

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

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

JULIANE KOKOTT

??? 4?? ??????? 2020 (1)

?????? C?335/19

E. Sp. z o.o. Sp. k.

????

Minister Finansów

[?????? ?? Naczelnego S?d Administracyjny (????????? ?????????????? ??????????????, ????????)
?? ?? ?????? ?????? ?????????????? ???????]

«????????????? ?????????? – ?????????? ?????????? – ?????? ?????????????? ?????? – ??????
2006/112/?? – ????? 90 ??? ????? 185– ?????? ??? ?????? ?????????? ??? ?????? – ??????
?????? ?? ??????? ??? ?????????? – ?????????? ?? ??? ?????? ? ?????? ??? ?????? ??? ??????
????????? ? ?????????? – ?????????? ?????????????? ??? ?????? ?????????? ?????????? ??? ??????
????????? – ?????? ??? ??????????????»

I. ????????

1. ??? ?????? ?????????????? ?????? ??? ?????????????? ?????? ??? ?????????????? ?????? ??? ?????????????? ??
?????????? ??? ?????? ?? ? ?????????????? ??? ?????? ??? ?????? ??? ??????????; ???????????,
?? ?????? ???????, ??? ??? ?????? ?? ?????? ??? ?????? ?????????????? ?????????????? ??
?????????? (2). ?? ?????? ??? ?????? ??? ?????????? ?????? ?????????? ??? ?????? ?????????? ???????????
??????????, ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????????? ??
????????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ??
??? ??? ?????????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???
????? ??? ??????? ?, ??? ?????? ???, ?? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ?? ?????? «????? ?? ?????? ??????».

2. ? ??????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????? ??
????????????? ??? ?????????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??
?? ??????? ??? ?????? ???, ??? ??? ?????? ??? ?????? ??????????????; ??? ?????????? ??
??????????, ??? ???????, ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??
????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?????????? ??
?? ?????? ?? ?????? ?????????? ??? ?????? ?????????? ?? «????????????? ?????? ???

?????????? ??? ??????» (3).

3. ??????, ?? ?????? ??????? ?? ??????? ?? ?????? ?? ?????? ?? ??????? ??
????????? ?? ?????? ?????? ??????? ?? ?????? ?????? ?? ?????? ???????. ?? ?? ??????, ??
????????? ?? ?????? ?? ??????????????? ?? ?????? ?? ?????? ?????????????? ?????????? ??
????????? ?? ?????? ?????????? ?????? ?? ?????? ?????? ?? ?????? ?????????? ??
????????? ?? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ??
????????? ?? ?????? ?????? ?????? ?????? ??, ?????? ?? ?????? ?????????? ?? ???? ??.

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

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

4. ??? ?????? ??????? ?? ??????, ?? ?????? ?????? ?? ?????? ?? ?????? ??????????
????????????? ?? ?? ????? 73, 90, 184, 185 ??? 273 ??? ?????? 2006/112/?? ??
?????????, ??? 28?? ?????????? 2006, ??????? ?? ?? ?????? ?????????? ?????? ??????????????
????? (??? ????: ?????? ??) (4).

5. ?? ????? 73 ??? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????:

«??? ??? ?????????? ?? ?????? ?? ?????? ?????????? ??, ?????? ?????? ?? ?????????????? ??
????? 74 ??? 77, ? ??? ?????????? ?? ?????? ?????????????? ?????????? ?? ?????????? ??
?????????, ??? ?????? ?????? ?????????? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????????? ??
? ?????? ?? ?????????? ?? ?????? ??????????, ??? ?????? ?????? ?????? ??????,
????????????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?? ?????? ?????? ?????? ??.

6. ?? ????? 90 ??? ?????? ?? ?????????? ?? ?????? ?? ?????? ?????????? ?? ??????
????????? ?? ?????? ?? ?????? ?????? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????? ??:

«(1) ?? ?????????? ??, ??????????, ?????, ?????? ?????? ?? ?????? ?? ??????????, ? ??????
?? ?????, ??? ?????????? ?? ?????? ?????????????? ?? ??????, ? ????? ?????????? ?? ??????
????????? ??????, ?????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ?????? ?? ?????? ??.

(2) ?? ?????????? ?? ?????? ?? ?????? ?? ?????????? ?? ??????, ?? ?????? ?? ?????? ??
????????? ?? ?????? ?? ?????? ?? ?????? ?? 1.»

7. ?? ????? 184 ??? 185 ??? ?????? ?? ?????? ?? ?????? ?? ?????????????? ?? ??????????
?? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????????? ?? ?????????????? ?? ??????. ?? ??
184 ??? ?? ???:

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

8. ?? ????? 185 ??? ?????? ?? ?????? ?? ???:

«1. ? ?????????? ?? ?????? ??, ?????, ???, ???? ?? ?????? ?? ?????? ??, ???, ????
????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
?? ?????, ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
?????.

2. ????? ??????????? ?? ???? ?????????? 1, ??? ?????????????? ?????????????? ??? ??????????
???????, ??? ?? ???? ?????? ?? ?????? ?????? ? ?????? ?????? ??????, ?? ?????????? ??????????,
????????? ? ?????? ?? ?????? ?????????????? ? ?????????????? ?????? ??? ?????? ??????
????????? ??? ?? ?????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? 16.

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

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

? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????????????? ??? ???
?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????? 3.»

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

10. ?? ??????? ?????????? ??? ??????? ??? ?????? ?????????????? ??? ?????????? ?????
?? ??? Ustawa o podatku od towarów i usług (????? ??? ?????? ??? ???? ?????? ??? ??????????,
Dz. U. 2011, ????. 177, ??? 1054, ??? ???????????, ??? ????: ??? ?????? ???) ??? 11??
????????? 2004.

11. ?? ?????? 89a ??? ?????? ??? ?????? ?? ??????:

(1a) ??? ???????? ?????????? ?????????? ??? ??? ???? ?????????????? ? ?????????? ??
????????? ?????? ?????? 150 ?????? ??? ?? ?????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ???????.

