

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

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

MACIEJ SZPUNAR

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

?????? C?324/20

**Finanzamt B**

????

**X-Beteiligungsgesellschaft mbH**

[?????? ??? Bundesfinanzhof

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

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

«????????????? ?????????? – ?????????? – ????? ?????????????? ????? – ?????? ?????????? –  
????????? ?????? – ?????????? ?????????? ??? ?????? – ?????? 2006/112/?? – ????? 63 –  
????????? ??? ?????? – ?????? 64, ?????????? 1 – ?????? ??? ?????? ?? ??????  
????????????? ?????????? ?????????? – ?????? 90, ?????????? 1 – ?????? ??? ?????? ??????????  
??? ?????? – ?????? ??? ?? ??????»

?????????

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

2.   ?????????????, ??? ?? ??? ?????? ?????? ?????? ?? ?????? ?? ??? ?? ??? ?????? ???  
????????? ??? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ??  
????????????? ??? (??? ????: ???) ?????? ?????? ?? ??? ?? ?????? ?????? ?????? ???  
?? ?????????? ??? ?????????? ??? ?? ??? ?????? ??? ?? ??? ?????? ???.

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

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

3. ?? ?????? 63 ?? ??????? 2006/112/?? ??? ????????????, ?? 28?? ?????????? 2006,  
?????? ?? ???? ?????? ??????? ?????? ?????? ?????????????? ?????? (2), ?????? ?? ????:

4. ??????, ??? ???? 64, ?????????? 1, ??? ?????? ????:

«?? ??????????? ???????, [...] ?????? ??? ?? ??????? ???????????, ?? ??????? ??????????????  
?????????? ??????? ??????? ??????????? ? ??????????? ???????, ???????, ??????? ??  
????????????????? ??? ?? ??? ?? ??????? ???????????, ??? ??????? ??????????? ??  
?????????? ??????????? ??????? ??????????? ? ??????????? ???????????»

5.      ?? ??????????, ?? ?????? 66, ?????????? ??, ?? ?? ???? ?????? ?????????? ?????????? ?? ?????;

«???? ?????????? ??? ?? ????? 63, 64 ??? 65, ?? ????? ????? ??????? ?? ???????????, ??? ?? ?????????? ?????? ?? ??????? ? ??????? ? ??????? ?????????? ?????????? ??????? ?? ???????, ? ????? ?????????? ??????????:

[...]

[...]».

6.      ????? ?? ?????? 73 ??? ?? ??? ????????

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

7. ??????, ?? ?????? 90, ??????????? 1, ??? ??????? 2006/112 ?????????? ?? ?????;

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

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

8. ? ?????? 2006/112 ??????????? ??? ?????????? ?????? ?? ??? Umsatzsteuergesetz (3) (???? ????. ?????? ?????? ??????, ??? ?: UStG).

9.      ?? ?????? 13, ??????????? 1, ?????? 1, ??? ???? ?????? ??????; ?? ????;

«О ?????. ?????????? ??????????;

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

a)    ?? ?????????? ??????????? ?? ?????? ?? ?????? ?? ?????????? ?????????? (????? 16, ?????????? 1, ?????? ???????), ????. ?? ?????? ?? ?????????? ?????????? ?????????? ?????????? ??????

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

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

[...]».

10.   ????? ????, ???? ?? ?????? 17 ??? UStG:

«1. ? ? ?????????? ? ?????????? ? ? ? ?????? ? ?????????????? ? ? ? ?????? ? ? ? ?????? ? ?????????? ?  
????? ???? ???? ? ? ? ?????? ? ? ? ?????? 1, ? ?????????? 1, ? ?????? 1, ? ? ?????????????? ???  
????????????????? ? ? ? ?????? ? ? ? ?????? ? ? ? ?????????? ?? ? ?????????????? ?? ???? ? ? ? ??????  
????????????? ???? [...]

2. ??????????? 1 ??????, ???' ?????????, ?? ?????????? ???

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

[...]»

