? ?????????? ????
????????? ??????????, ?? ??? ?? ?????????? ??, ?? ?? ?????? 1 ??? ?????? ?????? ????
????????? ????, ?? ?? ?????? ??? ?????????? ???, ???' ??????, ??????????. ?? ?????? 15,
????????? 2, ??? ?????? ?????????? ?? ?????????? ?? ????:

«??? ??? ?????????? ??? ?????? 14, ? ?????? ?????????? ??? ?????? ??????????????, ???
????????? ??? ?????? ?? ?????? ?????????? | ? ??? ?????????? ??, ?????????? ?????????? ???
?????, ??? ?? ? ?????? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????????? ??? ?????? ????.»

16. ?? ?????????? || ?? ?????? ?????????? || ?????????? «????? ?????????? ???»
?? ???????????, ??? ?????? ??? VII, ??? «????? ?????? ?????????? ??? ?????? ????

????????????????? ??? ??????????? ??? ?????? 2, ?????????? 3, ??????? ??, ?????? iii
??? iv».

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

17. ??? ??? ??? ?????? ?????????????? ?????????? ?????????? ???, ??????? ?? ???? ??????
??? ??????? ?????????? ?????????? ?? ??? ?????????????? ??? ?????????????? ??????????, ?
?????? ?????????? ?????????? ?????????? ?????????? ?????????????? ???????, ??????????????????
??? ?????????? ??? ??? ?????? ?? ?????????? ?????? ?????????? ?????? ?????????? ?? ??????????????
????????????? ?????????? ?????????? ?????????? ??????, ?????????? ?????? ??? «?????????????
????????????? » ??? ?? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ??? ??? ?? ?????? ?????????? ?????????? ?????????????? ?????????? ???, ??
????????? ?????? ?????????? ?????????? ??? «[?????????] ??? ?????? ??? ?????? ??? ?????????? ???
??? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ?????? » ??? ??
????? ??? ?????? 1, ?????? 2, ??? ?????? ?????? ??? ?????????? ????. ????. ??? ?? ???
????????? ??? ?????????? ?? ?????? ?????? ?????? ?????????? ?????????? ?? ??????????
????????? ?????????? ?????????? ?????????? ?????????? ??????????, ??? ?? ??? ?????????? ???
?? ?????????? ?????? ?????????? ?? ?????????? ?????????? ?????????? ?????????? ??????????
????????? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??????????
????????? ?????? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??????????.

18. ??? ??? ??? ??? ??? ??? ?????????? ?????????????? ?????????? ??????????????????
??????, ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ???' ??? ??
?????? ??????? ???????, ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????? ??
????????? ?????? ??? ??? ?????????? ??? ?? ??? ?????????? ?????? ?????????? ?????????? ???
????????? ? ?? ??????????. ??? ?? ??? 1? ?????????? 2005, ? ?????????? ???
????????? ?????????? ?? ?????????? ?????????? ?? ?????? ??? ?????????? ??? ??????????
??? ??? ???, ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ??????????
??? ?????????? ?????????? ??? ?????? ??? ?????? ????. ??? ?? ??? ?????????? ???
????????? ??? ?????????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??????????, ? ??????????
????????? ??? ??????, ??? ?? ?????? ??????????, ?? ?????????? ?????? ?? ?????????? ???
????????? ?????????? ?????????? ?????????? ?????????? ?????? ??? ?????? ?????????? ???
????????? (10), ?????????? ?????????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???.

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

19. ?? United Biscuits Pension Fund ?????? ??? ?????????????? ?????????? ??????????????
?????? ??? ??? ?????????? ?? ?????????? ??? ?????????? United Biscuits (UK). ?????? ??
?? ?????????? ??? ?????????????? United Biscuits (Pension Trustees). ?????? ?? ??????????,
?? ?? 1989 ?? ?? 2006, ?? ?????? ??? ?????????? ??? ?? ??? ?? ??? ??????????????
????????? ?????? ?????? UB Pension Investment Fund, ?? ?????? ??????????????
?? ?????????????? ? UB Pension Investments.

20. ??? 18 ?????? 2014, ?? ?????????? ??? ?????? ??????, ?? ?????????????????? ???
????????????? ?????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ???
????????? ??? ?? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ?? ??? ??
????????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??????????
????????? ?????????? ?????? . ? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? 1?
????????? 1978 ??? ?? 30 ?????????? 2013.

21. ??? ??? ?????? ?????????????? ?????????? ?????????? ??? ?? ??????????
????????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ?????????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????????? ???

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

22. ???? ?????????????? ?????????? ?????????????? ?????? ?????? ?????????? ?? ??? ?????? ??????
????? ??? ??? ?????? ?????????????? ?????????? ?? ??? ?????? ?????????? ?????????????? ??
Insurance Companies Act [????? ??? ?????? ?????? ?????? ?????? ?????? ?????????????? ??????] (??
????: ??????????), ??? ??? ?????? ??? ??? ?????? ?????? ??? ??? ?? ??? ?????? ???, ???
????? ??? ??? ??? ?????? ?????? ??? ?????????????????? ?????? ?????? ??? ?????? ???
????????? ?????????? ?????????? ?????????? ?????? (??? ????: ?? ??????????).

23. ??? ?? ?????? ?????? ??? ??? 1? ?????????? 1978 ??? ?? 30 ?????????? 2013,
????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ?????????????? ?????????? ??
????????????? ?????????? ?????????? ?????????? ?????????? ?????????? ??????, ? ?????????? ???
????????? ????, ????, ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?, ???
????????????? ??? ??? ???, ???, ???????, ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ??
????????? ?, ???? ??? ?????????? ??? ??? ??? (11).

24. ?? ?????? ??? 30?? ?????????? 2017, ?? High Court of Justice (England & Wales),
Chancery division [????????????? ?????????? (????? ??? ??????) (????? ?????????? ??
????? ?????????? ??????), ?????? ??????] ?????????? ?? ?????? ??? ?????? ??? ?????? ?????? ??
????????? ??? ?????? ?????? ??? ??????, ?????? ????, ??? ? ?????? ?????????? ??
????????????? ?????????? ?????????????? ?????????? ??? ?? ?????????? ??? ?????????????? ??
??? ??? ??? ??? ?? ?????? ??? ?????? ??????.