(2) ? ?????????????? 1 ?????????????? ???? ?????????????? ?? ?????????????? ??????????????;

1) ? ?????????? ?????? ? ? ?????? ?????????? ?????????????????? ?????? ?????????????? ????
?????, ????, ??? ?????? ??? ?????? 15, ?????????? 1, ? ?????? ??? ?????? ?????? ?????????? ????
?????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??????????

[...]

3) ???? ???? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? 1
????????? ??? ?????????? ??? ??????

a) ? ?????????? ??? ? ?????????? ?????? ?????????????????? ??? ?????? ?? ?????? ?? ?????????????? ???

???,

b) ? ?????????? ??? ????? ??? ?????? ???? ??????????

[...]

5) ? ?????? ??? ??? ?????? ??? ?? ?????????? ?????? ??? ?????????????? ???
????????? ??????????, ?????????????? ??? ?? ????? ??? ????? ??????????????, ???
????????? ?? ??? ???

(3) ? ?????????? ??? ?????????? 1 ?????????????? ?????? ?? ?????????????? ?? ??
????????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ?????????????? ? ?????????? ???
?????????, ??? ?? ?????????? ??? ? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??????????
?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

(4) ?? ?????????? ?????????????? ? ?????????? ??? ?????????? ?? ?????????? ???
????? ??? ?????? ??? ?????????????? ??? ?????????? 1 ?????????? ?????????? ???
?????????, ? ?????????? ?????????????? ?? ?????????????? ?? ?????? ?????????? ??? ?????? ??? ??
????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????????? ? ?????????? ? ?????????? ????. ?? ?????????? ?????? ?????????? ?????????? ?????????? ???
?????????, ? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????.

(5). ? ?????????? ??????????, ?????????? ?? ??? ?????? ??? ?????????????? ???
????????? 1 ?????????? ?????????? ??????, ?? ?????????? ??? ?? ??? ?? ???
????????????? ??? ?????????? ??? ?????????? ?????, ?????????? ?? ??? ??? ??
?? ?????????? ??? ??????.

[...]

(7). ?? ?????????? ??? ?????????? 1 ??? 5 ??? ?????????? ??? ? ?????????? ??? ?
????????? ?????????? ??? ?????? ??? ?? ?????? ??? ?????? ?????????? ??? ??? 32,
????????? 2 ??? 4.

(8) ? ?????????? ??? ?? ?????? ?????????? ?????????? ??????????, ?? ?????? ???, ??
????????? ??? ?????????? ??? ?????????????? ??? ?????????? 5 [...]»

12. ?? ??? 89b ??? ??? ??? ??? ??? ??? ??? ???:

«(1) ?? ?????????? ?? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???, ??? 150
????? ??? ?? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???, ?
????????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
?? ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
??? 150 ?????? ??? ?? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??
?????.

(1a) ? ?????????? 1 ??? ?????????? ?? ? ?????????? ?????????? ??? ?????????? ??
????????? ??? ?? ?????? ??? ?????? ??? ?????? ??? 150 ?????? ??? ?? ??? ??
????????? ??? ??????.

[...]

(2) ?? ?????????? ??????? ?????????????? ??? ?????????? ?????? 150 ?????? ??? ?? ???
??? ?????????? ??? ?????? ? ??? ?????????? ?????????? ????????, ? ??????????????
????? ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ???????????. ? ??????????
1a ?????????? ???' ??????.

[...]

(4) ?? ?????????? ?????????????? ??? ?????????? ??? ?????????? ?????? ??? ?????????????? ???
????????? 1 ?????????????? ?, ? ?????????? ??? ?????? ?????????? ?? ?????? ?? ??? ??? ???
????? ????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ????
?????????, ??? ?? ??? ??? ?????? ??? ?????????? ? ?????????? 1. ?? ?????????? ??????
????????????? ??? ?????????? ?, ??? ?????? ?????? ?????????? ?????????? ??? ?? ??? ??? ???.

[...]

(6) ??? ?????????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????
? ?????????? 1, ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????
????????? ??? ?????? ?????????? ?????????? ??? 30 % ??? ?????? ??? ??????????
??? ?? ?? ?????????? ?????????? ??? ? ?????? ??? ?????? ?????????? ?????????? ?? ??
????????? 1. ??? ?????????? ??? ?????? ?????? ?????????? ?????????? ?? ?????? ??????
????????? ?? ?????? ?????????? ??? ?????? ?? ?????? ?????? ??????, ??????????
????????? ? ?????????? ???????????.»

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

13. ? ??????? ??? ?????? ??? ?????? ?????????? ? ?????? ?????????????? ??? ??????
????????? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ??????
????? E. sp. z o.o. (????????????? ??? ?????? ???, ??? ????: ??????????) ???
Minister Finansów (?????? ??????????, ???????).

14. ? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???.
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? H ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?. ? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 150 ??????.

15. ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
?????????, ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ??????
????????? ??? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
?? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??????.

16. ?? ?????? ??? 12? ?????????? 2015, ? ?????? ?????????? ?????????? ??? ???
??? ?????? ??????. ? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? 89a,

?????????? 2, ?????? 3, ??? ????? ???? ???, ?? ??????? ??? ? ?????????? ??? ???????????
????? ??? ?????????? ?????????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ???,
?? ?? ??????, ??? ?????????????? ??? ?????????????? ????. ?????????? ??? ? ?????? ???
?????? 90 ??? ?????? ??? ?????????????? ?????????? ??? ?? ?????? ???, ?? ?????? 89a
??? ?????? ??? ??? ??? ?????????? ??? ?????? 90 ??? ?????? ???.

