

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

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JULIANE KOKOTT

??? 21?? ?????????? 2021 (1)

?????? C?844/19

CS,

**Finanzamt Graz-Stadt,**

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

**Finanzamt Judenburg Liezen,**

**technoRent International GmbH**

[?????? ??? Verwaltungsgerichtshof (???????)

??? ??? ?????? ?????????????? ??????]

«????????????? ?????????? – ?????????? ?????? – ?????? ?????????????? ?????? (???) –  
?????? 2006/112/?? – ?????? 183 – ?????????? ?????????? ?????????? ??? – ?????????? ???  
?? ?????????? ?????????? ?????? ??? ?????????? ?????????? ?????????? ??? ? ??????????  
????????? ??? ?????????? ?????? – ?????? ?????? ?????? ?????????? ?????????? ??? ??????  
????? – ?????? ?????????? ?????? –????????? ?????? ?????????? ?? ?????????? ?????? – ??????  
????? ?????????? ??? (?????? 2008/9/??) – ?????? 27 – ?????????? ?????? ?? ?????? ??? ??????  
????????? ??? ?????? ??????»

## I. ????????

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

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

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

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

## II. ?????? ???????

### 1. ?? ?????? ??? ??????

4. ?? ??? 90 ??? ?????? 2006/112/E? ??????? ?? ?? ?????? ??????? ?????? ???  
????????????? ?????? (2) (?? ?????: ?????? ???) ?????????? ?? ?????? ??? ?????? ??????????  
??? ?????? ??? ?????? ?? ??????:

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

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

### 5. ?? ??? 183 ??? ?????? ??? ??? ?? ???:

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

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

6. ? ?????? 2008/9/?? ??? ??? ?????????? ?????????? ?????????? ?????????? ?? ???  
????????? ??? ?????? ?????????????? ????, ??? ?????????? ??? ?????? 2006/112/?? (3)  
(?? ?????: ?????? ??? ??????????) ?????????? ?? ?????????? ?????????? ??? ?????? ???  
??? ?????? ?? ?????????? ??? ?????? ?? ?????????? ?????? ??? ?????? ???  
??????????, ?? ?????? ??? ?????? ?????????????? ?????????????? ??? ?????? ??? ??????  
?????.

7. ?? ????? 27 ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ??? ?? ??? ?? ???  
????????? ??? ?????? ?????? ??? ??? ?? ???:

«(1) ? ?????? ?????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??? ?????? ???  
????????? ??? ?????? ?? ?? ?????? 22 ?????????? 1 ??? ??? ?????? ?????????????? ???  
?????????.

(2) ?? ?????????? ??? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????????? ??? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

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

????????????? ?????? ?????????? ??? ???, ? ?????????? ?????? ?????? ?????? ??? ???  
? ?????????? ?????????? ??? ?????????? ?? ?????? ?????? ?????????? ??? ?????? ???  
????? ?????????? ??? ??? ?????????? ?? ?????? ?????????? ?????? ??? ?????? ???  
????????? ??? ???»

## 2. ?? ?????????? ??????

8. ??? ?????? ???? ?????? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ??????  
???? Bundesgesetz über allgemeine Bestimmungen und das Verfahren für die von den  
Abgabenbehörden des Bundes, der Länder und Gemeinden verwalteten Abgaben (?????????????  
????? ??? ?????? ?????????? ??? ??? ?????????? ?????? ?? ??? ?????? ??? ??????  
??? ?????????? ??? ?????????? ?????? ??? ?????????? ?????? ??? ?????????? ??????, ??? ??????????  
????? ??? ??? ???) [Bundesabgabenordnung (????????????? ?????? ??????????), ???  
????: BAO]:

9. ?? ?????? 205 ??? ??? ?????? ??? ?????? ?????????? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ?????? ?????? ?????????? ???  
????? ?????? ??????:

«(1) ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??????  
??? ?????????? ??? ?????? ?????????? ?????????? ???, ?? ?????????? ?????? ??? ??????  
????????? (????????? 3), ??? ??? ?????????? ??? ???? ?????? ?????????? ??? ?????? 1? ?????????? ???  
????, ?????????? ??? ???? ??? ???? ?????? ?????????? ??? ?????? 1? ?????????? ??? ????  
??? ?????? ??? ?????? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ??????????  
????????? ??? ???? ??? ?????? ?????????? ?????? ?????????? (????????? ??????????). ?  
????????? ?????? ?????????? ???' ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ????:

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

(2) ?? ?????? ?????????? ??? ?????????? ?????????? ??? 2 % ??? ?????? ??? ??????  
?????????. ?????????? ??? ?????? ?? ??? ?????? ??? ?????????? ?? 50 ??? ??? ?????? ??????????.  
? ?????????? ??? ?????? ?????????? ??? ?????? ?????? 48 ??????. [...]»