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

26. ??? ?? ?????????? ????, ?? Court of Appeal (England & Wales) (Civil Division) [??????
(????? ??? ??????) (????????? ????), ?????? ??????] ?????????? ?? ?????????? ??
????????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????????? ?????????????? ??
???????:

«????????? ?? ?????????? ?????????? ?????????? ?????????? ?????????????? ?????????? ??
????????? ??? ?????????? ????) ?????????? ???/?) ?? ??????????, “?????????????
????????”, ??? ?? ?????? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ??????
2006/112 [????? ?????? 13, ?, ?????? ??, ??? ?????? ??????];»

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

27. ?? ?????????? ??? ?????? ????, ? ?????????? ??? ?????????? ?????????? ??? ?
????????? ?????????? ?????????? ?????????? ??????????.

28. ??? ?? ??' ?????????? ?????? ??? ?????? ??? ?????? 26 ?????????? 2019,
????????? ?????????? ?????????? ??????????.

IV. ???????

29. ????? ???? ?????? ??????? ?? ??????? ?????? ?????? ?? ???? ?????????? ?????????????? ??????????????
????????? ?????????????????? ?????? ?? ?????? ?????????????? ??? ?????? ??? ???? ???? ????
????? ?????? ??? ???? ?????? ?????????????? ?????????? ???' ?????????? ??? ??????
????????? ?????? ?? ?????????????? ?? «????????????? ??????????», ??? ???? ???? ???? ????
????? 13, ?, ??????? ??, ??? ?????? ?????? ??? ???? 135, ?????????? 1, ???????
??, ??? ?????? 2006/112, ??? ???? ????????, ?? ???? ??????, ?????????? ??? ???? ??. ??? ???? ??
????? ??? ?????? ??? ????????, ?????? ?? ?????????? ?????????? ?????????? ??????????????
????????? ?????? ?? ????????, ?? ???? ?????????? ??? ?????? ??? ???? ?????? ??? ?????? ???
????? ?????? ?????????? (?????? ?). ??? ????????, ?????? ?? ?????????? ??? ???? ???? ???? ????
?? ?????????? ?????? ?? ???? ?? ?????? ?????? ?????????? ??? ?????? ?????? ?????? (????? B),
????????? ?? ?????? ???? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ???? ???? ???? ???? ???? ????
????? ??? ?????????? (?????? ?). ??????, ?????? ?? ?????????? ??? ???? ???? ???? ???? ???? ????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ???? ???? ???? ???? ???? ????
(?????? ?).

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

30. ?????????? ?????????? ?????????????? ?????????????? ?????????????? ?????????? ?? ?? ?????????????? ???
????????????? ?????????? (1), ?????? ?????????? ?????????? ??????? ?? ??? ???? ???
????????? ??? ?????????????? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ??????
2006/112 (2).

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

31. ???????, ?????????????? ? ??????????? ???, ??? ?????????????? ??? ??? ?????????? ???
????????? ???????????, ? ??????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ???
????????????? ?????????? ?????????????????? ??????? ?? ?????? ?????????? ??? ??????
????????? ??? ?????? ?????? ??? ?? ?????? ?????????? ??? ??? 1? ?????????? 1978 ???
??? 30 ??????????? 2013.

33. ????????, ??? ?? ?????????? ??? ?? ?????? 135, ?????????? 1, ????????, ?, ??

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

34. ??????????, ??????, ??? ?? ?????????????? ???????, ??? ?????????????? ?????? ??? ??
????????? ???, ????? ?????? ??? ?????? ??? «????????????? ??????» ???, ????????, ???
?? ?????????? ??? ?????? ?????? ?????? ??????????????, ??? ?????????? ??? ?????????? ??????????????
??? ??? ?????? ??? ??????????, ??? ? ?????? ?????????? ?????????????? ??????????
????????????? ?????? ?????? ??? «????????????? ??????», ?? ??????????
?????? ?????? ?? ?????????? ??? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? 135,
????????? 1, ??????? ??, ??? ?????? 2006/112. ????, ?? ?????? ?????? ???
?????? ?? ?????? ?????? ??? ?????????? ?????, ?? ?????? ?????????? ??? ?????????????? «??
?????? ?? [?? ?????????? ??????] ?????? ???????, ??? ?????????????? ???
???? ?????????? ??? ?????????? » (12).

35. ??????????????????? ?? ?????????????? ??? ?????????????????? ??????????????, ??????? ??
????????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????
??? ?????? ?????? ??? ?????? 135, ?????????? 1, ??????? ?, ?, ??? ?????? 2006/12.

2. ??? ??? ?????? ??? ??????? ??? ???????? ??? ?????? 135, ?????????? 1, ???
?????? 2006/12

37. ????????, ??????????? 135, ??????? 1, ??? ????? 2006/112 ?????? ?? ?????????????? ?????, ?????????? ?? ???? 14). ???????, ??? ?????? ?????????? ?????, ? ?????? ?????? ????? ?????? ?????? 2, ??????? 1, ??? ?????? ?, ??? ?????? ?????? (15).

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

1. ??? ??? ??????? ?????????????? ??? ?????????????? ??? «?????????????????»

39. ????? ???? ?? ??' ??? ?????? ?????????? ?? ?????? 135, ?????????? 1, ??????? ???. ?? ?? ?????? 2006/112. ?????? ?????? ?? ?????????? ?????? ?? ?????????? ?? ?????? ?? ?????? ?? ??????