17. ? ?????????????? ?????? ?????????? ??? ?????? ??? ?????????? ?????????? ???
Wojewódzki S?d Administracyjny w Szczecinie (????????????? ?????????????? ??? ??????????)
??? Szczecin, ??????). ??? ??? ?????????????? ??? ?????????? ?????????? ? ??????????????
????? ??????. ?? Naczelný S?d Administracyjny (????????? ?????????? ??????????)
????????? ?? ?????????? ??? ?????????? ??? ??????????, ?????? ??? ?????? 267 ???, ??
????????? ??? ??????????, ??? ?????? ?????????? ??????????:

«1) ?????????? ?? ?????????? ??? ??????? 2006/112 –????????? ?? ??? 90,
????????? 2, ??? ?????? ??? –, ?????????? ??? ?????? ??? ?????? ??? ??????????
????????? ??? ??? ?????????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???
????????? ?? ?????????? ?????????? ??? ?????? ?????????? ??? ??????, ?? ??????????
????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ???
????????? ? ?????? ??? ?????????? ??? ?????? ?????????? ?????????? ??? ??????
– ? ?????????? ??? ?????? ??? ?????????? ? ??? ??????????;

2) ??????????, ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??????
????? ??? ?????????? ?? ?????????? “????????? ??? ?????? ?????????? ??????????” ??? ????
??? ?????????? ???, ??? ??? ?????? ?????????? ??? ?????????? ? ?????????? ??? ?????? ???
????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ?????????? ???
??? ?????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
– ? ?????????? ??? ?????? ??? ?????????? ? ??? ?????????? ??? ?????????? ???
??;»

18. ??? ??? ?????? ??? ?????????? ??? ?????????? ???, ? ?????????? ???, ? ?????? ??? ?
????????? ?????? ?????? ?????? ?????????? ??????.

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

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

19. ?? ?? ??? ?????????? ???, ?? ?????, ??? ?????? ?????????? ? ???????, ??????? ??
????????? ??? ?????, ?? ?????? ?????????? ?????????? ?? ??? ?????? ??? ??????? ??
????? ?? ?????? ??? 90 ??? ?????? ????. ??????????, ??? ?? ?????????? ??? ?? ??
????? ??? ?????????? ?? ?????? ??? ?????? ?????? ?????? 89a ??? ?????? ???
???. ??? ??? ?????????? ??? ??????, ? ?????? ??? ?????? ?????? ?????? ??? ??????
????????? ???, ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ??????????, ?? ??????????
????????? ? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

20. ?????, ??? ?????? ??? ?????????? ??? ?????????? ?????????????? ?????? ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? (????? ? ?????? ??? ??????) ???
????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????????????? ??? ?????????? ??? ?????? ?????????? ???, ?? ?? ??????, ?????????? (5). ??? ??
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??
????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???

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

21. ? ?????????? ??? ?????????? ????? ?????????? ?????????????? ??? ?????? ?????? ???
????????? ?? ????? 90 ??? ?????? ??? (?? . ?????? ???). ? ?? ????? ?????? ?????? ???
???? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ??????
????????? ??? ?????? . ?????? ??? ?????? ?? ?????????? ?????????? ?????? ??? ??????
????????? ?? ?????? ??? ?????? ?????? ??? ?????????? «?? ????? ?????????? ??? ??? ??????????
????? ?????? » (6), ? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?? ??????????????
????????? (7) (?? . ?????? ???). ?? ?? ??????, ?? ?????? ??? ?????? ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??.
????????? ???).

22. ??????, ??? ??? ?????????????? ?????? ?????????? ??? ?? ?????? ??????????
?????????, ???' ??????, ?? ??? ?? ?????? ?????? ? ?????? ?????????? ?????? ?? ??????????,
???? ?????? ?????? ??? ?????? ??? ??????, ??? ?????? ?????? ?????? ?????? ?????? ??????
??? ??? ??? ?????? ?????????? ?? ?????????? ??? ?????????? ?????? ?????? ?????? ??????
??? ??????. ?? ??? ??????, ?? ?????????? ??? ?? ?????? 185 ??? ?????? ??? (?? . ??????)
??? ?).

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

23. ?? ??? ?? ?????? ?? ?????? ?????? ? ?????? ? ?????????? ??????????: ? ?? ?????????? ??????????
??? ??? ?????????? ??? ?????????? ??? ??????. ??????, ?????????? ?????? ?????????? ???
????????? ??? ?????? ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????????? , ? ??????
????????? ??? ?????? ?????????? (8). ? ?????????? ??? ?????? ?????? ?????? ?????? ??????
?? «????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? » (9). ??????, ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????
???? ??? ?????? ?????? ?????????? ? ?????? ?????????? ?????????? ?????? ?????? ???
????????? ??? ???.

24. ??? ?????????? ????, ? ???, ?? ?????? ?????? ?????? ??????????????, ?????? ???
????????? ??? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? (10). ??? ?????????? ?????? ???
?? ?????? ??? ?????? 73 ??? ?????? ????. ?????? ?? ?? ?????? ???, ? ??? ??????
??? ?????? ?????????? ?????? ??? ?????? ??? ?????? «????? ? ?????? ???
?? ?????» ? ?????????? ??? ?????? ??? ?????? (????? ?? ?????? ??? ?????????? ???
?????).

25. ??? ????????, ?????? ?? ?????????? (11) ??? ?????????????? ?????? ??? «? ???
????????? ??? ???, ??? ?????? ?????? ?? ?????????? ?? ?????????? ???, ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ?? ?????? ??? ?????? ?????? ?????????? ???
??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???».

26. ??? ????????, ??? ? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???
????? ??? ????????, ??? ?????? ??? ?????? ??? ?????? ????. ? ?????? ??? ?????????? ??? ???
????? ????????, ?????? ? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 2 ??? ?????? ???.

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

??? ??????? ?????????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????????? ?? ?????? ??
?????????? ?? ?? ?????????? ??? ?????? ??????????. ??? ?????? ?? ?????????? ??????
??? ?????????? ?? ??? 16 ??? 26 ??? ?????? ???, ????? ?????????? ??? ?????????? ???
????????? «????? ??????», ????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????
????????? ??????.

28. ??????? ?? ??????? ?????????? ??????? ?????? ??? ?????????????? ??????? ??????????????
??? ??? ??????? ??????????????. ?? ??? ?? ???? 63 ??? ?????? ???, ? ??? ????? ??????????
????????? ??? ?????? ??? ?????? ?????????????????? ??? ?????????? ?????? ? ??? ??????
?????????. ??? ????? ?????? ?? ??? ????? ?????? ?????????? ? ?????? ??? ??????????
(????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ?? ?????? ?????? ?????). ? ?? ??? ??????
????? ??? ?????? ?????????? ??? ?????? ? ?????? ?????????? ?????????? ??? ?????? ??? ??????
????????? ??? ?????????? ?????????? ?????????? ??? ?????? ?? ?????? ?????? ??? ??? ?
????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ?? ?????? ?????? ??? ??? .