10. ?? ?????? 205a ??? ??? ????????, ??? ??? 1? ?????????? 2012, ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ???  
????????, ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ????, ??? ?????? ????:

«(1) ?? ?????????? ?????? ??? ?????????? ?????? ?????????? ??? ??????, ?? ??? ??? ???  
????? ?????? ??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
????????? ????, ?????????? ???, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???  
??? ???? ?????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
? ??? ?????? ??? ?????? ??? ?????? (????? ?????? ?????? ??????). [...]»

(4) ?? ?????? ?????????? ?????????? ?? 2 % ??? ?????? ??? ?????? ?????????? ???  
????????? ??? ???? ???? ???? ???? ???? ???? 50 ????.»

## III. ? ?????? ??? ?????? ????

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

12. ? CS, ??????????? ???. ?????? ?????? ??????????? (???. ????: ?????? ???????), ???  
?????????? ?????? ??? ???. ??????????? 2007 ?????? ?????????? ?????????? ??? ?????? 60 689,28  
????. ??????, ? Finanzamt (?????????? ???) ??????????? ?? ?????????? ?????????? ???  
?????????? ?? ?? 14 689,28 ??. ? ?????? ?????????? ??? ?????? ?????? ?????? «?????????» ??  
????? ?? ??????? ???. 22 ????? 2013.

13. ???? 30 ?????? 2013 ? ??????? ?????????? ????????, ??????? ??? ?????? 205a ??? ???,  
?????? ?????????? ?????? ??? ?????????? ?????????? ??? ?? ???? ?? ??????? ?????????? ??? ??  
?????? ?????? ??? ??? (????? ??? ??? 1? ?????????? 2012) ?????? ??? ??????? ??? 22  
????? 2013. ? ?????? ??? ?????????? ??? ?? ?????????? ????. ??? ??? ??????????????  
?????? ? ?????? ?????? ?????? ?????? ?????? ??? Bundesfinanzgericht  
(????????????? ?????????? ???????????, ???????), ? ?????? ??? ?????? ???.

14. ?? Bundesfinanzgericht (?????????????? ??????????? ??????????) ??????????? ??  
????????? ??? ?????????? ?? ?? ??????? ?? ?? ???? 205a ?? ?? ?? ?? ?? ??  
????????? ??? ??????????????, ??????? ?????????? ??????? ??????????, ??????????  
????????? ???, ??? ?????????????? ??? ?????????? ??????? ?????????? ?? ?? ??????????  
????????????? ?????????? ??????? ? ?????? ?????????????? ?? ?????????? ????. ????. ??? ?? ??  
?? ?????????? ?????????? ? ?????? ?????????? ?? ?????? ??????????.

- ??? ??? ???????? ?????????? ?????????? (Ro 2018/15/0026)

15. ??? ??????? ?????????? ???????? (technoRent International, ??? ????: ??????? ????????) ?????? ??? ?????????????? ??? ???????? ??????????. To 2003 ??? ?? 2004 ?????? ?????????? ??? ????????, ?????????? ??? ?????????? ?????? ?? ??? ????? ?????? ?????????? ??? ?????? ?? 2005 ? ?????? ??? ?????? ?????? ?????? ?? 2005 ?????? ?????????? ?????????? ??? ?????? 367 081,58 ????. ? ?????? ??? ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? 90 ??? ?????? ???, ?????? ??? ?????? ???.

16. ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (??? ??? ?????? ??? 2006 ??? ??? ?????? ??? 2008). ?? ?????? ?????? ???' ??? «????????????» ??? ?????? ?????? ??? 10 ?????? 2008. ??????, ??? ???? ?????? ??? ?????? ? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 13 ?????? 2008 ? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? 367 081,58 ????. ? ?????? ?????? ??? ??????