??? «????????????? ????????» (17), ? ??????? ??? ????? ??????????????, ?????? ??????,
????????? ??????. ????, ? ??????? ??? ????? ?? ?????????????? ?????? ??? ?????????? ??????
??? ?????? ??????????, ?????? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????,
????????????? ?????????? ?????? ??? ratio legis ??? ?????????? ??? ?????? ?????????? ? ??? ?
????????? (18). ??? ?????, ???????, ?? ?????? ?????????? ??? ?????????????? ?????????;
????????? ?? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????????????? (19), ??
????????????? ???????? ?????????????? «??? ? ?????? ??? ? ?????????? ??????????????,
?????? ??? ?????????? ?????? ?????????? ??????????, ?? ?????? ??? ?????????? ??? ??????????, ??
????????? ?????????? ??? ?????????? ?????????? ?????????, ?? ?????????? ?????????? ??? ?? ??????
??? ?????????? ??????» (20).

40. ?????, ?? ??????? ???? ?????????? ????? ?????????? ?????? ?????? ?????? ?????? ???
?????? ?????? ??? ?????????????? ????? ?????????????? ?? «????????????? ??????» (21).
? ??? ? ??? ???? «????????????? ??????» ???????? ??? ???? ? ??????????????
????????????? ??? ?? ?????????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
????????????? ????, ?????? ?????????? ??? ?????? ??? ???? ?????? ?????? ?????? (22).

41. ????????, ? ?????? «????????????? ??????» ?????? ?? ?????????????? ??????. ???
???? ?? ?????????? ?????? ? ?????? ?????????? J. Kokott, ? ?????? ??? ????? 135,
????????? 1, ?????? ?, ??? ?????? 2006/112 «??? ?????????? ??? ?????? ?????? ???
????? ??? ?????? ??? ?????????????? ?????????? [...] ? ?? ?????? ??????????
????????? [...] ??? ???? ?? ?????? ??? ?????????? ?????????? ?? stricto sensu
????????? » (23). ??????????, ?? ?????????? ??? ?????? ??? ??
????????? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??????????,
????????????? ?? ?????? ?????? ??? ?????????? ??? ?????????? 135, ?????????? 1,
????????? ?, ??? ?????? 2006/112, ??? ?????? ??? ?????? ??? ?????????? ??????????
????????, ??? ??? ?????????? ??? ?????? 135, ?????????? 1, ?????????? ?? ??? ???, ??? ??
???? ??????, ??? ?????? ??? ?????? «?? ?????? ??????» ? «????? ?? ??????????»
????????? ?????? (24).

43. ????????, ?????? ?? ??? ?????????????????? ??????????, ? ?????????? ??? ???
????????? ?? ??? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112 ??? ??????
??? ??? ??????????, ??? ????? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??????
?????????.

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

45. ????? ?????? ?? ?????????????? ?????? ??????????, ?? ?????????? ??? ?????????????? ??? ?
?????? ??? «????????????? ??????» ?????? ?????????? ?????? ?????? ??? ?????? ??? ??????????????
??? ?????? ?????????????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?
????? ?????????? ???, ??? ?????? ?????????? ??????????, ?????? ?????? ??? ?????? ??? ?????? ???
????? ?????? ?????????????????? ??? ?????? ?????????? ? ?????? ?????? ??? ?????? ??? ??????????????
????? (26). ????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?
????? ?? ?????? ?? ? ?????????????? ??? ?????????? ? ??? ?????? ??? ?????? ?????? ??? ??????

?????????? (27). ??? ??????? ??? ?????? 135, ?????????? 1, ???????? ??, ??? ???????
2006/112 ?????????? ?????? ?????? ? ?????? ?????????? ?????? ?????? ?????? ???
????????? ??? ?????????? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ???
????????? ???, ?????? ??? ?????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? 40 ??? 42 ???
????????? ??? (28).

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

46. ??? ??? ?????? ??????, ??? ??? ?????????? ?????????? ?????????? ??? ?? ??????
?????????, ??? ??? ?? ?????????? ??? ?????? ?????????? ?????????? ?? ?????????? ??? ?????? ???
??? ?????? ?? ?????????? ??? ?????????? ?????? 40 ??? 42 ??? ?????????? ???.
?????????, ??? ?????? ?????????? ?????????? ?????????? ??? «?????????
????????? [????????? ??????] ?? ?????? ?????????? [????
?????] ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? «?????????
??? ?? «????????? ?????? ?????????? ??? ?????????? ??? [??? ??????] ??
????????? ??? ?????? ?????????? ?????? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ???
?????». ?????????? ??? ?????? ?????? ?????? ??? ???' ?????????? ??????, ??
????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ??????.

47. ?? ??? ?????? ?????????? ??? ?? ?????????? ?????????? ?????????? ??????????
????????????? ??? ?????? ??? ?????????? ?????? ?????? ??? ?????? ?????????? ???
????????? ??? ?????? ??????. ??????????, ??? ?????????? ???, ?????????? ??? ??
????????? ??? ?????? ?????????? ??? ?????????? ?????????? ?????????? ??? ??????????
????????? ?? ?????? ?????????? ??? ?????????? ?????? ?????? ??????. ? ?????????? ??????????
??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????? ?????? ?????????? ??? ?????? ?????????? ?????? ?????????? ??? ??????????
????? ?? ?????? ?????????? ??? ?????? ?????? ??????. ??????, ??? ??
????? ?????????? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ???
????????? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??????????
?????. ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????????? ???
????????? ?????? ??? ?????? ?????? ??? ?????????? ?????? ?????? ?????????? ??? ?????????? ???
??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ?????? ?????? 135
????????? 1, ?????? ??, ??? ?????? 2006/112.

48. ??? ???????, ??? ?????? ?????????? ??? ??? ?????? ?????????? ?????????? ???, ??
????????? ??? ?????????? ??? ?????????? ?????? ?????????? ?? ?????? ?????????? ??????????
????????? ?? ?????????? ?????????? ??? ?????? ?? ?????? ?????????? ??????????
????????? ?????? ?????????? ?????????? ?????? ?????? ?????????? ?????????? ??????
????????? ??? ?????? ?????????? ?????? ?????? ??????. ???????, ??? ??????
????????? ??? ?????? «????????? ?????? ??????», ??? ??? ?????? ??? ??????
135, ?????????? 1, ?????? ??, ??? ?????? 2006/112, ?????? ?? ?????? ?????????? ???
????? ?????????? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ??????
??????.