29. ??????? ????? ?????????????? ??????????????, ??? ??????? ?????????????? ????????,
????????? ?????? ? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?, ??
? ?????? ?????????? ?????? ??? ?????????? ??????, ?? ?????? ?? ???
????????? ?????? ?????? ?? ??????????????. ????? ?????????????? ?? ??? ?????? ???
????? 90, ?????????? 1, ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???
????????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????.

31. ????? ????????, ?? ?????? 90, ??????????? 1, ??? ??????? ??? ??????????? ?? ??
????????? ?????????????? ?? ?????? ?????????????? ?? ?????????????? ?? ?? ?????? 63 ??
????? ??????? (? ???? ?????? ?? ?????? ?????????????? ?? ?????? ?? ?????? ?? ?????? ?? ??????) (13).
? ??????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? (14).

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

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

32. ????????????, ?? ?????????? ????????????, ??? Goldsmiths, ??? ? ????????????,
??? ??? ???? ?????????? ??? ????? ??? ??????????????? ?? ???? 90, ?????????? 1, ???
?????? ??? ?????? ?? ????? ????????????????, ????? ??? ?? ????? ??? ??????????? ??
????? ??? ????? ?? ?????? 90, ?????????? 2, ??? ?????? ??? ?? ??? ??????????????? ??
????????? ??? ?????? ??? ??????????? ?????????????? (15).

????????????? ?????? ?????? (17)».

34. ??????????, ??? ???? ??? ?????????? ?? ??? ?????????? ?? ??? ??? ?????? ??? Di Maura
(18) ??? ?? ??????????????? (19), ? ??????? ??? ??? ??? ?????? ?? ?????????? ??? ?????? ??? ??????
??? ?????? ??? ?? ????? ??? ?????? ?? ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????
????????? ??? ???.

35. ???????, ?? ???? 90, ?????????? 2, ??? ?????? ?? ??????? ?? ?????? ??
????????? ?? ?????????? ?? ?????????? 1 ??? ?? ????? ?????? ?? ?????????? ??
? ?????? ?? ?????????? ?? ?????????? . ?????, ??? ??? ?????????????????? ?????? ??
????????????? ??????????, ? ?????? ???' ?????? ?? ??? ??????????????, ??????????,
?????, ??? ? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? (20).
????????, ??? ?????? ?? ?????? ?? ?????????? (21), ? ?????????? ??? ?????????????? ??
????????? ?????? ? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ?????????????? ??
????????? ??? ? ?? ?????????? ??? ?????????? ??????????, ??? ?????????? ?????????? ??
???? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??????, ?? ??? ?????? ??????
????????????? ? ?? ?????? ?????? ??????.

36. ??? ? ? ??????? ?????????? ??? ? ?????? ??? ?????????????? ??? ? ??????????????
?????? ? ? ????? ?????????????? ?????????????? ?? ?????? ??? ?????????? ? ? ?????? ??? ??
????? ??? ?????????? ??? ? ? ??? ?????????????? ??? ?????????? ??? ?????????? ??? ??????????????
?????????????, ? ?????? ?????????????? ?? ??? ?????? ??? (22). ??? ? ? ?????? ??????????
????? ??? ? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ? ?????????? ??
????????? ??? ??????, ?? ?????????? ?? ??????????, ?? ?????? ??? ?????? ?????????? ???
??? (23).

37. ??????????????, ?? ??????? ?????? ? ???????????? ??? ?????? ?????? ?? ??????????
????????????? ?????? ?? ?????? ?????? ?????? ???, ?????? ?? ?????????? ?????? ??? ?????? ??
????????????? ??? ?. ??? ?????? ??????????, ?????? ??????, ???, ??? ??? ?????? ???
????????????? ?????? ?? ?????? ?????????? ??? ?????????, ? ?????????????? ?????? ??
????????????? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ? ?????????? ??? ?????? ??
????????????? ?????????????? ??? ?? ?????? ?????????? ?? ?????? ??? (24). ????????,
????? ?????????? ??? ?? ?????? ?????????? ??? ?? ?????? Di Maura (25), ?????? ??
????????????? ?????? ?? ?????????? ?????????? ??? ?????????????? ??? ?????? ??? ?????? ??
??? ??????. ?????????? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??
????????????? ??? (????? 52, ?????????? 1, ?????? ??????, ??? ??????) (26).

38. ???????, ??? ?? ?????????? ??? ?????????? ????? ?????? ?????? ?? ?????? ?????? ??? ?????? ???
????? ?????? ?????????? ?? ??? ?? ???? ?????? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
????? ?????????? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? 90 ???
????? ????. ??????????, ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (???)
?? ?????? (27) ??? ?????? ?? ??? 90, ?????? 2, ??? ?????? ???) ???
????? ?????? (???) ??? ?????? (28) ??? ?????? ?? ??? 90, ?????? 1, ???
????? ???). ??????, ??? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?? ??? ?????? ?????? (29).

39. ?? ???? ?? ???????, ??? ?????????? ??????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? ?????? ??????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??
????????? ?? «? ?? ??????? ?? ?????????? ?? ?????????? [...] ?? ?????? ??????? ??
????????????? ?? ?? ?????? ?????? ?????? ?????? (30)».

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

? ?????????? ??? ??????, ??? ??????????, ??? ? ??????? ?????????? ??? ?????????? ??? ??????????
????????? (31) ??? ??? ??? ??? ?????? ?? ?????? ? ? ?????????? ??? ?????????? ??? ??????????
????????? ??? ?????? ?????? ??? ?????? (32) ????????, ???' ????, ?? ????????
????? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????? ???.

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

41. ?? ??????????, ? ?????? ?????? ?????? ??? ?????????? ??? ?????????????? ??? ??????
????????? ??? ?????? (???, ??? ?????? ??????, ??? ?????????? ??????) ??? ?????????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ???
????? ?????????????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???, ??? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ???
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???.