17. ??? ??????? ?? 2013 ? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??  
????? ??? 367 081,58 ??? ?? ?????? ?????? ?????? ??? ?? ?????? ??? 2005 ??? ?? ??? ??  
??? 2013. ??? ?? ?????? ?????? ??? ?? ?????????? ??? ?? ?????????? ??? ?? ?????? ??? ??  
(????? 10 021,32 ???) ?????? ?????? ?? ?? ?????? 205a ??? ?? ??? ?? ??? ?? ??????  
??? ?? 1? ?????????? 2012 ??? ?? 8 ?????? 2013. ??? 29 ????? 2017 ?? ??????????  
????? ?? ?????? ?????? ?????? ???, ?????????????? ??? ??????  
????? ?????? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ?????? ??? ?? 2 ?????????? 2005 ??  
??? 9 ?????? 2008. ? ?????? ?????? ??? ?? ?????? ??? ?? ?????? ?????? ??? ?? ??? ??  
????????? ??? ?? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ?????? ??? ?? ?????? ??????  
??? ?? ?????? ??? ?? ?????? ??? ?? 2 ?????????? 2005 ??? ?? 9 ?????? 2008.

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

18. ?? Verwaltungsgerichtshof (?????? ?????????? ??????????, ???????), ??????? ??  
????????? ??? ?????????? ??????????, ?????? ??? ?????? ?? ?????? ?? ?????????? ??  
?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????  
205 ??? 205a ??? ??? ???, ?? ??? ??????, ?? ?????? ??? 24?? ?????????? 2018 ??????? ???  
????????? ?? ?????????? ?????????????? ??????????:

«1. ??????? ??? ?? ?????? ??? ?????? ?????? ?????????? ??????? ? ?????? ??????? ???  
????????? ???, ?? ?????????? ??? ? ?????????? ??? ?? ?????????? ??? ?? ?????? ???  
?????????, ??? ?? ?????????? ??? ?????? ??? ?????? ???, ?????????? ?????????? ???,  
????? ??? ?????? ??????????, ?????? ??? ?? ?????? ?? ?????????? ??? ?????? ???  
????? ??? ?????????? ??? ? ?????? ??? ?????????? ??????????, ?????????? ??  
????? ?????? ??? ?????????? ?????? ??? ?????????? ??? ??????????, ?????????? ??  
????? ?????? ??? ?????????? ?????? ??? ??????;»

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

2. ??????????, ??? ??? ?????????? ?????? ??? ? ?????? ?? ??? ??? ??????? ???  
????????? ???, ?? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????? 90, ??????????  
1, ??? ?????? 2006/112/??, ? ?????????? ?? ?????? ??? ?????????? ??? ?????????? ??????  
?????????, ?? ?????? ??? ?????? ??? ? ?????????? ??? ?????????? ??? ?????????? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????;  
»

3. ?????????? ? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ???????  
????? ??? ??? ?????????? ?????????????? ?????????? ??? ?????????? ???, ??? ??  
????? ?????????? ???, ??? ??? ?????????? ??? ?????, ?? ?????????? ??? ?????  
????? ??? ?????????? ??? ?????? 27, ?????????? 2, ?????? ??????, ??? ?????? 2008/9  
??? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????  
????????? ???, ??? ?????????? ??? ?????? 2006/112/??, ?? ?????????? ???  
????? ?? ?????????????? ??? ?????? ?????? ?????????? ??? ?????????????? ?? ???  
????? ?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????  
????????? ??? ?????? 2008/9;»

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

V. ?????? ??????

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

20. ??? ?? ??? ?????????? ?????????? ???' ??????, ?? ?????? ?? ???, ??  
????????? ?????????? ?????????? ???, ?? ?????? ?????? ?? ?????? ??? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????????? ?????? ??? ? ??? ?????? ??? ?????? ??? ?????????? ??? (?????)  
????????? ??? «????????? ?????? ???». ?????????? ??? ?? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ???.

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

????????? ??????? ??? ?????? 205 ??? ??? ??? ?????? ??? ??? ??? ??????????????. ??????, ??  
????? 205a ??? ??? ??????????????, ??? 1?? ?????????? 2012, ?????? ??? ?????????? ??? ??  
????????? ??? ????? ?????????? ??? ????? ?????????? ???, ??? ?????? ??? ?? ?????????? ?  
????????? ??? ????? ??????. ?????? ?????? ??? ?????? ??? ??? ?????? ?? ?????? ??????????  
????????? ?????? ??? ?????? ?????? ?? ??? ?????? ??? ?????? ?????????? ?????? ??? «?????????  
??? ? ?????? ??? ??????».

22. ?????????????? ??????? ?? ?????? ??? ?????????? ?????? ??? ?? ?????????? ??????????  
???? ????? ???. ????? ?????????? ????? ?????????? ????. ????? ??????????, ?????????? ?????? ???  
?????? ?????? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? 183 ??? 90 ?????.