49. ???????, ?? ?????? ?????????? ?????????? ??? ?? ?????? ?????? ?????? ???
????? ?????? ?????????? ?????? ?????????? ?????? ?????? «??? ?????? ???
????????? ?? ?????????? ??? ?????? Wheels Common Investment Fund Trustees ??.»
(29). ?? ??? ?????? ???, ?? ?????????? ??? ?????? ??? ? ?????? ??????????

? ?????????????? ?????????? ?????????????????? ?????????? ??? ?????????????? ??? ???? ???? ??
«?????????? ?????????? ?????????» ??? ???? ?????? ??? ?????? 13, B, ?????????? ??, ??????
6, ??? ?????? ??????? ??? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ??????
2006/112. ??? ?????? ???????, ????, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? «????????????? ?????????» ??? ?????? ?????? ??? ?????? ?????? ??????. ?????????,
????????? ??? ??????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??????????
????????????????? ??????????????, ??? ?????? ?? ?????? ?????????????? ??? ?????? ??? ??????
????????.

50. ?? ???????????, ? ?????? ??? ?????????? ?????????? ??? ?????? ??????????????
?????????? ??? ?????????? ??? «????????????? ??????» ??? ?????? ???.
?????????? ??? ?????????? ??? ??????????

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

51. ?? ?????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ???? ?????? ??????????????
????????? ?????????????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ??????
??? ?????????? ??? ?????? ??? «????????????? ??????», ??? ?????????????? ??? ??????
??? 44 ??? ?????????? ???, ??????????, ???, ?????? ? ?????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ??????,
????? ?? ?????????? ??? ?????? ??? ?????? 2006/112 ?? ??? ?????? ??? ?????? ??? ??? ???
????? ??? ?????? ?????? ??? ?????? ?????? ???, ??? ?????? ?????????? ??? ??????
2002/83 ??? ? ?????? ?????????? II (????????? ??? ?????? ??? ?????? : ?????? ???
?????????). ??? ???? ?????? ???, ? ?????? «?????????» ???, ??? ?????? ??? ??????, sui
generis ????????, ?????????? ??? ?????? «?????????» ??? ???? ?????? ???
???, ????????, ????????, ????????, ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????? ?? ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

52. ?? ?????????? ??? ?????? ??? ?????? ??????????, ?????? ???, ??? ???? ??????
????????????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ?????????????? ???
????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????? ?? «????????????? ??????», ??? ?????? ??? ?????? ???
????? 135, ?????????? 1, ?????? ??, ??? ?????? 2006/112, ??? ???? ?????????? ??
????? ??? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? 18 ??? ?????? CPP (30),
????? ??? ?? ?????????? ??? «????? ??? ?????????? ?????????? ?????????? ???
???? “????????” ??????? ??? ?????? ?????? [????? ?????? ??? ?????? ???]
?????????] ? ??? ?????? ???».

53. ??????, ??? ??? ?????? ??? ??? ?????? ??????????, ?????? ?? ?????????? ?? ?
????????? ??? ?????? «????????????? ??????» ??? ???? 135, ?????????? 1,
????????? ??, ??? ?????? 2006/112 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ???.

1. ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? 2006/112 ??? ??
????????? ??? ?????? ???

54. ?? ??????????, ?????????? ??? ???? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 2006/112 ??? ?????????? ??? ?????? ??? ???? «????????????? ??????»
????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??, ?? ?????????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? CPP, ? ???

55. ???????, ??????? ?????? ?????????????????? ?? ??? ???? ?? ?????? ???, ?????????????? ??
«? ??????? ?????????? ?????? ??? [?????? 2006/112] ?? ?????? ?????????? ?????????? ??????????
[??? ??????] ??? ??????? ?? ?????? ??????, ????? ??? ?????????? ??????, ???
????????? ??????? ???????, ????? ?????? ?? ?? [?????????] ??? ??????????» (34).
??????, ?????? ?? ??????????, ??????, ?? ?????? ??? ????? ?????? ?? ??????
????????????? ?????????? ?????????? ??? ????? ?????????? ??? ?????? ?????????? ??? ??????????
??, ???????, ? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ?????? ?????????? ???
?? ??? ??? ??? ??? ?????? ??? ?????? 2006/12.

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

57. ??????? ?? ??????? ?????, ?? ?????? ?????? ?????????? ?? ?????????????? ??? ? ??????? ???
«????????????? ?????????? ?????????? ?????????? ?????????????????» ??? ?????? ?? ??????? ???
?????????? ?????????? ??? ??????? ??????, ?????????? ??? ?????? ?? ?????? 1, ?????????? 2,
????????? ??, ??? ?????? ??????? ??? ?????????? ???, ??? ?? ?????????? ???, ???
????? ??? ??????? ??? ??????? 2002/83 ? ??? ??????? ?????????????? ?? ?????????? ???
?????? ??? ?????? ??? ?????? ?? ?????? ?? ??? ?????? ????. ??? ?????? ?????? ?????????? ???
?????????? ???, ??? ??? ??????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ???
?????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ?????? ???
?????? ??? ??? ??? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ???
????????????? ??? ??????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??

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

58. ??? ?????, ????, ???? ?????? ??? ?????????????????? ??? ?????? ??? ?????? ????
????????? ????, ???? ??? ?????? ??? ?????? 1, ?????????? 2, ?????????? ?, ??? ??????
????? ?????????? ??? ?????? ??? ?????? ?????? ??????, ????, ??? «?????????» ???
????? ?????????? ??? ?????? ?????? 1 ??? ?????? ??? (36) ???, ????????, ??? «?????????» ???
??? ?????????? ??? ?????? ?????? 2 ??? ?????? ??? (37). ?????????? ?? ?????? ??????????
????????? ?????? ?????????? ?????? ??? ?????? ?????? ??? ?????, ?? ?????? ?????? ????
????????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????
????????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ????
????????? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ????
??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????.

