

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

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

JULIANE KOKOTT

??? 22?? ??????? 2021 (1)

?????? C?80/20

**Wilo Salmson France SAS**

????

**Agen?ia Na?ional? de Administrare Fiscal? - Direc?ia General? Regional? a Finan?elor Publice Bucure?ti,**

**Agen?ia Na?ional? de Administrare Fiscal? - Direc?ia General? Regional? a Finan?elor Publice Bucure?ti - Administra?ia Fiscal? pentru Contribuabili Nereziden?i**

[?????? ??? Tribunalul Bucure?ti (????????????? ??????????????, ????????)  
??? ??? ?????? ?????????????? ??????????]»

«????????????? ?????????? – ?????????? ?????? – ????? ?????????????? ?????? (???) –  
?????? 2006/112/?? – ????? 167 ??? 178, ?????????? ?? – ?????? ??? ?????????????? ??????????  
– ?????????? ?????????? ?????????? – ?????? ?????????? ?? ?????????????? ?????????? –  
????????????? ?? ?????? ?? ??? ?????? ?????????? ?????????????? ??? ?????????? – ?????? ???  
????????????? (?????? 2008/9/??) – ????? 14, ?????????? 1, ?????????? ?, ??? ?????? 15 –  
????????????? ?????????? ?? ?????????????? ?????????????? ?????????? – ?????? ??????????  
??? ?????????? (?????????) ?????????? ??? ?????????????? ??? ?????????? ??? ?????????? ???»

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

1. ??? ?????????? ??????? ?????? ?????????? ?????? ??? ??????? ?? 2012, ??? ?? ??  
???? 2012 ??????? ??? ?????? ?????????? ?? ??????, ???????, ??? ??? ??????????. ???????  
?????????? ??? ??????? ?????????? ?????????? ??? ?? ??? 2012, ?? ?????????? ???  
????????? (?????????) ??? ?????????? ?? 2015. ?? ?? ??????, ?????????? ??? ??????  
????????? ??? ?? ??? 2015, ? ????? ?????? ??? ??? ?????? ?????? ??????. ?? ??????  
????????? ?????????? ?? ??? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???  
????? ??? ??? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? ???.

2.     ?? ????????????, ?? ??????????? ? ? ?????????? ?? ??? ?? ???? ?? ???? ?????????? ??????????  
????????? ??? ???? ?????? ??? ???: ??????? ? ?????? ?????????? ?????????? ?????????? ?????????? ??? ??  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ??????;

3. ?????????????? ?????????????? ??????????????, ? ?????? ?????? ?????????????? ?????????????? ??? ??????????  
???? ?? ? ?????????? ?????? ??? ?????? ?????? ?? ?????? ? ?????? ? ?????? ? ??  
????????? ? ?????? ??????????. ??? ?? ?????? ?????????? ?????????? ?????????? ???????????????, ??  
????????? ?????????? ?????? ??? ?????????? ??????, ?? ?????? ?????? ?????? ?????? ???  
????????? ?????????? (?? ??????????, ?? 2012) ?? ?????? ??????????, ??? ??  
????????? ?????????? ?? ?????? ?????????? ? ?????? ?????? ??? ?????????? ?????????????? ??????????  
(?? ?????????? ?? 2015). ???????, ?? ?????? ?????????? ?????????? ???????????, ??????? ?? ???  
????? ? ?????? ?????????? ??? ?????? (?? ?????????? ?? 2012).

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

1.     ?? ?????? ?? ??????

- ? ?????? 2006/112

5. ?? ?????? 63 ??? ??????? 2006/112/?? ??????? ?? ?? ?????? ??????? ??????  
????????????? ?? (2) (??? ????: ?????? ???) ??????? ?? ?? ?????? ?? ?? ??????  
????????? ? ?????????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?????????? ?? ????????:

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

6.     ?????? 167 ??? ??????? ??? ?????? ?? ?????? ??? ?????????????? ??????????. ??????  
?? ????:

7. ??????????, ?? ???? 178 ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????????????????????????:

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

?) ??? ??? ?????????????? ??? ?????? 168 ??????????) ????????, ??? ?????? ???  
????????? ??? ?????? ??? ??? ?????? ?????????, ?? ?????? ?????????, ?? ?????? ???  
????? ??? ?????? ?? ???? ?????? 3 ??? 6 ??? ?????????? 3 ??? ?????? XI,

[...]

??) ??? ?????????? ?? ???????? ??? ??? ?? ??? ?????? ??? ?? ?????? ?  
????????? ?? ???????? ?????? ??? ?????? 194 ??? 197 ??? ??? ?????? 199, ?? ??????  
??? ?????????? ??? ?????? ??? ?????? ????.»

8. ?? ?????? 219 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?? ????:

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

9. ????????, ?? ?????? 168, ????????, ??, ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ????????????:

«??? ?????? ??? ?? ?????? ??? ?? ?????????? ?????????????? ??? ??? ?????? ???  
????????????? ???, ? ?????????? ??? ?????? ??? ?? ????????, ??? ??????  
????? ??? ?????? ?????????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?? ?????????? ???  
????? ????:

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

10. ?? ?????? 169, ????????, ??, ??? ?????? ??? ?????? ??? ?? ?????? ???  
????????? ?? ???????:

«????? ??? ?? ?????? ??? ?????????? ??? ?????? 168, ? ?????????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???, ?????? ?? ?????? ??? ??  
????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ????:

) ??? ?????? ??? ?? ?????????? ??? ?????? ?????????????? ??? ?????? 9, ?????????? 1,  
????????? ???, ?? ?????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ? ?????????????? ? ?????? ?????? ??? ?? ?????? ??? ?????? ?????? ??? ??????  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????.».

11. ??????, ?? ?????? 170 ??? ?????? ??? ?????????? ??? ?? ?????????? ???  
????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????:

«????? ?????????? ??? ?? ??????, ??? ?????? ??? ?????? ??? ?????? 1 ??? ?????? 86/560/???  
[...], ??? ?????? 2 ?????? 1 ??? ??? ?????? 3 ??? ?????? 2008/9/? [...] ??? ??? ??????  
??? ?????? ???, ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
??, ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????????? ??? ?????? ??? ?????? ????:

) ??? ?????? ??? ?????? 169, [...]»

12. ?? ?????? 171, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????:

«? ?????????? ??? ??? ?????? ?????????? ??? ?????, ??? ??? ?????? ?????????? ???  
????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????

?????????????? ?? ????, ??? ????? ?????????????????? ?? ??? ????? ??????? ??????,  
????????????????? ??????? ?? ??? ?????????????? ?????????????? ?? ??? ?????????????? ?? ??? ???  
?????? 2008/9/??.»

- ? ?????? 2008/9

13. ?? ?????? 5 ??? ??????? 2008/9/?? ??? ??? ?????????? ?????????? ?????? ??  
??? ??????? ??? ?????????? ??? ????? 2006/112/?? ??? ????? ?????????? ???  
????????? ??? ????? ?? ?????????? ??? ?????? ??? ????? ?????????? ???  
????????? ??? ?? ??? ????? ?????? (3) (??? ????: ?????? ??? ??????)  
????????? ?? ??? ????? ?? ??? ????? ??.

«???? ??????? ?????? ?????????????? ?? ??? ????? ?????????????? ??? ????? ?? ?????????????????? ??? ??????  
????? ?????????????? ??? ?????? ??? ????? ?????????????????? ?????? ? ?????? ?????? ?????????? ??? ??????  
??? ?????????????? ? ?????????? ??? ?????????????? ?? ?????? ??? ?????? ??? ?????? ?????????????? ????  
????? ??? ?? ??? ????? ?????? ??? ? ??? ?? ?????? ?????? ??? ?? ??? ?????? ?????? ?????? ??????,  
?????? ?? ?? ??? ????? ?????? ??? ?????????????? ?????????????????? ??? ?????? ??? ?????? ??????  
???????:

?) ??????? ??? ???????????? ??? ????? 169 ??????? ?) ??? ?) ??? ?????? 2006/112/???

?) ??????? ??? ?????????????? ?? ??????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
????????????? ?? ?????? ?????? ?? ?? ?????? 194 ??? 197 ??? ?? ?????? 199 ??? ??????  
2006/112/??, ??? ?????????????? ?? ?????? ?????? ?????? ??????????????.

?? ?? ?????????? ?? 6, ?? ?? ?????? ?? ?????????? ???????, ? ?????? ?????? ??  
????????? ?? ?????? ?? ?????? ?????????????????? ??????? ?? ??? ?????? 2006/112/??  
???? ?????????? ?? ?????? ?????? ?????? ?????? »

«?? ??????? ?????? ??????????? ??????, ?? ?????????? ??? ?????? ?? ?????? 20 ?????????? ???????  
??????????, ?? ??????? ??? ??? ??????? ?? ??????? ?? ??????????????? ???, ??? ???? ?? ???  
?????? ???, ?????????? ??? ??????????? ? ?????????????? ?????????? ??? ?????? ? ???  
????????????? ??? ?????? ?? ??? ?????????? ? ?????????????? ?????????? ??? ?????? ???  
????????????? 1 000 ??? ? ?? ??????? ??? ?????? ??????. ?????? ?? ?????????? ???  
??????, ??? ???? ??????? ??? ?????? 250 ??? ? ?? ??????? ??? ?????? ??????..»

15.    ?? ?????? 14 ??? ??????? ???? ?????????? ?????? ?? ?????????? ?? ????????????

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

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

16. ?? ?????? 15, ??????????? 1, ??? ?????? ??? ?????????????? ?????????? ??? ??????????  
?????????? ??????? ?? ???? ?????? ????? ?????? ?? ?????????? ?????? ?????? ?????? ???????????:

<? ??????? ?????????????? ?????????????? ??? ?????? ?????? ?????? ??? ?????????????? ??? ?? 30

????????????? ??? ?????????????? ?????? ??? ?????????? ??? ?????????? ??????????????. ? ??????  
????????? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??  
????????? ??? ?????????? ?? ????? 8, 9 ??? 11. [...]»