42. ?????? ??? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ???
??? ?????????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ??????. ??????, ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? . ??????, ? ?? ??? ?????? ?????? ?????? ???' ?????? ?? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???.

43. ??????, ? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????????? ??? ??????
????????? ?????????? ??? ?????????? ??? ?????? ??? . ?????????? ???, ?? ?????? 90 ??? ?????? ???, ??
????????? ??? (?. ?????? 30 ??? ?????? ??????), ?????????? ??? ?????? ?????? ???
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????
?? ?????????????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
?????????, ?????????? ??? ?????? ?????? ?????? ??? ?????? ???, ? ?????????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???.

44. ?? ?? ??????, ??? ?? ?????? ?????? ? ?????????? ??? ?????? ?????????? ?? ?????????? ??
????????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? «? ?? ?????? ??? ?????? ?????? ?????? [...] ?? ?????? ?????? ???
????????? ??? ?? ?????? ?????? ?????? ?????? (33)». ??? ??? ?????? ???, ????, ??
?????????.

45. ??? ??? ??? ?????????? ?? ?????????? ??? ?????? ?????? A?PACK CZ s. r. o. ??? ???
????? ?????????? ? ?????? (34), ?? ?????? ??? ? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? . ?? ??? ?????? ??? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? . ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

46. ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

? ?????????? ???? 150 ?????? ??? ? ?????? ??? ??????? ?????? ??? ?? ???????????, ???
????????? ??? ????? ?????????? ?????? ?? ??? ?????? ?????????? ??? ?? ?????????.

47. ???????, ?? ?????? ??? ??? ?????? ?????? ?????? ??? ?????????? ?? ??????????, ?????? ???
?????? 273 ??? ?????? ???, ??? ?? ?????????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ??
????????? ? ??? ?????? ??? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??
????????? ??? ?? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ?? ?????????? ??? ??
????????? ??? ?? (35). ??? ?????? ?????? ?? ?????????? ?, ?????? ??????????????
?????? ??? ?????????????? ??? ??? ?????????????? ?????????? (?? ?????????? ??? ??
?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? ?????? ?????? ?????????? ??? ??
????????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??
?????????.

48. ???????, ??? ?????? ??? ?????? ??? ?????? ??? ???? ?????????? ??? ???????????
????????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
????? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????
?? ?????????? ?????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ??
?????????.

49. ?? ????????, ???????, ?? ????? 90 ??? ?????? ??? ?????????? ??? ?????? ???
?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??
??? ?????????? ??? ?????? ?? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ???, ??? ??
????? ?????????? ??? ? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??
?????????.

5. ??? ??? ?????????? ??? ?????????? ?????????? ?????????? ??? ??????

50. ???' ??????, ?????????? ??? ?????? ??? ?????? ?????? -??? ?????????? ?? ?????
????????? - ??? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? . ??????, ???
????? ??? ?????????? ?????????? , ?? ?????????? ??? ?????? ?????? ?????????? ??????
??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

51. ??????? ??? ??? ??????? ??? ?????? ??? ?????? ?????? ?? ?????? ????. ?????? ?????? ???
?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ?? ??? ????: ?? ?????? ??? ??
?????? ??? ?????????? ??? ?????; ???????, ?? ? ?????? ??? ?????? ?????? ??? ?????? ??? ??
????????? ??? ???, ? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? , ?????? ??? ?????? 185 ???
?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ???
??? ??????. ? ?????????? ?????????? ?????? ?? ?????????? ?????? ??? ?????? ?????? ???
????????????? , ??? ?????? ?????????? ??? ?????? ?????????? ?????? ?????? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? . ??? ?????? ?????? ???, ?? ?????? ???
????????? ??? ?????? ??? ?????? ??? ??????.

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

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

53. ?? ????, ? ?????? ?????? ?????? ?????????? ?????????? ??????, ???? ? ?????? ???? ??
????????? ?????????? ??? ?????? ??? ?????? ?????????? ??????, ?????????? ??? ?????? ??????
????????? ?????????? ??? ?????? 167 ??? ?????? ????. ?? ?????? ??? ?????????? ??????
?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ??????
?? ?????? ?????? ??? ?????????? ??? ??????. ??????, ? ?????? ??? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? «????????? ??? ?????????? ?????? ??????» (????????? ????)
????????? (37).

54. ? ?????? ??? ?????? ?????? ?? ?????????? ?????????? ?????????? ?? ?????????? ?
????????? ?????????? ??? ?????? ??? ?? ?????? ???, ???? ??????, ?? ?????? ?????? ?? ??????
?? ?????? ?????? ??? ?????? ??? ?????????? ?????? ??? ?????? ????. ??????, ??
????? ?????? ?????? ?????????? ?? ?????????????? ??? ?????? ?????? ?????? ?????? ??????
????????? ?? ?????????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ????
????? ??? ?????? ?? «????????? ??? ?????????? ?????? ??????».

55. ?????? ???? ?? ?????????? ??? ?????? 167 ??? ?????? ??? ?????????? ?????? ????
? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ?????? ?? ??????
?????, ??? ?????? ?? ?????????? ??? ?????? ?????????? ?? ?????? ??? ?????? ?????? ??????
?? ? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? . ??????????, ??
????????? ??? ?????????? ??? ?????? ?? ??? ? ?????????? ?????? ?? ?????? ??? ?????????? ????
????????? ??? ?????? ?????? ??? ?????? ???, ?????? ??? ?????? ?????????? ?? ???.

56. ???? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????. ??????????, ?
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ?? ????
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ?? ??? ????
????????? ??? ?????? ??? ?????? (38). ???? ???? ??? ?????????? ????, ??? ??????????
????????? (39) ???? «?????????» ???? ???? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????
????? ??? ?????? ?????????? (40).

57. ????????, ? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ?????? ????
?? ????????, ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ????
????? ?????????? ?????????? ??? ?????? ??? ?????? ?????? . ?????? ?? ?????????? ??? ?????? ????
?? ?????? ?????????? ?? ?????? 273 ??? ?????? ???, ?? ?????? ?????????? ??? ?????? ????
?? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??? ??????
????????? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ??????
????? 325 ????, ???? ??? ?????? ?? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ??? ??????
????????? ??? ??????.