59. ???????, ???????, ??? ? ?????? ??? ?????? «?????????» ??? «?????????»
????????? ??? ???? 8, ?????????? 1, ???????? ??, ??? ?????? ?????? ??? ?????? ??????????
????, ?? ??? ???? ??? ?????? ???, ?? ?????? ?????????? ??? ???? ?????????? ?????? ??????????
??? ?????????? ?? ?????????? «?????????» ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ».
? ?????? «?????????» ??? «?????????» ?????????? ?????? ??? ?????? ??? ?????? ????
2002/83 ??? ??? ???? ?????? ?????????? II (38), ?? ?????? ?????????? ??? ?????? ????
«????????? ?????? ?????? ?????? ?????????? ??????????» ?? «?????????» (39) ??? ??
????? ??? ?????? ?????????? ??????. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????? ??? ?????? González Alonso (40), ??? ?????? ?????????? ??? ?????? ????
????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???, ??? ??????
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????? 1, ?????????? 1, ?????????? ?, ??? ?????? ?????? ??? ?????? ?????? ???, ??? ??????
??? ?????? III ??? ?????????? ???, ?? ?????? ?????? ??? (41), ??? ??? ????
????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ??? «?????????» ??? ??? ????
????? ?????? 2 ??? ?????? ???.

60. ???????, ??? ?????? ?? ?????????? ??? ?????? ?? ?????????? ??? ?????? ????
??? ???? ??? 7, ?????????? 2, ??? ?????? ?????? ??? ?????? ??? ?????? ???, ??
????????? ?? ?? ?????????? ???, ??? ?????????? ?????? ??? ?????? ??? ?????? ????
????? ?????? ??? (42) ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ??????
????? ?? ?????? ?????????? ?????? ?????????? ?? «????????? ?????????? ???
?????????» (43). ??????????, ??? ??????????, ?? ???????, ??? ?????? ??? ?????? ????
?????, ?? ?????? 7, ?????????? 2, ??? ?????? ??? ?????? ??? ?????? ??? ?? ??????
????????? ??? ?? «?????????» ?????????? (44), ?????????? ??? ?? ?????? ????
«????????? ?????? ?????? ?????? ??????????» ??? ?????????? ??? ?? ??????
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ????
????? (45). ??????, ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 7,
????????? 2, ??? ??????, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????? ??? ?? «????? [??] ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????,
?? ?????????? ??? ?????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ????. ????,
?? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? 7, ?????????? 2, ??? ??? ?????? ????
????? ?? ?????? ?????? ?????????? ?????? ??? ?????? ??? «????????? ???
?????????». ???????, ??? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????, ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

61. ??????????????????, ??????????????????, ?? ?????????????????????????? ?????????? ??
 ?????????? ?????????? ??? ??????? ??? ?????? ??? ?????? ?????? ?????? ??????, ? ?????????? ??????
 ?????? ?? ?????????????? ?????? ??? ?????? ?????? ?????????????? ??? ??? ?????? ??? ?????????? ??? ??
 ?????? ??? ?????? ?????? ?????? (46).

62. ????? ??????, ????????, ??? ??? ?????????? ??? ??? ?????? ??? ?????????? ??? ??????
????? ?????? ??? ??????????, ?????? ??? ?? ?????? ??? «????????????? ??????????»
????????? ??????????????????» ??? ??? «?????????» ?????? ?? ??????????????, ??????, ??? ??
????? ??? ?????? ? ?????? ?????????????? ??? ?????? ?????? ?????????????? ?????? ??? ??????
????????? ??? ?????? ?????????? ??? ??? ?????????????? ??? ?????? ?????????? ??? ?????????? ???
????? ??? ?????? ?????????? ?? ??? ?????????? ??? ??? ?????? ?????????? ???, ???, ?????????, ??? ??
????? ??? ?????????????? ??? ??? ?????????? ??? ??? ?????? ?????????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????????????? ??? ??? ?????? ?????? ?????????????? ??? ?????? ??? ??????
????????????? ?????? ?????????? ?? ?????????????? ??? «????????? ??????????»
????????? ???? «[?] ?????????? [?] ?????????? ? ?????????? ? ??????????».
????? ??? ??????». ??? ?????? ?? ?????? ??????, ??? ?? ?????? ???, ?? ?????????? ??? ??
????????? ?? ?? ?????? 1, ?????????? 2, ??? ?? ?????? ??????, ?? ?????? ?????????? ??? ??
????????????? ??? ?????????????? ?????? ?????????? ?????????? ??? ?????? ?????????? ??? ??
????????? ??? «????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??
????????? ?????? ?????????? ?????? ?????????? ??? ??????» (47). ? ?????? ?????? ?????? ???
????????? ?????????? ??? ?????? ?? ?????? ?????????? ??????. ?????? ?????? ?????????? ??? ??
????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??? ?????? ???
????????? ??? ?????? ??? ??? ?????? ??????. ???????, ??? ?????? ?????? ??? ??????????????
??????, ? ?????? ???, ? ?????? ?????? ?????? ?????? ?????????? ???, ?????? ??? ??
????????????? ?????????? ???, ?? ?????? ?????? ??? ?????? ?? ?????? ??? ?????? ??????????
????????? ???, ??? ??? ??? ?????????? ???, ?? ?????? ??? ?????? ??? ?????? ??????????
????????????? ?????? ??? ?????? ??? ?????? ??????.

3. ??????? ?? ?????????? ?? ?? ?? ?? ?? ?? ?????????????? ????????, ??? ??
?????? ?? ?? ??????? 2006/12

65. ??????, ??? ?????? ?????? ?????? ?????? ?????????????????????????? ??????, ????? ? ???????????
??? ?? ?????? 401 ??? ?????? 2006/112 (??? ?????????? ?? ?????? 33 ??? ?????? ??????)
????????? ??????? ?? «????????? ? ?????????? ?????? ??? ?????????? ??????» ?? ??????
??? ?????? ??????. ?????????? ?????? ??? ?????????? ?? ?????????? ?????? ?????? ???????????,
???? ?? ??? ? ??? ?????????? ?? ?????????? ?? ?????????? ??? ?? ??? ??? ?? ??? ??? ??
????????? ??????????, ?? ?????????? ?????? ?????? ?????? CPP ???, ?? «? ??????