17. ?? ?????? 23 ??? ?????? ??? ?????????? ?????? ??? ?????????? ??? ?????? ??? ??????????  
?????????:

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

2. ?? ??? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????????? ?????????? ??  
????????? ??? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ???  
????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???  
??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? [...]»

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

18. ?? ?????? 145 ??? Legea nr. 571/2003 privind Codul fiscal (????? 571/2003 ????  
????????? ??? ?????????? ????, ??? ????: ?????????? ????) ?????????? ??  
????????? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????? ??? ??? ??? ?????? ???????.

19. ?? ?????? 146 ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????.

20. ??? ?? ?????? 1472, ?????????? 1, ??????? a, ??? ?????????? ??????,  
????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ??? ??????????, ???? ????  
????????????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??  
????????????? ??? ???, ?????????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??  
??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ?????????????? ???  
?????????.

21. ?? ?????? 49, ?????????? 15, ??? Hotărârea Guvernului nr. 44/2004 privind Normele  
metodologice de aplicare a Codului fiscal (????????? 44/2004 ????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??????????  
????? ??? «????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? . ?? ?????????? ??? ?????? ?????? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ?????? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??????????».

22. ??? ?? ?????? 49, ?????????? 16, ??? ?????????? ????, «[?]????????? ????  
????????? ??? ?????? ??? ?????? 15, ? ?????? ?????????? ??? ?????? ??? ??????, ????,  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ???  
?????».

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

23. ? ZES Zollner Electronic SRL (??? ????: ZES), ?????? ? ???? ??? ?????? ??????????????  
??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???, ?????????? ???  
Pompas Salmson SAS ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

24. ? Pompas Salmson ?????? ?????? ?? ??? ZES ?????? ?????? ??? ?? ????????

????????????? ??????????. ? ZES ?????? ?? ?????????? ??? Pompas Salmson, ?

????? ??? ??????? ?? ?????? ??? ZES, ?????????? ?? ?????????????? ???

??? ?????????? ?? ?????? ??? ?????????? ??? Pompas Salmson (????????? «????????? tooling»).

25. ??? ?????? ?? ?????? ??? ?????? ??? ?????????? ??? Pompas Salmson, ? ZES ??????,

??? ?? ??? 2012, ?????????? ??????? ?? ??? . ??? ?????? ??? ?? ??? ???

????????? ?? ?????? ??? Pompas Salmson.

26. ? Pompas Salmson ?????? ??? ?????????? ?? ??? ??? ?????????? ??? ????????,

????? ??? ?????? ??? ?????????? ??? 1472, ?????????? 1, ????????

a, ??? ?????????? ??? ?????? ?? ?????????? ?? ??? ?????? 49 ??? ?????????? ??????????

44/2004.

27. ?? ?????? ??? 14?? ?????????? 2014, ?? ?????????? ?????????? ??? ??????????

??? ?????? ?????????? ?? ??? ?????? ??? 1?? ?????????? 2012 ?? 31 ?????????? 2012

??? ?????? ?? ??? ??? 449 538,38 ?????????? ??? (RON) (??????? 92 000 ???), ???

????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???, ??? ?? ?????? (4),

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

???????, ??? ?????? ?????????? ??? ?????? ??? ?????????????? ?????????? ?, ???

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

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

28. ?? ??? ??????????, ? ZES ?????? ?? ?????? ?????????? ?????????? (?? 2012) ???

?? 2015 ?????? ?? ?????????? ?? ??? ?????? ?? ??? ?????? ??? ?????????? ??????????.

29. ?? 2014 ? Pompas Salmson ?????????? ??? ?? Wilo France SAS. ??? ?? ??????????

???? ?????? ? Wilo Salmson France SAS (??? ????: ??????????).

30. ??? ?????? ??? 2015 ? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???

??? ?????????? ?? ZES ??? ?? ?????? ??? 1?? ?????????? 2015 ?? 31

????????? 2015. ?? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ??

????? ?? ??? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 49,

????????? 16, ??? ?????????? ??? 44/2004 ??? ??? ?????? ??? ??????.

31. ??? 13 ?????? 2016 ? ?????????? ??? ?????? ??? ?????? ??? ?????? ???

????????? ???, ??? ? Direc?ia General? Regional? a Finan?elor Publice (DRFP) Bucure?ti –

Administra?ia Fiscal? pentru Contribuabili Nereziden?i (????????? ??? ?????? ??????????)

????????? ?????????? – ?????????? ?????? ??? ?????? ?????????????? ???

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

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

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

??? ?????? ?? 2012 ??? ?? 2015. ? ?????????? ??? ?????? ??? ?????? ??? ??? ??????.

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

32. ?? ??????? ?? 19?? ?????????? 2019 ?? Tribunalul Bucure?ti (????????????? ?? ??????????????, ??????), ??? ?????????? ?? ??????????, ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ???????:

1. ????? ?????? ??? ???????? ?? 167, ?? ?????????? ?? ? ? ????? 178 ??? ??????  
2006/112/??, ??????? ???????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ??? ? ? ??????  
????? ??? ?????? ???????? ?? ?????????? ??????????, ?????????????? ?????? ??? ??????  
????????????? ??? ?????????? ???;

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

2. ????? ?????? ??? ?????????? ??? ?????? ?????????? ?? ?????????? ?? ??? ?????? ?????????? ???  
?????? 14, ?????????? 1, ??????? ??, ????? ???????, ??? ?????? 2008/9/??, ???  
????????? ?????? ?????? ?????? ?????? ?????? ??? ?? ?????????? ? ?????? ?????? ??????????  
??? ?????? ??? ?????????? ?????? ???;

???????, ??????????? ?? ?????????????? ?? ?????? ?????? ?? ?????????? ?????? ???????????  
?? ???? ? ?????? ?????? ?????? ?????? ??? “???????, ??????????”, ??? ???? ???  
????? ??????? ?????? ??? ??????.

3. ????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? 14, ?????????? 1, ????????,  
??, ????? ??????????, ??? ?????? 2008/9, ?? ?????????? ?? ?? ?????? 167 ?? ?? ?? ??????  
178 ??? ?????? 2006/112, ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
????? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? «????????? ??????????» ???  
??? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
?????;

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

4. ??????? ? ?????? ?????????? ?? ?????? ??? ?????????? ??? ?? ?????? ?????? ?????? ?????? [2008/9/??] ??? ?? ?????????? ???????, ?? ?????????? ??? ?? ?????? ?????? ?????? ?????? ??? ?? ?????? ??????;

33. ?????????? ??? ?????????????? ??????? ?? ??????????????, ? ??????????????, ?  
?????????, ????? ?? ?????????? ??????? ??????? ??????? ?????????? ?????????.

## V. ?????? ????????

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

?????? ?????????? ??? ?????? ??? ?????? ?????? ??????. ??????? ?????????????? ???????????, ?? ??  
???? ?????????? ?????????? ?? ?????????? ?? ?????? ?????? ??? 30 ?????????? 2014–???? ??  
???? ?????? ??? ?????????? ??????????. ? ?????????? ?????? ?????? ?? ?? ??????. ?????? ???  
????????? ?????????? ??????, ??? ?? ?????????? ??? ?????? ?? ?????? ?? ?????? ??????????  
????? ?????????? ??? ?? ?????????? ??? ?????? ?? ?????? ?????? ?????? ??? ??.

35. ?? ?????????? ?????????? ??? ?????? ?????? ?????????????? ??????????????, ? ??? ??????????  
??? ?????? ??? ?????? ?????????? ?????????????? ??? ?? ??????????. ??? ?? ??????  
?????? ?? ??????????, ??? ?????????? ?????? ?? ?????????? ??? ?????? ?????????? ??  
?????? ?????????? –???? ?? ?????? ?????????? ?? ??????. ??????, ?????????? ??  
????? ?????? ?? ??? ?????? ?????? ?????????????? ?????? ??? ??????????, ?????? ??? ??????  
????????? ??? ?????? ?????????? ?? 2012. ?????????? ?? ??? ?????? ?????????? ??  
????????? ??? ??????, ???, ??? ?????? ?? ?? ??? ?????????? ??? ?????? ?????????? ??  
????????? ??? ??????, ?? ?????? ?????? ?????? ?????????? ??? ??? ?????????? ?? ?, ???  
?????????, ??? ?????????? ?????? ??? ??? ?????? ?????? ???.

36. ??????, ??? ?????? ??????????, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? 267 ???, ?  
????? ?????????? ?? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???  
??? ??????????, ?? ?????????? ?????? ?????? ?????? ?? ?????????? ?????????? ??? ??  
????????? ?? ??? ?????? ?????????????? ??? ?????? ?????? ??? ?????????? ??????????????  
??? ??? ?????? ?? ?????? ?????????? (5). ??? ?????, ??????, ??? ??????????  
????????? ??? ?????? ??? ?????? ??????????, ??? ?????????? ??? ?????? ??????????  
????? ??? ?????? ?????????? ?? ?????????? ?? ?????????? ?????????? ??? ??????????  
?? ?????? ??? ?? ?????????? ?? ?????? ?? ?????? ?????????? ?????????? ??? ??????????  
????????? ?? ?????? (6).

37. ??????, ? ??? ?????? ?????????????? ?????????? ??? ?????? ?????????? ??? ?? ??????????  
????????? ??? ?????? ?? ?????????? ??? ?????? ??? ?????????? –??? ?? ??? ?????? ??? ?????? ??  
????????? ??? ?? ?????? ?? ?????? ?????????? – ??? ?? ??? ?????? ?????????? ?????????? ??  
2012 ??? ?????????? ??????????.