23. ????????, ??????????? ?? ????, ?????? ???????, ??? ?????? ???????, ??????, ???' ?????, ??  
 ??????????? ?? ??????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????? ?? 183  
 ??? 90 ??? ??????? ?? (?? B.1) ??? ? ?????????? ?? ?????? ?????????? ?? ?????? ?????? ??  
 (?? ?.2). ??? ???????, ?????? ?? ?????????? ? ???' ?????????? ?? ?????? ??????? ??  
 27 ??? ??????? ?? ???????????, ? ?????? ??' ?????? ?? ?????? ??????????? ?? ???????????  
 (?? B.3), ?????? ?? ??????????? ??????????? ?????? ?? ?????????? ?????? ?????????? ??  
 ?????? 205 ??? 205a ??? ?? (?? ?).

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

1. ?????????????? ??? ????? ?????????????? ??? ?????? 183 ??? 90 ??? ?????????? ???

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

24. ??????? ?????? ?? ?????????????? ?? ? ?????? ??? ??????? ?? ??????? ?????? ?????  
????????? ??????. ??? ?????? ??? ?????????? ????? ?????????????? ?????????? ?????? ?????.  
????? ??? ?? ?????? 183 ??? ??????? ??? ?????? ?????? ???, ??? ?????????? ??????  
??????? ??? ?? ?????????? ??? ?????????? ?? ?????? ?? ??? ?????????? ??? (?????????  
?????????), ?? ?????? ??? ?????? ??? ?? ?????????? ??? ????? ?????? ??????????  
?????? ??? ?? ?????????? ??? ?????? ??? ?? ?????? ?? ?????????? ??? ??????????.

25. ??????? ??????????, ? ?? ??? ??????? ???????????, ??????????????, ?????????? ?? ? ? ??????? ??,  
????? ??????????? ?????????? ?????? ??? ?????????????????? ?????????????? ?????????? ??? ???  
??? ??????????? ??? ??? ????? ?????????????? ?????? (4).

26. ?? ?????? 183 ?? ??????? ?? ?????? ?? ?????? ?? ??????????? ?? ?????????? ?? ?? ?? ?? ??  
179 ??????. ????. ?? ?????? 179 ?? ??????? ???, ? ??????? ?????????? ?? ?????? ?? ??????????  
????? ????. ?? ?? ???????, ??? ?? ??????? ?? ?????? ?? ?????? ?? ?????????? ?? ?? ??  
????????????? ???????, ??? ?????????? ?????? ?? ?? ??, ??? ?? ?????? ?????????? ?? ??????????  
?????????. ???????, ?? ?????? 179 ?? ??????? ?? ?????????? ?????????? ?????????? ?? ??????????  
??? ?????????? ?? ?? ?? ?? ??????? ?????????? ?????????? ?? ??????. ?? ? ?????????? ?? ??  
????????? ?? ?? ???????, ?????????? ?????????? ?????????? .. ??, ??????????, ? ??????????  
????? ?? ?? ?????????? ?? ?? ?? ???????, ?????????? ?????????? ?????????? ?? ?????? ?? ??  
????????? ?? ?? ?????? 183 ?? ??????? ??.

27. ??? ??? ?????????? ??? 183 ??? ??????? ??? ?? ???? ?????? ?????????? ???  
??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?? ???? ?????? ???  
????????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?? ????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ???, ?? ?????? ??? ??????, ???'  
?????, ?? ???????????. ??????????, ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ?????? ?????? ?????? ?????? (5).

28. ???????, ?????? ?? ?????????? ??? ? ?????? ??????? ??? ?????????? ???  
?????? ?????????? ??? ?? ?????? 167 ??? 172 ??? ?????? ???, ??? ?????????? ??? ??  
?????? ?? ????? «????? ??? ?????? ??? ?????????? ??? ??????», ??? ?? ?????? 178 ???  
183 ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ?????????? (6). ???  
?????? ???, ?? ?????????? ??? ?????????? ??? ?? ?????? ?????? ??? ?? ???  
??????????, ??? ?????? ?? ?????? ??? ?????????? ???, ??? ?????? ?? ?????? ???  
???? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ???, ?????????? ???  
??? ?????????? ??? ?????? ?? ??????????, ?? ??? ? ?? ?????, ?? ?????? ??????????  
????????? (7). ??????????, ??? ?? ?????? ?????? ??? ?? ?????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????????, ? ??? ??? ?? ?????? ??? ?????????? ???  
????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? [??]  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? (8).

29. ?? ?? ??????, ??? ?? ?????? 183 ??? ?????? ???, ?? ?????????? ?? ??? ?????? ???  
??????????, ?????????? ??? ? ?????????? ???, ???, ?? ?????????? ?, ???  
?????????, ??? ?????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????????? ???  
???.