????????????? [?????????????] ??? ??? ?? ??? ?????????? ??? ???, ???, ?? ???????????
????????? ????, ??? ?? ??? ???», «??? ??? ?????? ?????????? ?? ?????????? ??? ?????? ???
??? ?????????? ??? [135, ?????????? 1, ?????????? ?], ??????????» (51). ???
????? ? ???????? ???' ?????????? ???????, ?????????????? ???
????????????????? ???, ??? ?????? ??? ?????, ?????????? ?????? ?????? ??? ?? ???????
??? ?????????? ??? ?????? 135, ?????????? 1, ?????????? ?, ??? ??? ?????? 401 ??? ??????
2006/112 ??? ?????????? ???, ??????? ?????????? ??? ? ?????? ?????? ???????
????????? ??? ??????. ? ??????? ??? ?????????? ?????? ??? ?????????? ??? ??? ??????
????????? ??? ?????????? ??? ??? ?????????? ?????? ?????? ??? ??? ?????? ??????????
????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ? ?????? ?????????? ??? ?????? ???
????????? ?????? (52).

66. ????????, ??? ?????? ??? ?????????????? ??? ?????????????? ?? ?????????????? ??????????????,
???? ?????????? ? ??? ?????? ?? ??? ?????? ?????????????? ??? ?????????????? ??? ?????? ??? ??????
????????, ? ?? ?????? ?????????????? N. Fennelly ??? ????? CPP (53), ????? ?????? ??
????????????? ?? ??? ?????? ?????? ?? ?????????????? ??? ?????? ??? ?????? ?????????? ??????????????, ???
???? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? (54). ??? ?????? ??
????????? ??? ??' ?????????????? ????????, ????? ?????? ?????? ?? ?????? ?????????? ???
????????? ??????????.

68. ??????????????????, ?? ?????????? ???????, ? ??????? ?????? ?????? ?????? ??? ?????????
???? ?????? ?????????? ?? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? 2006/112 ?????
????????????? ??? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ???????????, ?? ??????, ???
????????? ??? ?????? 62 ??? 66 ??? ?????????? ???, ?????????? ??? ????? ?????????? ???
????????? ??? ?????? ?????? ?????? ?? ??? ?????????????? ?????????? ??? ?????? ??? ?????
????????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????????? ?? ?????????? ??? ?????????? ?????????? ?????????? ???, ??? ?????? ???
????????? ?????????? ??? ?????? ?????? ??????. ??????, ?????? ?? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????????? ??? ???
????????? ?????????? ???, ??? ? ?????????? ?????????? ???, ?? ?????? 135,
????????? 1, ???????? ??, ??? ?????? 2006/112 ????? ?????? ??? ??????????
????????????? ??? ?? ?????? ?????? ??? ?????, ??? ?????????????? ??? ?????? ??????????
????? ??? ?????? ?????? ?????? ?????? ??????. ??????, ?? ??????
????????????? ??? ?????????? ??? ?????????? ??? ??? ??? ?????? ??? ?????? ?????????? ???
??? ?????????? ??? ?????????? ??? ?????????? ???, ?????? ??? ?????? ??? ?????????? ??? ??? ???
????????? ??? ?????? ??? ?????? ??????. ??????, ??? ?????? ??? ?????? ??? ?????????? ??? ???, ?
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??? ??????????
??? ?????????? ??? ?????? ??? ?????? ???, ??? ??????, ??? ?????? ??? ?????????? ??? ???
?????????.

69. ????????, ?????????? ?????????? ?????? ?????????? ?????? ??? ?????? ?????????? ??? ??
????????? ??? ?????? ?????????? ?????????? ??????????, ??? ?????? ?????? ?????? ??? ?????? ???

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

70. ????? ??????????, ?????????????? ?????? ??? ?????????????? ?????? ??? ?????????? ?
????????? ??? ?????????????? ??? ? ?????? 2006/112, ?? ?????????????? ??? ?????????? ???
????????????? ?? ?????? ??? ??????????????. ?????? ?????????? ??? ?????????????? ??? ??????????
??? ?????????? ??? ?????????????? ?????????? ??? ?????????????? ?? ?????? ??? ??? ?????? ??
??? ?????????????? ??????????. ?????? ??? ?? ?????????? ??? ??? ?????????? ??? ??
????????? ??? ??????????.

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

71. ????? ??????? ???, ?? ??? ?????????? CPP (55) ??? Skandia (56), ?? ??????????
????????????? ??? ??????? ??? ?????????????? ?????????????? ?????????? ??? ??? «?????????»
????????? ??? ?? ?????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ??????? ???
????? ??????. ???????? ??? ??? ??????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ???????
?? ?????????? ??? ? ??? «?????????» ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ??? ?????? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ???
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???.