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

38. ? ??? ?????? ?????? ?????????????? ?????????? ?????? ?????? ?????????? ?????? ?  
????? ?????????? ?? 2012 ??? ?????? ??? ?????? ??? ??????????. ? ?? ??? ??????  
????????? ?? ??? ?? 2015, ?????? ?????????? ??? ?????? ?????????? ??? 2012 ???  
????????? ??? ?? 2015. ?? ?? ?????? ?????????? ???, ?? ?????? ?????????? ??? ??  
????????? ???, ?? ???, ??? ?????? ?? ?????????? ?????? ?????? ??? ?? ??? ??????  
??? ??? ?? ??? ?????? ?????????? ? ?????? ??? ?????? (? ??????????) ??? ??  
????????? ??? ?????????? ??? ?????????????? ?? 2012.

39. ?????? ??? ?????? ?? ??????, ?? ?????? ??? ?? ?????? ?????? ?????? ??? ?????? ??  
???? ??????????, ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??  
? ?????? ??? ??, ?????? ?? ?????? ?????? ??? ?? ??? –????????? ??? ?? ??? ?????? ??  
????????? – ?? ?????????? ?????????? ???.

40. ??? ??? ?????????????? ?????????????? ?? ?????????? ?, ?????? ??? ??????????  
??? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ??????????  
????????? ???, ?? ??? ?????? ??? ?????? 5, ?????? ?????, ??? ?????? ??? ?????? ???  
????????? ???, ?? ??? ?????? ??? ?????? 6, ? ?????? ?????? ??? ?????? ??? ??????  
????? ??? ?? ?????? ?????????? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ?????????? ??? (7). ??????, ? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???

????????????? ?????? ?? ??? ????? ??????????? ?????? ??? ???? ?????????????? ??? ?????? ??  
????? ?????????? (????? ??? ?????? ??? ?????? 3 ??? ?????? ??? ?????? ??? ??????) ?????? ??  
????????? ?? ?? ??? ????? ?????????? ?????? ??? ?????? ??? ?? ?????? 170 ??? ?????? ???  
(8).

41. ??? ????????, ?? ??????? ??????????? ??? ?????? ??? ?????? ??? ?????? ??? ???????????  
?? ?????????? ??? ????? ?????????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????? ??? ????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? (9).

42. ??? ??? ??? ?????, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ???????????  
????????? ??? ?????????? ??? ?? ?????? 167 ?. ??? ?????? ??? ??? ? ?????? ??? ??? ??  
? ?????????? ??? ?????? ?? ?????? ?? ?????????? ??????. ?????? ?????? ??? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????????? ???????????, ???  
?? ??? ?????? ? ???????????, ?????????? ?? ?????????? ?? 2015 ??? ?????? ??? ??  
????????? ??? 2012 ??? ?????????? ??? ?????????? ??????????, ?????????? ?? ?????? ???  
????? ??? ?????????????? ?????????? ?????????? ?????????? ??? ?????? 14 ??? ?????? ???  
????????? (??? ?????? ??? ?????????? ??? ?????? ??? ?????? 15 ??? ?????? ???  
?????????).

43. ?? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? (??  
????????? ??????????) ?????????? ??? 2012 ??????? ?? ??? ?????????? ??? ?????????? ?? 2012  
?? ?????????????? ?? 2015. ???????, ? ??????? ?? ??? ?????????? ??? ?????????? ??? ??  
????????? ??? ??? ?? ?????????? ??? ??? ?????? ??? ?????? ??? ??? ?????? (?. ???????  
?? ?). ???????, ??? ?? ?????????? ??? ?????? ???????, ??? ?? ?????? ??????? ?? ?? ??  
????????? ??? ???????????, ??? ?? ?????? ?????????? ??? ?????????? ??? ???????.

44. ???????, ??????, ?????? ?? ?????????????? ? ??????? ??? ?????????? ??? ??  
?????? (?. ??????? ?? .1 ??? .2). ?? ???????, ?? ?? ? ?????? ?????????? ??? ??  
?????? ?? ??? 178, ??????? ??, ??? ?????? ??? ?????? ?????????? ??? ?? ??? ??  
-????? ?????? ?? ?????????? ??? ?????? Volkswagen (10) ??? Biosafe (11)-? ?? ??  
????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ??  
????????? V?dan (12) (?. ??????? ?? .3). ???????, ?????? ?? ?????????? ?? ? ??????????  
?????????? ?? ?????????? ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ??  
(?????????) ??? ?? ?????? ??? ?????? ??? ?????????????? ?? 2015 (?. ??????? ?? .4). ???????  
???? -????????? ??? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? -?, ??? ??  
?????????? ??? (?. ??????? ?? .4.), ?????? ?? ?????????? ??? ??  
?????????? ??? (?. ??????? ?? .4.), ?????????? ?? ?????? ??? ??  
????????? ?????? ??? ?????? ??? ?????? 15 ??? ?????? ??? ?????? ??? ??????????  
??? ?? ?????????? ??? ?????? ??? ?????? (?. ??? 23 ??? ?????? ???  
?????????) ??? ?? ?????????? ??? ?????? ??? ?????????? ??? ???????.

45. ?????? ?????????????? ?? ?????? ???, ?? ?????????? ??? ?????? ?? ??? ?????? ???  
????????? ??? ?? ?????? ??? ?????? 14, ?????????? 1, ?????????? ??, ??? ?????? ???  
????????? (??????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????)  
????????? ?? ?????????? ??? ?????? ??? ?????? (?. ?????? ??? ?).

3. ??? ??? ?????? ?????? ?????????? ??? ?????????? ?????? (????? ??????????????)  
???????

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

?????? ? ?? ???????? ??????? ?? ?? ?????? ?? ?????????????? ??????????? ?? ?? ?????? 167 ???  
?????? ?? ?? ?? ?????? ?? ?????????????? ?? ?????????? ?? ?? ?????? 178, ??????? ??, ??  
????? ??????. ?????? ??????? ?? ?? ?????? ?????? ?? ?? ?????? ?????? ?? ?? ?????????? ???????????.

47. ?? ????? 167 ?? ?????? ?? ?????????? ?? ?? ?????????? ?? ?? ?????????? ?????????? (?? ?????? ??  
??????) ??????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? (?????? ? ???????????  
????? ?? ?????????? – ??, ?????? 63 ?? ?????? ??) ??????? ??????????.. ?? ?? ?????  
167 ?? ?????? ?? ?? ??????, ???????, ??? ?????????? ?? ?? ?????????? ?? ?? ?????????? ??  
????????? ?? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? 178 ?? ?????? ??  
????????? ?? ?? ?????? ?? ?? ???????, ? ?????????????? ?????? ?? ?? ?????????? ?? ?? ?????????? ??  
????? ?? ?? ?????????? ?? ?? ??????, ??? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ??  
?? ?? ?????? ?? ?? ??????. ???????, ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ??  
????????? (????? ?????? ?? ?? ?????? 226 ?? ?????? ??).

48. ???????, ?? ??????? ?????????? ?? ?? ??????? ?? ?? ??????? ?? ?? ??????? ?? ?? ?????? ??  
?? ??????? ?? ?? ?????? 167 ?? ?? ?????? 63 ?? ?????? ?? ??, ?????? ?? ?? ??  
??????, ?? ???????????, ?? 2012 ?? ?? ?????? ?? 2015 ?? ?? ?????? ?????????? ???????????  
?????? ?? ?? ?????? 15 ?? ?????? ?? ?????? ?? ??????????.. ???????, ? ?????????? ?? ?? –??  
????? ?????? ?????????????? ?? ?????????? (13)– ?????? ??????????????.. ???????????,  
????? ?? ?? ?????? ??????? ? ?????? ?????????? ?? ?? ?????? ?? ?? ?????? 178 ?? ?????? ??  
????????? ?? ?? ?????????? ?? ?? ?????? ?? ?????? ?????????? ?? ?? ?????????? ?? ?? 2012 –??  
?? ?????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????????? ?? ?? ?????? ?? 226  
?? ?????? ?? – ?? 2015, ?????????? ?? ?? ?????? ?????????? ?? ?? ?????? ?? ?? ?????? ??  
?? ?????? ?? ?? ?????????? ?? ?? ?????? ?????????? ?? ?? ?????? ?? ?? ?????????? ?? ??  
????? 226.

49. ??? ?? ?? ?? ?? ?????? ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
??????????, ??? ?? ?????? ?? ?????? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ??  
?? ?? ?????? ?? ?? ?????? ?? ?????? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ??  
??, ?????????? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
(?. ?????? ?? 1) ?? ?? ?? ?????? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? (?.  
????? ?? 2). ?????? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? (?. ?????? ?? 3). ?????? ?? ?? ?? ?????? ?? ??  
? ?? ?????? (??????) ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
????????? ?? ?? ?????????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ?? ?????? ?? ??  
????????? (?. ?????? ?? 4).

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

50. ?????????????????? ??????? ???? ?????????? ??? ?????????? ?????? ?????????? ?????? ??  
????????? ?????? ??????????, ?????? ??????, ?????? ??? ?????? ?????? ?????? ?????? ???  
????????? ?????? ??????????. ??????, ?? ?????????? ?????? ?????? ?????? ???, ?? ?? ??????, ???  
?????????, ?????????? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
?????????, ?? ??????????????. ?? ?????????? ?????? ?????? ?????? ?????? ??? ?? ?????? ??? ??????  
??? ?????? ?????????? ??? ?????? ?????? (14). ?????? ?????? ?????????? ??? ?????????? ?,  
????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?? ?????????? ? ?? ?????????? ?,  
??? ??? ??? ?????? ?? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? (15).  
????? ??? ??????, ?? ? ?? ?????? ??? ?????? ?????? ?????? ?????? ??? ?? ?????????? ??  
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
(16).