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

30. ?? ??? ??????, ??? ?????????? ???? ?????????, ??? ?????????? ?????????? ???  
????? ? ?????? -????? ?? ?????????? ? ?????? ??????- ?????? ?????? ?????????? ???  
??? ??? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? 90 ???  
????????? ???, ?????? ??? ?????? -????? ?? ?????? ?????? ??? ?????? -?????  
????????? (?? ??? ?????????? ?????? ???) ?????? ??? ?????????? ???  
?????.

31. ?? ?????????? ??? ??????????, ? ?????????? ??? ?????? ??? ?????????? ???  
????????? ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? 90 ??? ?????? ??? ?????? ??? ?????? ??? ?????? 183 ???  
????????? ??? . ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

32. ??????, ?? ??? ??? ?? ??? ?????? ?????? ?????????? ?????? ??? ??????????  
????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??????.

3)

????????????? ??? ?????????? ?????? ??? ?????? 27 ??? ?????? ??? ????? ???????????;

33. ?????????? ??? ?? ?????????? ??? ?????? ?????? ?????????? ?????????? ??? ???  
??? ?????????? ??? ? ?????????? ??? ?????? ?????? ??? ?????? 27, ?????????? 2,  
?????? ??????, ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ??????  
????? ??? ?????? ?????? ?? ?????????? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????? .?  
?????? ?????? ??? ?????: «??? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ???  
????? ??? ?????? ?????????? ?? ?????????? ?????? ?????????? ??? ?????? , ? ??????????  
????? ?????? ??? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? .».

34. ? ?????? «(?)?? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????? ???» ???  
????????? ??? ? ?????????? ?????????? ?? ?????????? ?????????? ?????????? ??? ??? ??????  
????????? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??? ?????? ?????????? ???  
????? .

35. ??? ?????????? ??? ??? ?????????? ??? ?????? 1 ??? 2 ??? ?????? ???  
????????? , ??? ??? ?? ?????? ??? ??? ?? ?????? ??? ?????? , ?????? ?????? ??????  
????? ??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ??????  
??? ?????? ?????????? ??? ?????????? ??? ?????? . ??? ?????? ?????????? ??? ?????? ???  
????? , ??? ?????? ??? ?????? ?????? 3 ??? ?????? ??? ?????? ??? ?????? ???  
????????? ? ??? ??? ?????????? . ??? ?????? , ??? ?????? 27, ?????????? 2, ??????  
????? , ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ??????  
????? ? ?????? ?????? ??? ?? ?????? ????. ?????? ?????? ?? ?????? ??? ?????? , ??? ??????  
??? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????  
????? ??? ?? ?????????? ??? ?????? ?????? ?????? , ?????????? ??? ?? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? .

36. ? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ?? ??? ?????? ?????????? (????? 27,  
????????? 2, ?????? ?????? , ??? ?????? ??? ?????? ??????) ??' ?????? ?????????? , ????  
??? ?????? ??? ?????? ?????? ?????? . ?????? ?????? ??? ?????? ?????? ??? ?????? ????  
??? ?????????? (?. ?????? 28 ??????) ?????????? ??? ?????? ?????? ?? ??? ?????? ??? ??????  
????????? .

4) ?????????? ??????????

37. ?????? , ??? ?? ??? 183 ??? 90 ??? ?????? ??? , ?? ?????? ??? ?? ??? ??? ???  
????????? , ?????? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ???  
????????? ?????? ??? ??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????  
????? ?????? ??? ?????? .

2. ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??? ?????? 183 ? ??? ??????  
90 ??? ?????? ??? ?? ?????? ??? ???? ??????;

38. ??? ???????, ?????? ?? ??????????? ?? ?? ?????? 183 ??? 90 ??? ?????? ???, ??  
????????? ?? ??? ??? ???? ??????????????, ???????? ?????? ?????????? ?????? ???  
????????? ????. ??? ?????? ??? ?????? ?? ?????? ?????????? ????????, ??? ??????????????  
??? ? ?????????? ??? ?????? ?????? . ??????, ?????? ?? ?? ?????? 183 ??? 90 ??? ?????? ???,  
?? ?????????? ?? ??? ??? ??? ??????????????, ??? ?????????????? ??? ???' ?????? ?????? ??  
????????? ??????. ?? ?????????? ?????????????? ??? -??? ??????????, ?? ?????????? ??  
????????? ?????? ?????????? ??? ?????????- ??? ?????????? ??? ?? ?????? ??? ??????.