72. ???????, ??????, ? ?????? ? ?????? ?????????????? ??? ?????? 18 ??? ?????????? CPP (57)
?????? ?? ?????????????????? ??? ??????? ????. ??? ?????? ??????, ?? ??????????
?????? ?? ?????????????? ?? ??????? ?????????? ??? ?????????? ??? ?????? ??? Card Protection
Plan Ltd (CPP) ??? ?????? ??? ?????? ?????????? ?????? ?????????? ?????? ?????? ?????????? ???
?????? ??? ?????? 13, B, ????????, ??, ??? ?????? ??????? ???, ??????, ??????, ?????????? ??
??????, ?? ??? ? ?? ?????, ??? ?????????? ??????. ? ?????? 18 ?????????? ?????? ?? ?????? ??
??? «??????» ??????, ?? ?????????? ?????????? ??? ?????? ?????????? ??????, ??
????????? ?????? ?????? ?????? ?? ?????? ????? ?????????? ?? ??????. ?????????????? ?????? ??
????????? ?????, ?????????????? ?????? ?????? ?????? ?????? ?????? ?????????? ??????????, ??
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??
????? ? ?????????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????????? ??
????????? ??? ? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ??
????????? ?????, ??? ? ?????? ?????? ?????? ?????, ??? ? ?????????????? ??? ?????? ?????? ??? ????
????????? ???' ?????? ??? ?????, ?? ?????????? ??? ?????????, ??? ? ?????? ???, ??
????????????? ??? ?????? ??? ?????? ??? ?????? 17 ??? ?????? ?????? ?????? ???, ???
??? ?????? «??? ?????????? ?????? ?????????????? ??? ?????? ?????? ?????? ??? ???? ???? ???? ?
????????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ???? ?
????????? ??? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ? ???
????????? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ? ???
????????? ??? ? ?????? ??? ?????? ??? ?????????? ». ??? ?????? ???, ??? ? ?????? 18 ???
????????? CPP (58) ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?,
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ???,
????????? ??? ?????? ??? ?????? ???, ?? ?????? ?????? ???, ?? ?????? ??? ?????? 2006/112 ???
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????????

73. ??? ????? 18 ??? ????????? CPP (59), ?? ?????????? ??????? ??? ??????, ??

? ?????????? ????????????, ?? ?????? ?????????????? ????????, ?? ??????????? ?? ????????????
? ??? ?????? ?? ??????? ?? ?????????????? ?? ?????????????? ?? ????????. ???????????,
??????, ??? ? ??????? ?????????? ??? ??????? ????? ?? ?????????????? ?? ???????.
????????? ??????? ?????? ?????? ?????, ??? ?????? ??? ?????????? ?? ???????????, ???
????????? ??? ?? ?????? 66 ?? 70 ??? ?????????? ????. ????????, ??????? ??????????? ???
?? ????? 18 ??? ?????????? ??????? ???, ??? ?????? ??? ?????? ??? ???????????, ??? ??
????????????? ??? ?????????? ??? ?????????????? ??? ?????? ?????? ??? ??????????? ???
???? ?????????? ??? ??? ?????????????? ?????????? ??? ?????? ?????? ??? ??????? 135,
????????? 1, ??????? ??, ??? ?????? 2006/112. ????????, ? ????? 18 ??? ??????????
CPP (60) ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???????????. ???????????
???? ? ?????????? ??? ? ?????????????? ?????? ??? ?????? ?????? ?????????? ????????, ??? ??
????????? ?????????????? ???????????, ??? ?????? ??? ?????? ?????? ?????? ?????????? ??????????
????? ??? ??? ?????????? (??? ?? ?????? ?????? ??? ???). ????????, ??? ?????? ???????
?? ?????????? ?? ?????? ??? ?????? 18 ??? ?????????????? ?????????? ??? ?? ??????? ???
????????????? ?? ?????? ???????.

74. ???????, ??? ?????? ??? ?????? Skandia (61), ?? ?????????? ??? ?????? ???
?????? ?? ? ??????? ??? ?????????????? ????????, ??? ?????? ???????
????????????? ??? ?????? ??? ?????? ??? ??????, ??? ?????????????? ?????? ??????????????
????????, ?????????? ??? ?????? 100 %, ? ?????? ?????????????? ?? ?????? ??????????
????????? ??? ??????, ?????????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? 13,
?, ??????? ??, ??? ?????? ??????. ?? ?????????? ???????????, ?????? ???, ??? ??
31 ??? ???????, ??? ?????? ???????, ??? ?????? ?????????? ?????? ??? ??????????? ???
????????? ??? ?????? ??? ?????? ???' ?????? ?????????? ??????. ????????, ??? ??,
????? ??? ?? ???????, ??? ?????? ?????????? ?????? ??? ?????? ?????????? ??? ???????,
????? ???????, ??? ?????? ??? ?????????? ??? ?????????? ?????? ??? ??????? ???
«????????? ??????????» ??? ?????? ???????.

75. ?????, ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????
?????? ?? «????????????? ??????», ??? ?????? ?????????? ??? ??? ?????? CPP (62) ???
????????????? ??? ?????? 39 ??? ?????? ???, ??? ?? ?????????? ??? ?????? ??????? ???
????????? ??? ?? ?????? ??? ?????? ???????????. ????????, ??? ?????? 40 ??? 41 ???
????????? Skandia (63), ?? ?????????? ?????? ?? ?????? ??? ?????? ??? ?????? CPP
?????? ?? ??? ?????? ??? ?????????? ??? ????????, ?????????????? ??? ??? ??????????
????????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ??????????
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????, ??? ??? ???????????. ????????, ??? ?????? ?????????? ??? ?????? ??? ??
????????? ??? ?????? ??????????, ??? ?????? ??? ?????? ??? ?????? ?????????? ???
????????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???.

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

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

77. ??? ??? ?????? ???????, ?????????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ?
????????? ???????, ??? ?????? ???, ?????? ?????? ?????? ???????, ?????????? ??? ??
????????? ?????? ??? (64). ??? ?????? ???, ?????? ??? ?????????? ??? ? ??? ??? ??
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????? ??????? ?? ???? ?????? ???, ?????????????, ????? ?????? ??? ?????????????? (65).

78. ????????, ??????? ?????? ?? ??????????? ? ?????? ??? «?????????????», ??????? ??
????????????? ?? ?????? ?????? ?????? ?????????????? ?? ?????? ?? ?????????? ?????????????? ??
????????????????? ?? ?????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????????? ?? ?????? ?? ?????? ??
????? ?? ?????????? ?? ?????? ?????? ???????????????, ?????? ?????????? ?? ??????????????
?????????.

79. ??????????????????????, ????, ????. ????? ?????????? ????. ?????????????? ?????????? ????.
?????? ?????????? ????. ?????????? ?????????? ?????????? ????. ?????????? ????. ?????????? 135,
????????? 1, ??????? ??, ??? ?????? 2006/112. ???????, ?? ?????? ???????, ????.
????????????? ????. ?????????????????? ???????, ????. ????. ?? ?????????????????? ????.
????????????? ????. ????. ?????????? ????. ?????????? ????.