51. ??????, ??? ??? 168, ????????, ??, ??? ?????? ??? ?????? ?????? ?????? ??? ??????  
??? «????????? [?] ? ?????????[?] [...] ???». ?????????? ??? ??? ??? ??? ?????????? ?  
????????? ??? ?????? ??? ??? ?????? ?????? ?????? ?????? . ??? ?????? ?????? ???, ? ??????  
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ?? ??????????  
????? ??? ?????? ?????? ?????? ???.

52. ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????. ??? ??  
????? ??? ??? ?? ?????? ??? ?????? ?????? ?????? (17) ??? ?? ?????? ?????? ????  
????????? , ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? , ??? ??? ??? - ??? ?????? ?????? ?????? (? ?????? ? ??????) - ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

53. ?? ?????? ??? ?????? ??? ? ?????? ??? ?????????? , ?? ?????? ?? ?????? ??? ?????? ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? . ?????? , ??? ??? ??? ??  
????? ?????? ? ?????????? ?????? ?????? (?????) ?? ??? ??? . ?????? , ??? ?? ??????  
??? ?????? 167? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ?????? ?????? ??????  
????? ??? ??? ??? ??? ?????? . ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? , ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????  
????? ??? ??? ?????? ??? ?????? . ?????? ??? ?????? ?????? ???, ??? ??? ??  
????????? , ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

54. ??????, ?????????? ? ?????????? ???, ??? ??? ?????? , ? ?????? ??? ??????  
????????? ?? ??? ??? ??? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????? , ???  
??? ??? ?????? ??? ?????? . ??? ??? ?????? ???, ??? ?????? ??? ? ?????? ??? ? ??????  
????? ??? ?????? ??? ?????? .

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

55. ??????, ?????? ?? ?????????? ??? ? ?????? ??? ?????? ?????? ?????? ???  
????????? ?????? . ??? ??? ?????? ??? ?????? ?????? ?????? ?????? ? ?????? ???  
????? 178, ?????? ??, ??? ?????? ???.

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

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

58. ????????, ? ??????? ??????? ?????????? ?????? ??? ?? ?????????? ??? ?????? ???  
????????????? ? ?????? ?????????????? ??? ?????? ????. ? ???? ??? ??????????????  
?????? ?????????? ??? (19) ??? ??, ? ???? ?????? ????. ?? ??? ?????? ??? ?????? ???  
?????????????. ? ???? ??? ???????????, ?????? ????, ??? ? ???????????, ?? ????????????  
????? ??? ?????????? ??? ???????, ?????? ?? ??????????????, ????????, ??? ??? ??????  
????????? ??? ?? (20), ??? ?? ?????????? ??? ???? ? ?????????????? ??????????????  
????? ?? ?????????? ?????????? (?????????) ?????? (21).

59. ?????????? ?????? ??????? ?? ?????? ??????, ?? ??? (22), ?? ?????? ??? ??????????.  
????? ?????????? (23) ?? ???????? ?????????? ?? ?????????? ?????? ??? ? ?????? ???  
????????? ?????????????? ?? ??? ??? .? ?????????? ??? ??? ??? ?????????? ??? ???  
????????? ??? ??????, ??? ?????? ?? ??? ?????? ??? ??? ?????? ??? ?????????? (??.  
??????, ??????, ?????? 53 ??? ?????? ?????????). ?????? ?????? ??? ? ?????? ??? ??????  
178, ??????? ??, ??? ?????? ??? ?????????? ??? ?????? ???, ??? ?????? ?????? ??????????  
?????????, ?????????? ??????, ??? ??????, ? ?????? ??? ???, ?? ?? ??????, ??? ??????  
????? ?????? ?????? ?? ?????????? ??? ?? ?????? ?????? ??? ? ?????????? ??? ??????  
?? ??????.

60. ?????? ?????????? ?????????? ??? ?? ?????????????? ?????????? ??? ??????????????, ???  
?? ?????????? ?????????? ?????? (24) ??? ?? ????? ?????????? ?????????? ?????????? ?????  
????????? ??? ?? ?????????? ?????? ??? ??????????, ????????, ?? ?????????? ???,  
?????????, ??? ?????????? ??? ?? ??? ??? ??? ?????? ??? ?????????? ?????????? ?????????? ? ???  
????????? ??? ?????? ??? ??????????, ??? ?????? ?? ?? ?????????? ??? ? ??? ?????????? ???  
????????????? ?????? ??? ?????? ??????????.

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

62. ?? ??????, ? ?????? ???????????, ??? ?????? ???????? ?? ??? 178, ????????? ??, ??  
???????? ??, ????? ?? ??? ?? ???? ?? ?????????????? ? ??????????? ?? ??? ?? ?? ?? ??????  
?????????? ??, ?? ?????? (?? ??????? ??). ????? ?????? ?? ?????? (? ??????  
?????????? ??, ??????????? ??, ???????????). ????? ??' ????? ??, ?????? ?????? ??????  
????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??,  
????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??, ?????? ??.

63. ??????? -???? ???. ?????????????? ?? ???? (25)-, ? ?????? ?????? ?????? ??????????  
?????? ???. ?????????????? ?? ???? ?? ???? ?????????? ?? ???? ?????? ?? ???? ?????? ?????? ??  
???. ?????????? ???. ??????? ?? ??. ?????????? ???????, ???????, ???. ?????????? ???. ???????

? ?????? ?? ?????????? ??? ???? ?????????????? ?????????? ? ???????, ?????? ??  
????? ?? ?????? ??????, ????, ?????? ??? ?????? 226 ?? ?????? ???.

64. ??? ???? ?????? ???, ?? ?????????? ??? ???? ?????????????? ???, ??? ???? ??????  
Volkswagen (26) ??? Biosafe (27), ??? ?? ??? ?????? ??? ?????? ?????????? ?? ??????????  
????? ?????????? ??? ?????????????? ??? ?? ?????????????? ?????? ??? ??????????.

65. ? ?????? Volkswagen ?????? ??? ?????????? ??? ???? ???? ?? ??????????????  
????????? ??? ?? ?????? ??? ???? ?????? ?????? ?????? ??????????. ??? ?? ?????????? ??? ??????,  
????????? ??? ???? ?????? ???, ??? ?? ?????? ???, ?????????? ?? ?????? ?????????? ??? ??????  
??? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ??? ??????  
????? (28) ???, ??? ?? ?????????? ???, ??? ?????????????? ?????? ??? ?????? ??? ??????  
??? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ??????,  
????? «?? ???? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ?  
???. ?????? ?????? ??? ?????????? ??? ?????? ?????????? ?? ?????? ?????????? ??? ?????????? ??? ??????  
????????? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???». ?? ????, ? ??????????  
??? ?????? 15 ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ??????.

66. ? ?????? Biosafe ?????? ??? ?????? ?? ?????????? ?????? ??? ?????? ???  
????????????? ?? ??? ?? ?????????? ?????????? ?????. ? ?????????? ??? ?????????????? ???  
????? ??? ?????? ??? ???? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ???,  
????????? ??? ??? ?????? ?????? ?????? ??? ?????? (29), ??? ???  
????????? ???, ??? ???? ??? ?????? ??? ?????? ??????????, ???????, ?? ??????????????  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????????,  
????????? ??? ?????? ?????? «?? ?????????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ??????  
????????? ??? ?????? ?????? ?????????????? ??? . ?????? ?????? ??? ?????????? ??? ?????????????? ???  
????????? ?? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????????????  
????? ?????? ??? ». ?? ????, ? ?????????? ?????? ??? ?? ?????? ??? ?????? ???, ???  
????????? ??? ?????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ??????.

67. ?????? ?? ?????? ??? ?????????? ??? ?????????? ?? ???????, ??? ?? ???  
??, ??? ???? ?????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?? ??? ????. ?????? ?????? ?? ?? ?????? 167 ?? ?? ?????? 178, ?????? ??, ???  
????? ???.

### 3. ? ?????? ?????? ??? ?????? ??????

68. ??????, ??? ?? ?????? ??? ?????? 167 ??? ?????? ??? ?????????? ???? ??????????  
????? ??? ?????????? ??????????, ??? ?? ?????? ??? ?????? 178 ??????????  
????????? ?????????? ??? ?????????? ?????? ??? ?????? ?????????? ?????? ??????????  
??? ?????????? ?????? ??? ?????? ?????? ?????????? ?????? ?????? ???  
?????????, ??????????, ?? ??? ??? ?????? ??? ?????? ?????? ?????? ??????, ?????? ???  
????? 179 ??? ?????? ???, ?? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
??? ?????????? ????. ??????, ?????? ?, ?????? ?????? ?????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????? ?????? -????? - ??? ?????????? - ??? ?????????? -????? -  
?? ?????? ??? ??????.

69. ?? ?????????? ?????? ???, ??? ?? ??? ?????? ?????? ??? ?????? ??? ?????? 180 ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ??  
?????, ??? ?????? ?????? ??? ?????? (30), ?? ??? ?????? ??? ?????? ??? ?????? ???

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

1) ? ?????????? ???? ?????????? ???? ?????????? ?? ???? ? ?????????? ???? ?????????? ????  
????????? ?? ?? ?????????? ?????????? ??????????.

70. ??? ??? ?????? ??? ?????????? ???? ?????????? ???? ?????? V?dan (31), ? ?????? ??????????  
????????? ?????????? ???? (32), ??? ?????????? ?????????? ?????????? ??????????. ???????, ???  
????? 42 ??? ?? ??? ??????????, ?? ?????????? ?????????? ???? ?????? ?????????? ?????????? ???  
????????? ?????????? ???? ?????????? ?????? ?????????? ?????????? ?????????? ???? ?????? ???  
????????? ?????? ???? ?????????? ??????, ?????? ???? ?????????? ?????? ?? ?????????? ?? ??????????  
????????? ???? ?????????? ???? ???? ?????????? ???? ?????? ???? ?????????? ???? ?????????? ????  
????????? ???? ???? ?????????? ???? ???? ???? ?????????? ???? ?????????? ???? ?????????? ????  
????? ???? ???? ?????? ???.