39. ??????????, ?? ?????? ??? ?????????? ?????????? ?????????? ??? ?????? ??? ?????????? ???  
????????? (11). ?? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ?????????? ???  
????? 90 ??? ?????? ??? (12).

40. ?? ?????????? ??? ?????????? ?????????????? ?? ?????????? ??? ?????? ???????. ???  
?? ??????????, ??? ??????????, ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???  
????????? 45 ?????? ??? ?? ?????? ??? ?????, ??? ??? ?????????? ??? ?????? ?????????? ???  
?????????, ?????? ??? ?????? 183 ??? ?????? ??? (13).

41. ??????, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ??????. ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ??????, ?? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????. ?? ?? ??????,  
????????? ??? ?????? ??? ?????? 183 ? ??? ?????? 90 ??? ?????? ???, ??  
????????? ?? ??? ??? ??? ??????????, ??? ?? ?????? ??? ?????????? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ???.

3. ?????????? ??????? ?? 27 ??? ?????? ??? ??????????;

42. ??? ? ?????????? ??? ?????? 27 ??? ?????? ??? ?????????? -???  
????????? ??? ?? ?????? ?????????? ?? ?? ?????? ?????? ???- ??? ?????? ????.  
?????????, ?????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
?????, ?? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ???, ????????, ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????????? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ???  
??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

43. ??? ??????, ? ??????, ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ???  
?? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? (????? ?????????? ??? ?????? ???)  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 27  
??? ?????? ??? ?????? ??? ?????? . ?? ?? ??????, ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ??? ?????? . ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?? ?? ?????? ??? ?????? ??? ?????? ???  
????? (14).

44. ??????, ??? ?????????? ?? ?????????? ?????????? ??? ?? ?????????? ??? ???  
????????? ????. ??? ?????????? ??? (????? 35 ??? 36), ??? ??? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???.

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

45. ??????, ? ??????? ?????????? ?? ??????? ??????? ?? ??????? ?? ??????? ?? ?????????? ??  
??? ??????? ??????? ? ?????????? ??? ??????? ?????? ?????? ?????? ?????? ?????? ??? ??????  
??? ??????? ??? . ? ??????????, ??? ? ?????????? ??? ?????? 183 ??? 90 ??? ?????? ???,  
????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
??? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????? ??? ?????? ?????? (15). ?? ?????????? ??? ?????? ?????? ?? ?????????? ?????? ???  
????????? ??? ?????? 27 ??? ?????? ??? ?????? ?????? ?????? ??????.

#### 4. ?????? ??????

46. ??? ?? ?????? 183 ??? 90 ??? ?????? ???, ?? ?????????? ?? ??? ??? ??? ???  
???????????, ??? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ??  
????????? ??? ?????? ??? . ???????, ?? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ???  
????? ?? ??????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????? ??? ?? ?????? 183 ??? 90 ??? ?????? ???, ?? ?????????? ?? ??? ??? ??? ???  
???????????, ?????????? ?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? . ??? ???  
????? ?? ???' ?????????? ?????? ??? ?????? 27 ??? ?????? ??? ?????? ?????? ??????.

3. ??? ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?? ?????????? ???  
????????? ?????? ????: ?????? ??? ?????????? ??? ??? ?????????????? ???

47. ??????, ?????????? ??? ? ?????? ??? ?? ?????? ?????? ?????? ?????????? ?????? ???  
????????? ???, ? ?????????? ?????? ?????? ?????? ?????? ?????? ???' ?????? ???  
????????? ??? ?????? ??? . ??? ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ,  
????? , ?????????? ?????? (16) ??? ?????? ?? ?????????? ??? ?????? ?????? ?????? ??????  
????????? ??? ?????? ?????? ?????? ??????.

48. ??????, ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ??? ??? ?????? ??????  
????????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? (????? ???  
?????????) ??? ?? ?????????? ?????? ??? ?????? ?? ?????? ?????? ?????? ?????? ??????  
? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ? ?????? ??? ??????  
(????? ??? ??????????????) (17).

49. ?? ???? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??????  
?? ?? ?????? ??????????. ???????, ??? ??? ?????? ?????? ?? ?????????? , ??????????  
?? ?????? ?????????? ?? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ???  
????? -?? ?????????? ??? ?????? ???- ?????????? ?? ?????? ?????????? ??? ?????? ???  
????????? ?? ??? ?????? ?????? , ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? (18). ?? ?????? ?????????? ?????? ?? ?????? ?????? ?? ?????? ???  
????? ?????? ?????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? (19).