58. ??????????, ?? ?????? 185, ?????????? 1, ??? ?????? ??? ?????????? ?????????? ??????????
?? ??????????, ?????? ????, ????, ???? ??? ?????? ??? ?????????? ?????? ??????????, ??????
????????? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ????
????????? . ?? ?????????? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????????? (????????? 2). ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????
????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ??????
????? ??? ?????? 185, ?????????? 2, ?????? ??????, ??? ?????? ???, ?? ?????? ???, ?? ?????? ????
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????? ??, ?? ?? ??????, ??? ?????????? ?? ?? ??????????????, ????? ?? ?????? 185
??? ?????? ??, ?? ?????????????? ?? ?????? ?? ?? ?????????? ?????.

59. ?????????? ?????, ? ????? ????? ?????????????? ?????????? ?????????? ?????????? ?????? ??? ???
????????? ??? ?????????? ??? ?????? ?????????????? ? ?????? ???????, ????? ??? ? ?????? ???
????????? ?? ?????????? ??? ?????? ??? ?????? ????????. ????? ??? ?????? ??? ??????????
????????????? ?????????? ??? ??? ?????? ?????????? ?????????? ?????? (????? ?????? ??? ???
?????????), ?? ?????????? ?????? ?? ? ?????????????????? ?????? (????????? ??? ???
?????????) ?????? ?????? ?????? ???' ?????? ???????????????. ?? ??? ?????? ????, ?
????????? ?????? ?????? ?????? ?????????? ?????? ?????????? ?? ??? ??? ????
????????? ??????.

60. ???????, ? ?????????? ??? ????? (?? ?????????? ? ??????) ??? ?????????? ??
????????? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?? ?????? ??? ?????? ?????????? ?????????? ?????????? ?????? ??????.

61. ?????????????? ??????? ???? ? ??????? ??? ?????????? ?????????????? ?????????????? ??????????????????
???? ?????????????? ??? ?????????????? ??? ????? ??? ?????????????? ??? ??????, ?????????? ???
????????? ??? ?????????????? ??? ?????????????? ??? ????? ??? ?????????????? ??? ?????? ???
?????????. ??????????, ?????????????????? ??? ?????????????? ?????? ??? ?????? 185,
????????? 1, ??? ??????? ????. ??? ?????????????? ??? ? ?????? ??? ??????
????????????? ??? ????? ?????? ?????????? ?? ??? ?????? ? ?????? ?????????? ??? ??????
????? ?????????????? ??? ?????? ?? ??? ?????? ??? ?????????????? ??? ??? ?????? ???
????????? ??? ?????????? (41).

62. ????????, ? ??? ? ?? ?????????? ? ?? ? ? ?????????? ? ?? ? ?????????? ? ?? ? ?????????? ? ?? ? ?
????????? ? ??, ??? ?????????? ? ?? ? ? ?????? ??????????, ??? ?????? ??
????????? ? ?? ?????????? ? ?? ? ?????????? ? ?? ? ?????????? ? ?? ? ?????????? ? ?? ? ?
????????? ? ?? ? ??? ? ?? ?????????? ? ?? ? ??????, ??? ?????? ? ?????????? ? ?????????? ? ??
????????? ? ?? ? ??? ? ??????, ??? ? ?? ?????????? ? ?? ? ?????? ? ?? ? ?????? ? ?? ? ?
??????.

V. ???????

63. ??????? ?? ??????????????, ??????? ?? ?????????? ?? ?????????? ??
????????? ?? Naczelnego S?d Administracyjny (?????? ?? ??????????
?????????. ??):

?? ?? 90 ?? ?????? 2006/112/??, ??????? ?? ???? ?????? ?????? ?????? ??????????????
?????, ??? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????????????? ??? ??????????????
????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ??? ??? ??? ? ??????
??? ?????? ???, ??? ??? ?????? ?????? ??? ???? ??? ?????? ??? ???? ??? ?????? ???
?????????????, ??? ?????? ? ??? ??????????. ??????, ??? ?????????? ?????? ??? ???
????? ??? ?????? ?????? ??????, ?? ?????? 185, ?????????? 2, ??? ?????? ??????
????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
???? ?????? ?????? ??????.

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

2 ??. ??????? ?? 3? ?????? 2019, UniCredit Leasing (C?242/18, EU:C:2019:558),
?? 8? ????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377), ?? 6? ?????????? 2018,
Tratave (C?672/17, EU:C:2018:989), ?? 23? ??????? 2017, Di Maura (C?246/16,
EU:C:2017:887), ?? 2? ?????? 2015, NLB Leasing (C?209/14, EU:C:2015:440), ?? 3?

?????????? 2014, GMAC UK (C?589/12, EU:C:2014:2131), ??? 15?? ???? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328), ??? 26?? ?????????? 2012, Kraft Foods Polska (C?588/10, EU:C:2012:40), ??? ??? 3?? ?????? 1997, Goldsmiths (C?330/95, EU:C:1997:339).

3 ????. ?????????? ??? 23?? ?????????? 2017, Di Maura (C?246/16, EU:C:2017:887, ????? 23), ??? 21?? ?????????? 2008, Netto Supermarkt (C?271/06, EU:C:2008:105, ????? 21), ??? 20?? ?????????? 1993, Balocchi (C?10/92, EU:C:1993:846, ????? 25).

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

5 ??? ??? ??????? ?????????? ??? ?????????? ??? ????, ??., ??? ?????? ?????, ?????? ??? 14?? ?????????? 2019, Vetsch Int. Transporte (C?531/17, EU:C:2019:114, ????? 45).

6 ?????? ??? 15?? ???? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328, ????? 25).

7 ????? ?? ??? ?????????? ??? 8?? ?????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ??????? 20 ??.), ??? 22?? ?????????? 2018, T?2 (C?396/16, EU:C:2018:109, ??????? 35 ??.), ??? ?? 23?? ?????????? 2017, Di Maura (C?246/16, EU:C:2017:887, ??????? 20 ??.).