71. ?? ?????? ????, ?? ?????? ?? ?????? ???? ?????? ???? ???? ???? ?????? ???? ?????? ????  
????????? ???? ?????? ???? ???? ?????? ???? ?????? ?????????? ???? ?????????? ???? ???? ?? ?????? ???  
????? 178. ??????, ?????? ?????????? ??????, ?? ?????????? ?? ?????? ???? ?????? ????  
????????????? ?????? ???? ?????? ???? ?????? ???? ?????? ?????? ???? ?????? ????

72. ??? ?????????? ????, ??????, ???? ?????? ????, ?? ?????????? ????, ?? ?????????? ????  
????????? «?????????????» ??? ?????? ?? ??? ?????? ???? ?????? ?? ?????? ???? ?????? ????  
????????? ????, ?? ?????? ????, ???? ?????? ????, ???? ?????? ????, ???? ?????? ????, ????  
????????? ??????. ?? ?????????? ????, ???? ?????? ????, ???? ?????? ????, ???? ?????? ????, ????  
????????? ?????????? ?? ??? ?????? ????, ???? ?????? ????, ???? ?????? ????, ???? ?????? ????  
????????? ?????????? ?? ????, ????, ???? ?????? ????, ???? ?????? ????, ???? ?????? ????  
????????? ?? ?????????? ????, ????, ???? ?????? ????, ???? ?????? ????, ???? ?????? ????, ????

73. ???????, ???' ??? ?? ??????? ???? ???????????, ??? ?????? ???? ????  
????????? ???? ?????? ???? ???? ?????? ???? ?????? ????. ?????? ???? ???? ????  
????? ?????? ???? ???? ?????? ???? ?????? ???? ???? ???? ?????? ???? ???? ???? ????  
????????? ???? ?????? ????

74. ? ?????????? ???? ?????? ???? ?????? ?? ??? ??????. ? ?????? ???? ?????? ????  
????????? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
????? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
????????? ???? ?????? ????, ???? ?????? ????, ???? ?????? ????, ???? ?????? ????, ????  
????????? ???? (????? ??????, ?????????? ???? ??????????) ???? ???? ?????? ????  
????? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
?????.

75. ???????, ?? ?????????? ???? ?????????? ???? ?????? V?dan ???? ????  
????? ???? ?????? ???? ?????? ???? (33). ? ?????? ???? ???? ??????  
????????? ???? ?????? ???? (????? ???? ???? ?????? ???? ???? ???? 167  
??? 178) ????, ?? ?????? ???? ???? ???? ???? ???? ???? ???? ????  
????????? ????, ???? ???? ???? ???? ???? per se ?????? ????  
????????? ???? (34). ?????? ???? ???? ?????? ???? ???? ???? ????  
??? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ???? ????  
??? ???? ???? ????

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

76. ???????, ??? ?????????? ???????? ??? ?? ?????????? ??? ??????????????, ???  
?????? ??? ??????? ?? ?????????? ?????? (35) ?? ?????????????? ??????? ??? ?????  
?????? ?? ?????????? ?? ?????????? ??????????. ???????, ??? ?????????????? ??????, ??  
?????????? ?????????? ??????? ??? ?????? ?????????? ??? ??? ?????????? ??? ?????  
????? ??? ?????? (36).

77. ????? ??????? Terra Baubedarf-Handel, ??????, ?? ?????????? ?????????? ?????? ??  
?????: «????? ??? ???? ?? ?????? ???????????????, ?????? ?????? ??? ?????? ??? ???? ?????? ??  
????????? ? ?????????? ??? ?????? ?????? ?????? ?????? ??? ??? ?????? ??? ?????? ??? ???? ??  
????????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? .  
????????? ?????? ??? , ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????? ??? ?????? ??? ?????? ??? [????????? ?????? ?????? ??? ?????? ??? ?????? ??? ???? ??], ?????? ??  
[...] ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????? Senatex, ?? ?????????? ?????? ??? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??  
????????? ??, ?????? ??? ?????? ??? ?????? ??? «????? ??? ?????? ??? ?????? ??? ?????? ??? ???? ??

78. ????? ???? ? ?????? ?????????? ?????? ?????????? ??? ?? ?????? ?????? ?????? ???  
????? ?????? ?? ?????? ?? ?????? ???????, ? ?????? ??? ?? ?????? ?????? ?????? ??????,  
????? ?????????? ????????. ???????, ? ?????? ?????????? ??? ?????? ??????????  
?????????.

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

79. ??????????????, ?? ????, ??? ??? ?????????? ?????????? ??? ?????????? ??  
????????? ?? ??? ?????????? ?????????? ??? ?????????? (38). ??? ?????? ???, ???????, ??  
????????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??  
????????? ??????. ??? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??  
??? ?????? ??? ?????????? ??? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??  
????????? ??? ???, ??? ?? ?????????? ?? ??? ?????? ?????????? ?????????, ??? ?????????? ??  
??? ??? ?????? ?????? (39). ???????, ? ?????????? ??? ?????? ??? ?????????? ?????? ??? ??  
????????? ?? ?????????? ?????? ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??  
????????? ??????????, ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??  
????? ?????????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? (40). ??? ???????,  
????? ? ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??  
????????? ?? ?????????? ?????????????? ??? ?????? ??? ?????? ?? ?????????, ??? ?????? ??  
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ?????, ??????????  
????????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ?????, ??????????  
????????? ?? ?????????? ??? ?????? ??? ?????? ?? ?????? ?? ?????????? ??? ?????? ?????? (41).

80. ??????, ??? ?????????? ?????? ?????????? ??? ? ?????????? ??? ??????????  
???????? ?? ??? ?????? ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
??? ?????? ??????????, ??? ??????, (? ??? ?????? ??????????), ??? ?????? ???  
????????? ??? ?????? ??? ?????????? (42).

81. ? ?? ????, ????????, ??????, ?????? ?????? ??? ?????? ?????????? ?????????? ??????

?????????????? ??? ??? ??? ???????? ??? ?? ?????????? ??????????????????. ?? ?? ??? ??????, ??? ??  
????????? ??? ?? ??????? ?? ?????????? ??? ?????????? ?????????????? ?????????? ??? ??  
?????? ????????????. ?? ??? ?? ????????????, ????????, ?????????????? ????? ?? «? ??????  
????????? ??????????????? ?? ?????????? ??? ?????????? ?? ?????????? ?? ?????? 226 ??? ??????  
2006/112 ??????? ??????? ??? ??? ?????????? ?????????????? ?????????????? ??? ?????????????? ??? ??  
??? ??» (43). ? ??????????? ??? ?? ????????. ? ?????? ??????? ?????????? ??? ??  
?????????????? ??? ?? ?????????? ??? ?????????? 226 ??? ??????? ??? ?? ?????????? ??? ??  
??????????. ?? ?????????? ??? –?? ?? ?????? ?????? ?????????? (???. ????????, ??? ????????????, ??? ??  
93 ??.)– ??????? ?? ?????????????? ?? ?? ?????????????? ??? ?????????????? (?????????????)  
????, ??????? ??? ?????? 219 ??? ??????? ???). ??????????, ????? ?? ?????? 178 ???  
?????? ???, ??????? ? ?????? ??????????, ?? ?????????? ??????????, ??? ?????????? ??????????, ??? ??????????  
?????? ?????? ?????? ?????????? (44).

82. ????????, ?? ?????????? ???????, ???????, «?????» ??? ? ?????????? ??? ???.  
?????? ?? ??????? ??????? ??????? ?? ?????????? ??? ?????????? ??? ???.  
?????? ?? ????????, ?? ????????, ?? ??????? ?? ?????????? ??? ?????????? ??? ???.  
????? ?? ?????? 226, ?????? 6 ??? 7, ??? ?????? ??? (???????, ?????????? ??? ???.  
??? ?? ?????? ??? ?????? ??? ??????? ??? ?????????? ??? ?????????? ??? ???.  
????????? ??? ?? ?????? ??????? ??? ?? ??????? ??? ?? ?????????? ??? ???.  
????????? ?????? ??? ?? ?????? ?????????? ??? ?? ??????? ??? ?? ?????????? ??? ???.  
????????? ?????? ??? ?? ?????? ?????????? ??? ?? ??????? ??? ?? (45). ?? ??? ?????? ??? ???.  
????????? ??? ?? ?????????? ?? ?????? 226, ?????? 3 (???????, ??? ?????? ??????????).  
????????? ??? ?? ?????????? (46), ??? ?? ?????? 226, ?????? 1 (???????, ??? ??????).  
????????? (47). ??? ???????, ?? ??????? ?????? ?????????? ??? ???.  
????????? (???????, ??????????) ?? ?????? ??????? ??? ?? ?????? ??? ?????? (48).

83. ????????, ??? ? ???? ??????????, ?? ?????????? ??????, ?????, ?? ?????????? ??  
 ??????? ?????????? ?????????? ?? ?????????? ????? ?????? ?? ?????? ?? (49).  
 ???????, ??? ?????? ?????????? ?????? ?????????????? ?? ??????? ?????? ?????, ? ??????  
 ??? ?????????? ?????? ?????????? ?????????????? ?????? ??? ?????????? ?? ??? ??????????????  
 (????????? ?????? ??? ?????? ?????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ???? ???? ).