80. ?????????? ??? ??????? ?????????? ?????? ?????????? ?? ?????????? ?? ?????? ?????? ??? ??????? ???, ??? ?????????? ??? ??????? ??????, ?? ?????? ?????????? ?????????? ???????, ??? ??? ??? ??? ?????? ?????? ?????????? ?????? ?????????? ??????. ??????? ?? ?? ?????????? ??? ?????????? ???????, ??????? ?????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? 1?? ?????????? 2019. ??? ???, ? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? 135, ?????????? 1, ?????????? ??, ??? ?????? 2006/112 ??? ?????????? ??? ?????? 39 ??? 45 ??? ?????????? ???, ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? «????????????? ??????» ??? ?????? ?????? ?????? ??? ?????? ??????.

82. ??????????????????, ??????? ?? ?????????????? ???, ????? ?????? ??????????????, ? ????? ??
????????????? ?????????????? ??? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??
????????? ?? ?????? ?????? ?????? ?????????? ??? ?????????????? ??? ?????? 135 ??? ?????? 2006/112.
??? ?????????? ?? ??? ?????????? ??? ?????? ?????????? ?????????? ?????? ?????????? ??????????
????? ?????????? ?????????? (66). ????, ???? ? ???? ??? ?????????? ??? ? ???? ???
????????????? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ???
????????????? ??? ?????? 135, ?????????? 1, ?????????? ?, ??? ?????? 2006/112.

V. ???????

83. ?? ???? ?? ????????????, ??????? ?? ??????????? ?? ?????????? ?? ?????????? ?? ??????????????
?????? ?? ??????? ?? Court of Appeal [England & Wales (Civil Division)] [??????]
(?????? ?? ??????) (?????? ?? ?????), ?????? ??????] ?? ????????:

?? ?????? 13, ?, ?????????? ??, ??? ?????? ???????? 77/388/??? ??? ????????????, ??? 17?? ????
1977, ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????, ??? ??????? ?? ??? ????? ????
?????? ??????? – ????. ?????? ?????? ?????? ?????????????? ????: ?????????? ??????????
????, ??? ?? ????? 135, ?????????? 1, ??????? ??, ??? ?????? 2006/112/?? ??
??????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ??????? ?????? ??????????????
????, ????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????????????? ??????????
???? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????????
???? ?? ??????????.

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

2 ????? ??????? ??? ???????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ???????????
???? ?????? ????, ??? ??????? ?? ??? ????? ?????? ?????? ?????? – ?????? ?????? ????
????????????? ????: ?????????? ?????????? ??? (?? ??. ?.?. 09/001, ?. 49).

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

4 ?? ??. ???. 06/001, ?. 157.

5 ?? 1984, L 339, ?. 21.

6 ?? ??. ???. 06/002, ?.57.

7 ?? 2002, L 77, ?. 11.

8 ?? 2002, L 345, ?. 1.

9 ?? 2009, L 335, ?. 1.

10 ?? ??????????? ???

11 ?? ?????? ??????????? ?????????????? ??? ???. ???. ???. ???. 1? ??????????? 2005 ?

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

12 ?? ?????????? ??????, ??? ???? 44 ?? ?????????? ??? 20?? ?????????? 2003, Taksatorringen (C-8/01, EU:C:2003:621), ??? ???? «???????? ?????????? ?????????? ??? ???? ?????? ??????, ??? ?????????????????? ??? ???? ?????????? ??? ???? ?????????? ??????» ??? ????? 13, B, ??????? ?', ??? ????? ?????? ?????????? ?????????? ?????? ?????? ?? ?????? ?????????? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

13 ??., ?????? ?????, ?????? ??? 9?? ?????????? 2015, Fiscale Eenheid X (C-595/13, EU:C:2015:801, ??? 30 ??? ??? ?????????? ??????????).

14 ??., ?????? ?????, ?????????? ??? 28?? ?????????? 2010, Axa UK (C-175/09, EU:C:2010:646, ??? 25), ??? 17?? ?????????? 2013, Woningstichting Maasdriel (C-543/11, EU:C:2013:20, ??? 25), ??? 12?? ?????? 2014, Granton Advertising (C-461/12, EU:C:2014:1745, ??? 25), ??? 17?? ?????? 2016, Aspiro (C-40/15, EU:C:2016:172, ??? 20), ??? 16?? ?????? 2017, Kozuba 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).

15 ?????? ??? 10?? ?????? 2019, PSM «?» (C-214/18, EU:C:2019:301, ??? 43).

16 ?????? ??? 4?? ?????? 2006, Abbey National (C-169/04, EU:C:2006:289, ??? 68), ??? ??? 7?? ?????? 2013, GfBk (C-275/11, EU:C:2013:141, ??? 31).

17 ?? 2007, ? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ?????? ?????? ?????? 2006/112, ? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????????? ?????? [COM(2007) 747 ??????]. ???????, ?????? ?????, ?? ?????????? ??? ??? 135? ??? ?? ?????? ??????. ? «????????? ??? ??????????» ?????? ?? «????????? ??? ??? ?????? ??? ?????? ?????????, ?????? ?????????, ??? ?????????? ?? ?????????? ?? ??? ?????? ?????, ?? ?????????? ?? ?????? ?????????? ?? ??? ?????? ?????, ?? ?????????? ?? ?????? ?????????? ?? ??? ?????? ?????, ?? ?????????? ?? ?????? ?????????? ?? ??? ?????? ?????, ?? ?????????? ?? ?????? ?????????? ?? 2016.

18 ?????? ??? 13?? ?????? 2014, ATP PensionService (C-464/12, EU:C:2014:139, ??? 61 ??? ??? ?????????????? ??????????).

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insurance». ??????? ??? ??? ??????? ?? ?????? ????????????????, ??? ??? ??? ??? ??????,
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«Classification par branche» ??? ?????? ??????, «Lassificazione per ramo» ??? ??????
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