8 ?????????? ??? 7?? ?????????? 2013, Tulic? ??? Plavo?in (C?249/12 ??? C?250/12, EU:C:2013:722, ????? 34), ??? ??? 24?? ?????????? 1996, Elida Gibbs (C?317/94, EU:C:1996:400, ????? 19), ????? ??? ??????? ??? 9?? ?????????? 2011, Connoisseur Belgium (C?69/11, ?? ??????????????, EU:C:2011:825, ????? 21).

9 ?????????? ??? 21?? ?????????? 2008, Netto Supermarkt (C?271/06, EU:C:2008:105, ????? 21), ??? ??? 20?? ?????????? 1993, Balocchi (C?10/92, EU:C:1993:846, ????? 25).

10 ???., ??????????, ?????????? ??? 3?? ??????? 2020, Vodafone Magyarország (C?75/18, EU:C:2020:139, ????? 62), ??? 11?? ?????????? 2007, KÖGÁZ ??. (C?283/06 ??? C?312/06, EU:C:2007:598, ????? 37: «? ?????????? ??? ?????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ? ?????????? ??? ?????? ??? ?? ?????? ??? ??? ?????????? ??? ?????????»), ??? 18?? ?????????? 1997, Landboden-Agrardienste (C?384/95, EU:C:1997:627, ??????? 20 ??? 23).

11 ?????? ??? 24?? ?????????? 1996, Elida Gibbs (C?317/94, EU:C:1996:400, ????? 19)? ?????? ??? ?????????? ??? 16?? ?????????? 2003, Yorkshire Co?operatives (C?398/99, EU:C:2003:20, ????? 19), ??? ??? 15?? ?????????? 2002, ?????????? ??? ?????????? (C?427/98, EU:C:2002:581, ????? 30), ????? ??? ?????????? ??? ?????????? ?????????? P. Léger ??? ?????? MyTravel (C?291/03, EU:C:2005:283, ????? 69).

12 ?????????? ??? 3?? ??????? 2019, UniCredit Leasing (C?242/18, EU:C:2019:558, ????? 37), ??? 8?? ?????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ????? 17), ??? 6?? ?????????? 2018, Tratave (C?672/17, EU:C:2018:989, ????? 29), ??? 20?? ?????????? 2017, Boehringer Ingelheim Pharma (C?462/16, EU:C:2017:1006, ????? 32), ??? 2?? ??????? 2015, NLB Leasing (C?209/14, EU:C:2015:440, ????? 35), ??? 3?? ?????????? 2014, GMAC UK (C?589/12, EU:C:2014:2131, ????? 37), ??? 26?? ?????????? 2012, Kraft Foods Polska (C?588/10, EU:C:2012:40 ????? 27), ??? ??? 3?? ?????? 1997, Goldsmiths (C?330/95, EU:C:1997:339 ????? 15).

13 ??? ??? ?????????? ?????????? ?? ?????? 184 ??? 185 ??? ??????? ???, ?? ?????? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?????? ?? ??? ??? ??? ???

????????????? ?? ??? ?? ????????????, ??? ?? ??? 168 ??? 178 ??? ????? ???????, ???
????????? ?? ??? ?????? ??????? ?????? ?????.. ????????????, ?? ?? ??? 185,
????????? 2, ??? ?????? ??? ??????????? ??? ? ?????? ????? ??????????? ??
????? ??? ?????????? ??????? ?? ?. ? ?????? ??? ?????? ??? ??? ??????????? ??
??? ??? ?? ??????? ??? ?????????? ?????? ??? ?? ?????? ?? ???????????, ??? ??
????????? ??? ?????, ??? (?????????) ??????????.

14 ????, ????, ??????? ?? 3?? ?????????? 2014, GMAC UK (C?589/12,
EU:C:2014:2131, ??? 31), ??? ?? 26?? ?????????? 2012, Kraft Foods Polska (C?588/10,
EU:C:2012:40, ??? 26).

15 ??? 3?? ?????? 1997, Goldsmiths (C?330/95, EU:C:1997:339, ??? 18).

16 ??? 15?? ??? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328,
????? 23).

17 ??? 15?? ??? 2014, Almos Agrárkülkereskedelmi (C?337/13, EU:C:2014:328,
????? 25).

18 ??? 23?? ?????????? 2017, Di Maura (C?246/16, EU:C:2017:887, ?????? 20 ??.,
????? ??? 23).

19 ??????? ?? 8?? ??? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ?????? 20 ??.),
??? ?? 22?? ?????????? 2018, T?2 (C?396/16, EU:C:2018:109, ?????? 35 ??.).

20 ??. ??? ??????? ?? ?? ??? 12 (B???. ??????? ?? ??) ??????????? ???????
??? ?????? 15 ??? ??????? ?? ?? ??????? ?? 20?? ?????? 1973, COM(73) 950 final
[????? ?? ??????????? ???????].

21 ??? 3?? ?????? 2019, UniCredit Leasing (C?242/18, EU:C:2019:558, ??????
54 ??.), ??? 8?? ??? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ?????? 19), ??? 22??
????????? 2018, T?2 (C?396/16, EU:C:2018:109, ?????? 37), ??? 23?? ??????? 2017, Di
Maura (C?246/16, EU:C:2017:887, ?????? 17), ??? ?? 3?? ?????? 1997, Goldsmiths
(C?330/95, EU:C:1997:339, ??? 18).

22 ??. ??????? ?? 8?? ??? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ?????? 20),
??? 22?? ?????????? 2018, T?2 (C?396/16, EU:C:2018:109, ?????? 38), ??? 23?? ???????
2017, Di Maura (C?246/16, EU:C:2017:887, ?????? 18), ??? ?? 3?? ?????? 1997, Goldsmiths
(C?330/95, EU:C:1997:339, ??? 18).

23 ??????? ?? 8?? ??? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ?????? 20), ???
??? 23?? ??????? 2017, Di Maura (C?246/16, EU:C:2017:887, ?????? 20 ??? 21).