85.    ??? ? ? ?????????? ??? ?????????? ?? ??? ??? ??? ??? ?????? 178 ?????????? ??? ?  
????????? ??? ??????? ?????? ?????? ?????????? ?????????? –??? ?????? ?????????? – ??? ?  
????? ?????????? ??? ?????? ?????????? (????????? ??). ? ?????????? ??? ??? ??? ?????  
????????? (50) ???, ?? ? ? ?????, ??? ?????????? ??? ?????? ?????? ?????????? ??? ??????  
????????? (????????? ??? – ?????????? ??? ?????????? ?????? ??????????). ??????, ?  
????????? ??? ?????? ?? ?????????????????? ??? ? ?????? ?????? ?????????? ?????????? ???  
????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??????.

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

86. ?????, ? ?????? ??????? ?????????? ?????????????? ?????????????? ??? ?? ???? ?? ???? ?????????? ???

? ??????????. ?????????????? ????, ??? ????? 8, ?????????? 2, ? ?????? ??? ???????????  
?????? ???? ?? ?????????????? ?????? ?????? «??? ??? ??????» ??? ??????  
?????????. ?????? ?? ?????? 10 ??? ?????? ??? ??????????, ?? ?????? ????  
????????? ?????? ?? ?????? ??? ?????? ?? ?????? «????????? ??? ??????».  
?? ????? 14, ?????????? 1, ??????? ??, ??? ?????? ??? ?????????? ?????? ????  
????? ??? ?????? ?? ????? «?????????». ??? ???????, ?????????? ?????????? ?? ?????? ??  
????? ?????? ?? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ????  
????????? ??? ?????? ???.

87. ??? ??? ??? ???, ?? ?????????? ??? (51) ??? ? ?????????? ???  
????????? ?? ?????????? ??? ?????? ??????????, ??? ??? ??? ??? ?????? ??? ??  
????????? ? ?????????? ??? ?????????? ??? ? ?????????? ??? ??? ??? ??????????????  
?? ?????????? ??? ?????? ??? ?????? ??????????, ?????? ?????????? ??? ???, ???  
??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ????  
??? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ????  
??? ?? ?????? ??? ?????? ???.

5) ??????????

88. ???????, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ??? ?????????? ???  
?? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????, ?? ??? ??  
????? ?????? ?? ?????? ??????????, ?????????? ??? ? ?????? ??? ?????? ??? ?????? ????  
????????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???.

4. ?? ?????? ?????? «?????????» ?????????? ??? ??????????????  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

1) ?????????? ??? ?????? ??? ?????? ???.

89. ?????? ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ???  
(????? 167 ??? ?????? ???) ??? ??? ?????? ?????? ??? (????? 178, ??????? ??,  
??? ?????? ???) ?????????? ?????????? ??????????, ?????? ??????????, ??????, ???  
????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????  
??? ?????? ?????? ?? ?????????? ?????? ?????? ??? ?????? ??? ?????? 179 ??? ?????? ???.

90. ?????, ?? ?????????? ??? (????????? ??? ?????? ??? ?????? ???  
?????????) ?????? ?? ??????????. ??? ?????? ???, ?????? ??? ?????? ??? ?????? ???  
?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????. ? ?????? ? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????. ? ?????????? ???, ?? ???, ?? ??????????, ??????????, ?????? ??????  
?????????, ??? ??? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? (????? ?????? ???  
?????/?????) (52).

91. ???????, ?? ?????????? ??? (????????? ??? ?????? ???  
?????????) ?????????? ?? ??? ??????????. ??? ?????? ???, ? ?????? ??? ?  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ???????. ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ??? ?????? ???.

92. ??? ?????????? ???, ???, ??? ?????????? ??? ?????? ??? ?? ?????????? ???  
????????? ??? ?????? ??? 2012 ?????? ??? ?????? «?????????» ??? ??

????? 178, ??????? ??, ??? ??????? ????. ????? ?????????? ??? ???? ??? ????? ?????????? ???  
????????? ??? ?????, ??? ????? ?????? ??? ?????????? ??? ??????????.

93. ??? ?????? ?????????? ???, ??? ?????? ?????????? ?????????? ?????????? ??? ???? ?????? ???  
?????? 178, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ???? ??? ?????? ???  
????????? ??? ??? ??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ?????? ?????????? ???  
????? ??? ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
?? ??? ??????, ??? ?????? ??? ??????, ?? ?????????? ??? ?????? ??? ??????, ?? ?????? ??? ???  
????????? ?????????? ??? (53). ??? ?????????? ?? ???? ?????? ?????? ?????? ?????????? ???  
????????????? ?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ???  
????????? ??? ?????? (54).

94. ????????, ?????????? ?????????? ?????????? ?????? ?????????? ??? ?????????? ?? ?????? 226  
?? ??????? ?? ???? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ???? ?? ?????????? ???  
????????? ??? ???? ?????? ?????????? . ? ?????? ??? ?????????? ?????????? ??? ??????, ??  
?? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????????? ???  
????????? (55).

95. ????????, ??? ? ?????? ?????????? ?? ???? ?????? ?????????? ?????????????? ???  
????????? ??? ?????? ?????? ? ?????? ?? 2012, ??? ???? ??? ?????? ?????????? ?????????? ???  
????? ??? ?????? ??? ?. ? ?????? ??? ?????????? ?????????? ??? ??????, ??  
????????? ??? ???? ??? ?????? ?????? ?????? 2015.

96. ????????, ??? ? ?????? ?????? ??? ?????????? ?????????? ??? ?????? ?????????? ???  
????????? (????, ??? ??????????, ?????? ?????????? ?????????? ?????????? ??? ?????? ??????)  
????????? ??? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ??? ???  
????????? ?????????? ??? ?????? ? ?????? ?????? ?????? ?????????? ?????????? ??? .) (56), ??  
????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??? ???  
??? ?????????? ?? 2012. ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? «?????»  
????????? » ??? ???? ?????? ??? ?????? 178, ?????? ?, ??? ?????? ???.

97. ????????, ??? ???? ?????? ? ?????????? ??? ???? ?????????? ??? ???? ?????????? ???  
????????????? ?? ?????? ?????????? ??? ???? ?????? ??? ?????????? ?????????? ???  
????????? ?? ?????? ?????????? ??? ???, ?? ???? ??????, ?????? ?? ?????????? ??? 2015  
????? ??????. ??????????, ?????? ??? ?????? ?????????? ??? ???? ?????? ??? ?????????? ???  
????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ???  
????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????????.

98. ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????????? ??? ?????, ?? ????? -????? ??? ?????? ?????? - ??? ?????? ?? ?????????? ??????????  
??? ?????? (57). ??????, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ????  
????????? ??? ?????? ??? ?????? ?????? ??? ???? ???? ?????? ?????? ??? ?????? ??? ?????? ???  
?? ?????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

99. ?????????? ??? ? ?????????? ?????????? ??? ?????????? ??? ?????????? ??? ???  
??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? , ? ?????????? ??? ???  
????? ??? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ?????? . ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? , ??  
????? ?????? ?????? ?????? ?? ?????????? ?????? ?? ??? ?? ?????? ?????? ?????? ?????? ?????? ??????  
????? –????? ?? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? , ?????? , ??  
????????? ?????????? ?????? ?? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????  
?? ?????????? (58)– ?????????? ??? ?????????? ?????? ?????? ?????? ?????? , ? ?????? ??  
????????? ?? ?? ?????????? ?????? ?????? ??????.

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

100. ?????? –? ?????????? ??? ?? ?????????? ??? ?????? –, ?????? ?? ?????????????? ???  
????????? ?????????? ?????? ?????? . ?? ?????? ?????? ?????? ?????? ?? ?????? ???  
????????? ?????? ?????? ?? ?????? , ?????? , ??? ?????? ?????? ?????? ?? ?????? ???  
????? ?? ?????? ??? ?????? (59). ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????? ?????? ?????? ?????? ?????? , ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
????? ??? ?????? ??? ?????? (60). ?????? , ? ?????? ?????? ?????? ?? ??? ?? 15 ???  
????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? , ??? ?????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(61). ?????????? ??? ?? ?? ??? ?????? ?????? ?????? ?????? ?????? ?? ?????? ???  
????????? ??? (????????? ??????), ?? ?????????? ?????? ??? ?????? ??? ??  
????????? ??? ?? ??????.

101. ?????? ??? ?? ?????????? ?? ? ?????? ?????????? –????? , ?? ?????????? , ? ??????????  
?? ?????? 15 ??? ?????? ??? ?????? – ?????? ?? ?????????? ?? ??? ?????? ???  
(?????) ??? ?????? ?????? ??? ?????? ?????? ??? . ? ?????? ?????? ?????? ???  
????????? ?????? ?????? , ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
????????? , ?????? de facto ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
?? ?????????? . ???' ?????? ??? ?????? , ?? ?? ?????? ?????? (????????? ?????????? ,  
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ) ?? ?????????? ???  
?????????.

102. ??? ?????? ?????? , ?? ?????????? , ?????? ??? ?????? 180 ??? 182 ??? ??????  
?? ?????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ???  
????? ??? ??? ??? ?????? ?? ?????? ??? ?????? ??? ?????? ?? ?????? ??? ?????? ???  
????? ?????? ?? ?????? ??? , ?? ??? ?????? , ???, ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ?? ?????? ?????? (62). ??? ?????? ??? ?????? ???  
?????????.

103. ?????? , ? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? . ??? ?????? ?????? ?? ??? ??????  
??' ?????? ?? ?????? ??? ?????? ? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???  
?? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? (63). ???  
????? ?????? ??? ??? ?????? ?????? , ??? ??? ?????? ?? ?????? 15, ?????? 1, ???  
????? ?????? ??? ?????? ?????? ??? ?????? ?? ?????? ?????? ??? ?? ?????? ?????? ??  
????????? , ?? ?????? , ? ??????.