50. ??? ?????????? ?????? ??? ?? ?????????? ?????? ?? ?????????? ??? ?????????? ???.  
????? ?????????? , ???, ?? ?????? , ? ?????? ??? ? ?????????? ??? ?????? 205 ??? 205a  
?? ??? ?????????? ??? ?????? ??? «??? ?????????? ?????? ?????? ?????? ?????? ???  
????????? , ?? ?????? ?????? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ? ? ???' ?????? ?????? ?????? ??? ?? ??? ?????? ?????? . ? ?????? ??????  
????????? ?? ??? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ?? ??????  
????????? ??? . ?? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? , ?? ??? ???' ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ??? ?????? (?.?. ??? ?????? 205 ??? ????), ?????? ?? ??? ?????? ???

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

51. ??? ?????? ??? ?????? ??????: ?? ??????? ??? ??????? ??????? ??????? ???????  
?????????? ??????? ???? ?????????? ?? ?????????? ?????? ?????????? ?? ?????????? ?????? ??????  
???????, ??? ?????? ?????????? ??? ?? ?????????? ?????? ?????????? ??? ??? ?????????? ?? ???  
????? ?????? (????? ??? ?? ??????? ??? ?????????? ??? ?????? 183 ??? ?????? ???).  
????????, ?????? ??????? ?? ?????? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ???????  
????? ??? ??????, ?????????? ??? ?????? 205a ??? ???, ??????? ?? ??? ?????? ???  
????????? ??? ??? ??????????????????.

52. ????????, ????, ??? ?? ?????????? ??? ?????? ?????? ?????? ?????????? ??????????  
????? ?? ?????? ??? ??????, ???? ??????????, ?????? ??????, ??? ?? ??????????  
?????????? ?? ?????? ??? ?????? ?? ?????????? ?????????? ?????????? ?? ?????????? ???  
????? (20), ?????? ?? ?????? ?????????? ??????, ?? ??????, ?? ?????????? ??????.

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

## VI. ??????

54. ?????? ??? ????????????, ??????? ??? ?????????? ?? ?????????? ?? ?????????? ??? ??????  
?????????? ??? ?????? ?? ?????? Verwaltungsgerichtshof (?????? ??????????)  
??????????, ???????) ?? ???:

??? ?? ?????? ??? ??????, ?? ?????????? ??? ?? ?????? 183 ??? ?? ?????? 90 ??? ??????  
??? ?? ?????????? ?? ??? ?? ?????? ??? ????????????, ?????????? ?? ??????????: ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? 183 ??? ?????? ??? ?????? ?????? ??????  
????????? ?????????? ??? ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????? ??????  
????? 90 ??? ?????? ???, ?????? ???' ?????? ?????????? ?????????? ?????? ??? ??????  
????????? ?????? ?????? ?????????? ??????, ??? ?????????? ?????? ?????????? ?????? ??????  
????????? ?????? ?? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??????. ???????,  
????????? ??? ?????? ?????????? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ??????  
????? ?? ?????????? ?? ?????????? ??? ?? ?????? ??? ?????? ?? ?????? ??? ??????  
????????? ?????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????  
??? ??????, ??????? ??? ?????? ??????.

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

2 ?? 2006, L 347, ?. 1.

3 ?? 2008, L 44, ?. 23.

4 ?? ?????????? ??? 24?? ?????????? 2013, Rafin?ria Steaua Român? (C?431/12,  
EU:C:2013:686, ????? 19), ??? ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10,  
EU:C:2011:298, ????? 27).

5 ?????? ??? 24?? ?????????? 2013, Rafin?ria Steaua Român? (C?431/12,  
EU:C:2013:686, ????? 21), ??? 28?? ??????? 2011, ??????? ??? ?????????? (C?274/10,  
EU:C:2011:530, ????? 43), ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10,  
EU:C:2011:298, ????? 32), ??? 30?? ?????????? 2010, Uszodaépít? (C?392/09,  
EU:C:2010:569, ????? 34), ??? ?????? ??? 15?? ?????? 2010, Pannon Gép Centrum  
(C?368/09, EU:C:2010:441, ????? 37 ??? ????? ?????????? ??????????).

6 ?????? ??? 28?? ??????? 2011, ??????? ??? ?????????? (C?274/10, EU:C:2011:530,

????? 44)? ????. ?????? ??????? ??? 29?? ??????? 2004, Terra Baubedarf-Handel (C?152/02, EU:C:2004:268, ??? 30), ??? ??????? ??? 8?? ??????? 2001, ??????? ??? ???? ??? (C?338/98, EU:C:2001:596, ??? 71).