24 ??????? ?? 8?? ??? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ?????? 20), ???
??? 23?? ??????? 2017, (Di Maura, C?246/16, EU:C:2017:887, ?????? 23).

25 ???. ??????? ?? ?? ?????? Di Maura (C?246/16, EU:C:2017:440, ?????? 45 ??.).

26 ? ?????????????? ?? ?? ?????? ?? ?????? ?? ?????????? ?? ??????????????, ??
????????????? ?? ?????? ?? ?? ?????????? ?? ?????? ?? ?????????????? (????? 15, 16
?? 17 ??? ????). ??????, ?????? ?????? ?????? ?????? ??????????????, ??? ?????????? ??
????? 20 ??? ?????, ?? ??????? ?????? ??? ?? ?????????????? ????? ?????????? ?? ?? ?????? ??
????? ?????????? ???????, ?????? ??? ?????? 66, ??????? ??, ??? ?????? ???, ???
????? ??? ?????? ?????????? ??? ?????????? (????????? ?????????? ?????? ??? ??????????

????????????? ???????).

27 ?????????? ??? 8?? ???? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ????? 21), ??? 22?? ??????????? 2018, T?2 (C?396/16, EU:C:2018:109, ??????? 37 ??.), ??? ??? 23?? ??????? 2017, Di Maura (C?246/16, EU:C:2017:887, ????? 22).

28 ?????????? ??? 3?? ??????? 2019, UniCredit Leasing (C?242/18, EU:C:2019:558, ??????? 38 ??.), ??? 6?? ?????????? 2018, Tratave (C?672/17, EU:C:2018:989, ??????? 32 ??.), ??? ??? 26?? ?????????? 2012, Kraft Foods Polska (C?588/10, EU:C:2012:40, ??????? 23 ??.).

29 ??. ??????? ??? 8?? ????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ????? 26), ??? 6?? ?????????? 2018, Tratave (C?672/17, EU:C:2018:989, ????? 33), ??? 23?? ?????????? 2017, Di Maura (C?246/16, EU:C:2017:887, ????? 25), ??? ??? 26?? ?????????? 2012, Kraft Foods Polska (C?588/10, EU:C:2012:40, ????? 28).

30 ??., ????, ?????? ??? 8?? ????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ????? 19)? ???., ????, ??????? ??? 22?? ?????????? 2018, T?2 (C?396/16, EU:C:2018:109, ????? 40), ??? ??? 23?? ??????? 2017, Di Maura (C?246/16, EU:C:2017:887, ????? 22).

31 ??????? ??? 26?? ?????????? 2012, Kraft Foods Polska (C?588/10, EU:C:2012:40, ????? 24) –??? ??? ?????????? ??? ????? ?????? ?????? ?????????? ?????????? ? ??????.

32 ??????? ??? 6?? ?????????? 2018, Tratave (C?672/17, EU:C:2018:989, ??????? 35 ??.). ??????, ?? ?????? ??? ?????????????? ?????????? ??? ????? ?????????? ??? ?????????? ??? ??????????.

33 ??., ????, ?????? ??? 8?? ????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ????? 19)? ???., ????, ??????? ??? 22?? ?????????? 2018, T?2 (C?396/16, EU:C:2018:109, ????? 40), ??? ??? 23?? ??????? 2017, Di Maura (C?246/16, EU:C:2017:887, ????? 22).

34 ??????? ??? 8?? ????? 2019, A-PACK CZ (C?127/18, EU:C:2019:377, ????? 24).

35 ???., ?????? ?????, ?????? ??? 9?? ??????? 2015, Salomie und Oltean (C?183/14, EU:C:2015:454, ????? 62 ??? ??? ?????????????? ??????????).

36 ?????????? ??? 6?? ?????????? 2012, Bonik (C?285/11, EU:C:2012:774, ????? 42), ??? ??? 21?? ?????? 2012, Mahagében (C?80/11 ??? C?142/11, EU:C:2012:373, ????? 48).

37 ????? ??????? ?? ?? ?????????? ??? ????????????: ???., ??? ?????? ?????, ??????? ??? 28?? ?????? 2011, ??????? ??? ?????????? (C?274/10, EU:C:2011:530, ????? 48).

38 ??? ?????????? ??? 22?? ?????????? 2018, T?2 (C?396/16, EU:C:2018:109, ????? 24 ??? ??? ?????????????? ?????????). ??., ??????, ??????? ??? 29?? ??????? 2004, Terra Baubedarf-Handel (C?152/02, EU:C:2004:268, ????? 35 in fine). ????????, ??? ??????? ??? ?????????? ??? ??????? ??? ?????????? ??????? ?? ?????????? ?????????? «abgeführt hat» [«?????????» ??? ?????????? ??????]. ?????????? ??? ?? ?????????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? «avoir été acquittée», ? ????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?? ?????? ??? ?????? ??? «gezahlt wurde» («???? ??????»). ????? ?????? ??? ?????? ??? ?????? 36 ??? ? ?????????? ??? ?????? ??? ?????? ???.

39 ??., ????, ?????? ??? ??????? ??? ??????? ?????????? M. Campos Sánchez-Bordona ??? ?????? Volkswagen (C?533/16, EU:C:2017:823, ????? 64): ? ?????? «???

????????????? ??? ???. ????????. ??? ?????: ??? ? ?????????????? ??? ?????? ??? ???.
????????? ??? ?? [..] ?????????? ?????????? ??????, ?????? ??? ??????????, ??? ??
????????? ?? ????????. ??? ??? ??????».. ??., ??????, ??? ?????????? ??? ??? ?????? ??????
Biosafe – Indústria de Reciclagens (C?8/17, EU:C:2017:927, ?????? 44).

40 ??., ?????, H. Stadie ?? Rau/Dürrwächter, *UStG* § 15, ???????? 87 – ??????????: ??????
2019.

41 ???????? ?? 13?? ?????? 2014, Malburg (C?204/13, EU:C:2014:147, ????? 41), ???
?? 3?? ?????? 2005, Fini H (C?32/03, EU:C:2005:128, ????? 25 ??? ??? ??????????????
?????????).