104. ??? ??? ?????? ?????? , ?? ?????????? ?????? ?????? , ??? ?????? ??? ??????  
?? ?????? ?? ?? ?????? ?????? ?????? , ??? ?? ?????? ?????? ?????? ?? ?????? ???  
????????? ?????? ??? ? ?????? (? ?????? ?????? ??? ?????? ) ??????????????  
«????? ??? ?????? ?????? ?????? ?????? » (64). ?? ??? ?????? ??? ?????? –????? ??

??????????– ??? ?????????? ??? ??? ????????????, ??? ???????????? ??? ?????? ??? ???

## 5. ???????????

105. ???????????, ??? ??? ????? ?????? ??? ???? ? ?????????? ??? ? ?????? ???  
?????????? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ? ?????? ??? ?????????? ??  
??? ??????. ?? ??????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ? ??????  
?????????? ?????????? ??? ?????? ??? ?????????? (????? 167 ??? ?????? ???), ??????, ???  
??????, ?? ??? ?????????? ??? ???????, ??? ?????????? ?? ?????????? ?????????? ??? ???  
????????? ?????????? (????? 178, ????????, ??? ????????) ?? ????? ?????????????? ??  
????????? ??? ??? . ?? ?????????? ?????????? ?????????? ??? ?????? ?????????????? ??? ??  
??? ?????.

106. ??????? ?? ?????????????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??????? ? ??????? ??? ??? ??? ?????? ?????????? ?????????? ?????????? . ??????????  
???? ??? ?????? ??? ?????? 178, ????????, ??? ?????? ??? ?????????? ??? ?????????? ???  
????????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ???????, ?? ?????? ??? ??? ?????? ?????????? ?????????? ??? . ??? ??? ?????  
?????, ??? ?????? ??????? ? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ?????????????? ???  
????? 226 ??? ??????? ???, ??????? ?????? ??? ?????????? ?? ?????????? ??? ?????? ??? ??  
????????????? ???.

4. ??? ??? ?????????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? 14,  
????????? 1, ????????, ??, ??? ?????? ??? ?????????? (??????, ??? ?????? ???  
????????? ?????????? ????)

### 1. ??? ??? ?????????? ?????????? (?????? ?????????? ??????????)

107. ????? ??? ?????????????? ??? ??? ?????? ???????????, ?????????? ??? ??????  
?????????? ?? ?????????????? ?? ?? ?????????? ?????????? ??? ?????????? ?? 2012 ? ??  
???? ??? ?????????? ??? ??? ?????????? ?? ?????????????? ?? ?????????? ??? ?????? ??? ??????  
??? ?????? 178, ????????, ??? ?????? ??? . ?????? ?? ?????????? ??? ?????????? ??? ?  
????????????? ?????????? ?????????? ??? ??? ?????? ??? ?????? 14, ?????????? 1,  
????????? ??, ??? ?????? ??? ??????????.

108. ??? ? ?????????????? ?????? ??? ?????? ??? ???????????, ??? ??? ??????????????  
????? (??, ?????? 93), ?? 2015, ??? ?????? ??? ?????? ??? ??? ? ?????? ??? ?????? ???  
?? ? 2012. ??? ?????????? ??? ??? ?????????? ?? ?????? 167 ??? ??? ?????? 178,  
????????? ??, ??? ?????? ??? ??? ?????????? ?????? ?????? ??? ?????? 14, ?????????? 1,  
????????? ??, ??? ?????? ??? ?????? ?????? ?????? . ?? ?????????? ?????? ??? ?????? ??? ??????  
????? (?????? ??? ??????) «??? ??? ?????????? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 2015.

109. ????? ? ??????????????? ????? ??? ????? ?????? ????? ???????????, ??? ???????????????????  
?????? (???. ??????? 93), ?? 2012, ? ?????????????? ?????????? ?????????????? ??? ?? 2012, ???  
??? ?????? ??????????? ??? ? ?????? ?????? ????????????. ? ?????? ??? ?????????????? ???????  
??? ?????? 23 ??? ??????? ??? ????????????, ??? ? ?????????? (?) ? ?????????????? ???)  
??? ??????? ??????? ???, ????????, ? ??????? ?????? ?????????? ???????????. ?????? ??? ?? ??  
???? ??????? ??????? ??? ??????? ??? ???????, ?????? ?? ??????? ?? ?????????????? ???  
?????? ??? ??????????? ?????????? ??? ?????? ?? ??????? ??????. ??? ????????, ???  
????????? ?? ??????? ?? ?????? ?????? ?????? ????????, ??? ?? ?????????? ??? ?????? ?????? ???  
????????? ?????????????? ??????? ??? ?????? ?? ???????????.

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

110. ? (????????????? ? ??????????) ??????? (?????????) ??????????? ??? ??? ??? ?????  
????????? ?? ??????? ??? ??? ?????????? ??????????? ? ?? ??? ?????????? ??????????  
?????????. ?? ?????????? ??? ?????????? ????? ??? ?? ?????????? ??? ?????????? ?????????? ???  
????????? ?? ??????, ??????, ?????????? ?????????? ?????????? ?????????? ?????? ??? ??  
????????? ?????????? ??????? ??????? (?., ??????, ?????? 98 ??.).

111. ??????? ????????, ? ?????????? ?? ?????????? ?????? ??? ?? ?????????? ???????  
(?????????) ???????????, ??? ??? ??? ?? ?? ?????????? ??? ?????????? ?? 2015 ?????? ??  
????????? ?? ??? ???????????.

3.    ??? ??? ???????? ?????????? (???????)

112. ? ?????????? ??? ???????? ?????????? ??? ?????????? ?????????? ?????????? ???  
?????????????.

113. ??? ?????? ??? ????? ??????? ??? ?? ??? ?????? ??????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ?????????????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? 167 ??? ?????? ??? (????? ?????? ??? ?????????? ??? ???????, ?? . ????? 63), ?? ?????? ??? ?????? ?????????? ?????????? ?? ??? ?????? ??????. ??? ?????? ?????????, ??? ??????????????, ?? ?????? 178, ???????? ??, ??? ?????? ??? ??????, ??? ??????, ??? ??????, ??? ?????? ?????????? ??? ?? ?????? ?? ?????????? ? ?????????? ?? ??? ??? ?????? ??? ??????

114. ?????????????? ???, ??? ???? ???? ??????, ? ?????? ?????? ?????????? ?????? ?????????? ?????  
???? ?????? ??? ??????? ??? ?????????? ??? ?????????? ?? 2012 ??? ??? ???? ?????????? ???  
??? ??????? ??? ?????? ??? ?????????? ??? ?????? 226 ??? ?????? ???, ?? ?????? ?????? ??????  
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?? ?????? ?????? ?? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? 226 ??? ?????? ???.

115. ??????, ??? ?????????????? –????? ?????????????? ??????? (?????? 89 ??.) – ??? ??  
????????? ??? ?????????????? ??????? ?? ??? ?????????????? ??????? ??????????. ??????????,  
????? ?? ?????????? ?? ??????? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??? ??  
????????? ?? ?????????????? ?????? ??????? ?????????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?? ??? ?????? ??????. ?????? ?????????? ?????? ?????????? ??? ?????? ??? ??????  
??? ??????, ?? ??????? ?????????? ?????????? ??? ?????????? ??? ??????. ??? ?????????? ???,  
????? ?????????? ??????? ?????????? ?????????? ??? ?????? ?? ?????????? ?????????? ??? ?????? ???  
?? ??????? ??? ???????????, ??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? (65).

## VI. ???????

116. ???????????, ??????? ??? ??????????? ?? ?????????? ??? ?????????????? ???????????  
??? Tribunalul Bucure?ti (????????????? ??????????????, ???????) ?? ???:

1. ? ??????? ??? ??? ?????? ??? ?????? ?? ?????????? ?????????? ?????? ?????? ??? ??????  
168, ??????? ??, ??? ??????? ???, ??????, ??????? ?????????? ??? ?????? ??? ?????? ??? ??????  
????? ?????????? ?????????? (????? 167 ??? ??????? ???) ???, ???????, ??????????  
????????? ?? ??? ?????? ?????????? (????? 178, ??????? ??, ??? ??????? ???). ? ????????  
??? ??? ?????? ?????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ?? ??????  
? ??????. ?? ??????? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ??? ?? ??????  
????????? ??? ?????????????? ??? ?????? 226 ??? ?????? ???.. ??????, ? ?????? ??? ??  
????????? ?????? ??? ?????? ??????????????.

2. ? ?????????????? ?????????? ???????????, ???? ??? ?????? ??? ?????? 14, ??????????? 1,  
????????? ??, ??? ?????? ??? ???????????, ?????? ?????? ??? ?????? ??? ?????? ? ???????????  
????? ??? ?????? ??? ?????? ??????????. ??? ?????? ?????????? ?????????? ??  
????????????? ??? ?????? ?????? ?????? ?????????? ??? ??????????????.

3. ? (????????????? ? ????????) ?????? (???????) ??? ?????????? ??? ?????????? ???  
????????? ?????????? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?? ??????.

4. ?? ?????? ??? ?????? ??????????? ?? ?????? ?????????? ?? ?????? ?????????? ???  
????????? ??????????? ??, ??? ?????? ?????? ??? ?????? 14, ??????????? 1, ?????????? ??,  
??? ?????? ??? ???????????, ??????????? ??? ?? ?????? ??? ?????? ?????? ?????? ???  
????? 167 ??? ?????? ????. ?????????? ?????? ??? ? ?????? ?????????? ??? ?? ??????  
????????? ? ?????????? ?? ??? ???, ???? ?? ?????????? ??? ?????? ??? ?????????? ?? ??????  
?? ?? ?????? ?????????? ??? ?????????????? ??? ?????? 226 ??? ?????? ???.

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

2 ?????? ??? ?????????? ??? 28?? ?????????? 2006 (?? 2006, L 347, ?. 1), ??? ??????  
????? ?? ??? ??? ?????? (2015).