7 ??., ????, ??????? ??? 24?? ??????? 2013, Rafin?ria Steaua Român? (C?431/12, EU:C:2013:686, ??? 22), ??? 28?? ??????? 2011, ??????? ??? ??????? (C?274/10, EU:C:2011:530, ??? 45), ??? ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10, EU:C:2011:298, ??? 33).

8 ??., ????, ??????? ??? 24?? ??????? 2013, Rafin?ria Steaua Român? (C?431/12, EU:C:2013:686, ?????? 23 ??? 24), ??? ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10, EU:C:2011:298, ??? 51). ??? ??? ?????? ???, ???' ???????????, ??? ? ?????? ??? 23?? ??????? 2020, Sole-Mizo ??? Dalmandi Mez?gazdasági (C?13/18 ??? C?126/18, EU:C:2020:292, ??? 36).

9 ?????? ??? 19?? ??????? 2012, Littlewoods Retail Ltd ?.?. (C?591/10, EU:C:2012:478, ??? 26).

10 ?????? –??????, ????, ?? ??????? ??? 23?? ??????? 183 ??? ??????? ???–, ?????? ??? 23?? ??????? 2020, Sole-Mizo ??? Dalmandi Mez?gazdasági (C?13/18 ??? C?126/18, EU:C:2020:292, ??? 36).

11 ??????? ??? 23?? ??????? 2020, Sole-Mizo ??? Dalmandi Mez?gazdasági (C?13/18 ??? C?126/18, EU:C:2020:292, ??? 37), ??? 24?? ??????? 2013, Rafin?ria Steaua Român? (C?431/12, EU:C:2013:686, ??? 20 – «?????????»), ??? 28?? ??????? 2011, ??????? ??? ??????? (C?274/10, EU:C:2011:530, ??? 39), ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10, EU:C:2011:298, ?????? 33, 64), ??? ??? 10?? ??????? 2008, Sosnowska (C?25/07, EU:C:2008:395, ??? 17).

12 B?. ?????? ??? 19?? ??????? 2012, Littlewoods Retail Ltd ?.?. (C?591/10, EU:C:2012:478).

13 ?????? ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10, EU:C:2011:298, ?????? 50 ??? 61).

14 ?. ?????? ??' ????? ??? ?????? ??????? ??? 24?? ??????? 2012, Dominguez (C?282/10, EU:C:2012:33, ??? 38), ??? 14?? ??????? 1994, Faccini Dori (C?91/92, EU:C:1994:292, ?????? 22 ??? 23), ??? ??? 26?? ??????? 1986, Marshall (152/84, EU:C:1986:84, ??? 49).

15 ??????? ??? 28?? ??????? 2011, ??????? ??? ??????? (C?274/10, EU:C:2011:530, ??? 39), ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10, EU:C:2011:298, ?????? 33 ??? 64), ??? 10?? ??????? 2008, Sosnowska (C?25/07, EU:C:2008:395, ??? 17), ??? ??? 25?? ??????? 2001, ??????? ??? ??????? (C?78/00, EU:C:2001:579, ??? 32).

16 ??????? ??? 23?? ??????? 2020, Sole-Mizo ??? Dalmandi Mez?gazdasági (C?13/18 ??? C?126/18, EU:C:2020:292, ??? 37), ??? 24?? ??????? 2013, Rafin?ria Steaua Român? (C?431/12, EU:C:2013:686, ??? 20 – «?????????»), ??? 28?? ??????? 2011, ??????? ??? ??????? (C?274/10, EU:C:2011:530, ??? 39), ??? ??? 12?? ????? 2011, Enel Maritsa Iztok 3 (C?107/10, EU:C:2011:298, ??? 29).

17 ??????? ??? 16?? ??????? 2020, UR (?????? ??? ??????? ?? ???) (C?424/19,

EU:C:2020:581, ?????? 25), ??? 4?? ??????? 2020, Telecom Italia (C?34/19, EU:C:2020:148, ?????? 58), ??? 10?? ??????? 2014, Impresa Pizzarotti (C?213/13, EU:C:2014:2067, ?????? 54), ??? 24?? ?????????? 2013, Rafin?ria Steaua Român? (C?431/12, EU:C:2013:686, ?????? 20), ??? 21?? ?????????? 2010, Alstom Power Hydro (C?472/08, EU:C:2010:32, ?????? 17), ??? ??? 3?? ?????????? 2009, Fallimento Olimpiclub (C?2/08, EU:C:2009:506, ?????? 24).

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