3 ?????? ??? ?????????? ??? 12?? ?????????? 2008 (?? 2008, L 44, ?. 23), ??? ??????  
????? ?? ??? ??? ?????? (2015).

4 ???????, ??? ??? ?????? ?????????????? ?????????? ??? ?????????? ?? ??? ??????????  
????????????? ?? ?? ??? ?? ?????? ??? ?????? ?????????? ?? ?????????? ?? ??????????.

5 ??????? ??? 12?? ??????? 2018, Biosafe – Indústria de Reciclagens (C?8/17,  
EU:C:2018:249, ??? 41), ??? 25?? ?????????? 2017, Polbud – Wykonawstwo (C?106/16,  
EU:C:2017:804, ??? 27), ??? ??? 9?? ?????????? 2014, Traum (C?492/13, EU:C:2014:2267,  
????? 19).

6 ??????? ??? 9?? ?????????? 2014, Traum (C?492/13, EU:C:2014:2267, ??? 19), ???  
??? 13?? ??????? 2001, PreussenElektra (C?379/98, EU:C:2001:160, ??? 40).

7 ??????? ??? 11?? ??????? 2020, CHEP Equipment Pooling (C?242/19, EU:C:2020:466,  
????? 51), ??? ??? 21?? ??????? 2018, Volkswagen (C?533/16, EU:C:2018:204, ??? 35).

8 ????. ?????? ??? 21?? ??????? 2018, Volkswagen (C?533/16, EU:C:2018:204, ??? 34).

9      ?????. ?????????? ??? 17?? ?????????? 2020, Bundeszentralamt für Steuern (C?346/19, EU:C:2020:1050, ????? 36), ??? 11?? ?????????? 2020, CHEP Equipment Pooling (C?242/19, EU:C:2020:466, ????? 52)? ??? 21?? ?????????? 2018, Volkswagen (C?533/16, EU:C:2018:204, ????? 36)? ????. ??? ????????? ??? 25?? ?????????? 2012, Daimler (C?318/11 ??? C?319/11, EU:C:2012:666, ????? 41).

10     ??????? ??? 21?? ??????? 2018, Volkswagen (C?533/16, EU:C:2018:204).

11     ??????? ??? 12?? ??????? 2018, Biosafe – Indústria de Reciclagens (C?8/17, EU:C:2018:249).

12     ??????? ??? 21?? ?????????? 2018, V?dan (C?664/16, EU:C:2018:933).

13     ??????? ??? 21?? ??????? 2012, Elsacom (C?294/11, EU:C:2012:382, ??????? 33 ??? 34)? ??., ??????, ??????? ??? 2?? ????? 2019, Sea Chefs Cruise Services (C?133/18, EU:C:2019:354, ????? 39).

14     ??????? ??? 17?? ?????????? 2020, Bundeszentralamt für Steuern (C?346/19, EU:C:2020:1050, ????? 46), ??? 18?? ?????????? 2020, ?????????? ??? ?????????? (?????????? ??? ?? – ??????????) (C?371/19, ?? ???????????????, ??:C:2020:936, ????? 79), ??? 2?? ????? 2019, Sea Chefs Cruise Services (C?133/18, EU:C:2019:354, ????? 36), ??? ??? 21?? ??????? 2018, Volkswagen (C?533/16, EU:C:2018:204, ????? 39).

15     ?????????? ??? 17?? ?????????? 2020, Bundeszentralamt für Steuern (C?346/19, EU:C:2020:1050, ????? 47), ??? 18?? ?????????? 2020, ?????????? ??? ?????????? (?????????? ??? ?? – ??????????) (C?371/19, ?? ???????????????, EU:C:2020:936, ????? 80), ??? 19?? ?????????? 2017, Paper Consult (C?101/16, EU:C:2017:775, ????? 41), ??? 28?? ??????? 2016, Astone (C?332/15, EU:C:2016:614, ????? 45), ??? 15?? ?????????? 2016, Barlis 06 – Investimentos Imobiliários e Turísticos (C?516/14, EU:C:2016:690, ????? 42), ??? 9?? ??????? 2015, Salomie ??? Oltean (C?183/14, EU:C:2015:454, ????? 58), ??? 30?? ?????????? 2010, Uszodaépít? (C?392/09, EU:C:2010:569, ????? 39), ??? 21?? ?????????? 2010, Nidera Handelscompagnie (C?385/09, ??:C:2010:627, ????? 42), ??? ??? 8?? ????? 2008, Ecotrade (C?95/07 ??? C?96/07, EU:C:2008:267, ????? 63).

16     ?????????? ??? 17?? ?????????? 2020, Bundeszentralamt für Steuern (C?346/19, EU:C:2020:1050, ????? 48), ??? 18?? ?????????? 2020, ?????????? ??? ?????????? (?????????? ??? ?? – ??????????) (C?371/19, ?? ???????????????, EU:C:2020:936, ????? 81), ??? ??? 19?? ?????????? 2017, Paper Consult (C?101/16, EU:C:2017:775, ????? 42 ??? ??? ??????????????? ??????????).

17     ?. ?????????? ??? 10?? ??????? 2019, PSM «K» (C?214/18, EU:C:2019:301, ????? 40), ??? 18?? ????? 2017, Latvijas Dzelzce?š (C?154/16, EU:C:2017:392, ????? 69), ??? 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).

18     ?????? ??? ?? ?????????? ??? ??????? ?????????? M. Campos Sánchez-Bordona ??? ?????????? Volkswagen (C?533/16, EU:C:2017:823, ?????? 60).

19     ??? ?????? ??? 13?? ??????? 2014, Malburg (C?204/13, EU:C:2014:147, ????? 43), ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ????? ?????????? ?????.

20 ?????????? ??? 13?? ??????? 2008, Securenta (C?437/06, EU:C:2008:166, ???? 25), ??? ?? 1?? ??????? 2004, Bockemühl (C?90/02, EU:C:2004:206, ???? 39).

21 ?????????? ??? 13?? ??????? 2014, Malburg (C?204/13, EU:C:2014:147, ???? 41), ??? 15?? ?????????? 2005, Centralan Property (C?63/04, EU:C:2005:773, ???? 51), ??? 21?? ?????????? 2005, HE (C?25/03, EU:C:2005:241, ???? 57), ??? ?????????? ??? ??? ??? ?????????? Centralan Property (C?63/04, EU:C:2005:185, ???? 25).

22 ?????? ??? ??? ???????? ??? ??? ???????? Biosafe - Indéstria de Reciclagens (C?8/17, EU:C:2017:927, ???? 44 ??.).

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

24 ?????? ??? 29?? ??????? 2004, Terra Baubedarf-Handel (C?152/02, EU:C:2004:268, ???? 35).

25 ???????? ??? 15?? ??????? 2017, Geissel ??? Butin (C?374/16 ??? C?375/16, EU:C:2017:867, ???? 41), ??? ??? 15?? ?????????? 2016, Barlis 06 – Investimentos Imobiliários e Turísticos (C?516/14, ?:C:2016:690, ???? 27)? ?. ??? ??? ?????????? ??? ??? ??? ?????????? Barlis 06 – Investimentos Imobiliários e Turísticos (C?516/14, EU:C:2016:101, ???? 30, 32 ??? 46).

26 ?????? ??? 21?? ??????? 2018, Volkswagen (C?533/16, EU:C:2018:204).

27 ?????? ??? 12?? ??????? 2018, Biosafe – Indústria de Reciclagens (C?8/17, EU:C:2018:249).

28 ?????? ??? 21?? ??????? 2018, Volkswagen (C?533/16, EU:C:2018:204, ???? 49 ??? 50).

29 ?????? ??? 12?? ??????? 2018, Biosafe – Indústria de Reciclagens (C?8/17, EU:C:2018:249, ???? 42 ??? 43).

30 ?????? ??? 8?? ?????? 2008, Ecotrade (C?95/07 ??? C?96/07, EU:C:2008:267, ???? 43), ????? ??? ??????? ??? 12?? ??????? 2018, Biosafe – Indústria de Reciclagens (C?8/17, EU:C:2018:249, ???? 33 ??.).

31 ?????? ??? 21?? ??????? 2018, V?dan (C?664/16, EU:C:2018:933).

32 ?. ????? ??? ?????????? ???????? ??? ?????? ??? ??????: Hartman, T., «Vorsteuerabzug ohne Rechnung?», NWB 2019, ?. 316? Huschens, F., «Ist für den Vorsteuerabzug zwingend eine Rechnung erforderlich?», UVR 2019, ?. 45? Höink, C./Hudasch, C., «Vorsteuerabzug ohne Rechnung!», BB 2019, ?. 542? Heuermann, B., «Urteil des EuGH in der Rechtssache Vadán: Rechnungserfordernis für den Vorsteuerabzug?», StBp 2019, ?. 85? Schumann, M. F., «Entscheidung des EuGH in der Rs. Vadán und ihre Folgen: Vorsteuerabzug ohne Rechnung?», DStR 2019, ?. 1191? Weimann, R., «Vorsteuerabzug auch ohne Eingangsrechnung», AStW 2019, ?. 285? Zaumseil, P., «Vorsteuerabzug ohne Rechnung» UR 2019, ?. 289.

- 33 ??????? ??? 21?? ?????????? 2018, V?dan (C?664/16, EU:C:2018:933, ????? 44 «?? ??????????? ?????????????? ?????????? ??? ?? ???????????», ????? 45 «?????????? ??????????», ????? 47 «?????????» ??? ????? 48 «?? ??????????»).
- 34 ??????? ???????, ???????, ? ??????? ??? 21?? ?????????? 2018, V?dan (C?664/16, EU:C:2018:933, ????? 45 –??? ??????? ?????????? ??? ?????? ?? ?????????????? ?? ?? ??? ??????????? ???????).
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