11. ??????, ?? ?????? 20, ?????? ????????, ??? UStG, ??? ?????? ??? ???? ?????????? ?????????? ???, ????:

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

1) ??? ?????? ? ?????????? ?????? ?????? (????? 19, ?????????? 3) ??? ?????? ??  
500 000 ??? ???? ?? ?????????? ?????????? ????, ?

2) ? ?????? [...] ?????????????? ??? ?????????????? ?????????? ?????????? ??? ??? ??????????

3)    ??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? [...] ,

«... (.... 10, .... 1,  
????? ???????), ????. ?? ???? ?? ?????????? ????????.»

12. ? X-Beteiligungsgesellschaft mbH ?????????????????? (????????????? X),  
????????????? ??? ?????? ??? ??? ???????.

13. ?????????? 2012 ??????? X ?????????? ?????????? T-GmbH (????????????????????? T) ?????????? ?????????? ??? ?????????? ??? ?????????? ?????????? ????. ??? ?????????? ??? ???? ?????????? ?????????? ??? ?????????? ?????????? ??? ?????????? ?????????? ??? ?????????? 7 ?????????? 2012, ? ?????????? X ??? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???

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

14. ????? ?? ?????????? ????? ?????????? ?????? ??? ? ??????? ??? ?? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ?????? ??? ?????? ??? 1 000 000 ????? ?????? ???, ?????????? ?? ?????? ?????? ?????? 200 000 ????? ?????? ????. ?? ?????? ?????? ?? ?????????????????? ???' ????. ??? ?? ?? 30? ?????? 2013. ????. ?? ????. ??? ?????????? ?????????? ?????? ????, ? ?????? X ?????? ?????? ????.

15.    ?? ??????? ?? 22?? ?????????? 2016, ? ??????? ?????????? ???.  
?????? ?????????? ???. ???. ??????? ? ?. ???. ???. ??????? T ?????????????????? ???.  
???? ?? ??????? ???. 2012 ???. ???. ? ??????? X ?????? ???. ???. ??????? ???.  
???. ???. ???. ???. ??????? ???.

16. ? ??????? ????? ?????? ?????????? ?????? ??? ???? ?????? ?????????? ?????? ??? ??????

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

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

2012, ?????????? ?? ??? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????????? ??? ?????? ???

????????????? ??? 30 ??????? 2013, ?????? ?? ?????????? ?? ?? ?????????????? ??? ??? ???

????? ??? ?????? 17 ??? UStG ??? ??? ?????? 90, ?????????? 1, ??? ??????? 2006/112.

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

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

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

«1) ?????? ? ?????? ?????????? ??? ?????? ?? ?????? ?? ?????? ??? ???? ?????? ??? ???? ????  
????????????? ???????, ? ?????? ??????? ??? ?????????? ?????? ??????, ??????????????  
????????? ?????????? ?????? ?????????? ?? ?????????? ???????, ??? ???? ?????? ???  
????? 64. ?????????? 1. ??? ?????? ??? ??:

2) ???????????, ?? ?????????? ?????????? ?????????? ??? ?????? ?????: ?????? ??  
????????? ?? ?????????? ?? ?????????, ???? ??? ?????? ??? ?????? 90, ?????????? 1, ??  
????????? ???? ???, ???? ? ?????????? ???? ??? ?????????? ???? ??? ?????? ??? ??????????  
??? ??? ? ?????? ???? ?? ?????????? ?? ?????? ?????? ??????, ?? ?? ?????? ??????  
????????? ???? ??? ?????????? ???? ?? ?????????????? ?????? ?????? ?????? ?????????? ???  
????????? ?????? ?? ?????????? ???? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???  
??? ?????????? ?????? ??? ?????? ??????;»

18. ??????? ?????????????? ?????????? ?????????? ??? ?????????? ??? 22 ??????  
2020. ??????? ?????????????? ?????????? ? ??????? X, ? ??????? ?????????? ??? ?  
????????? ????????. ?? ?????????? ?????????? ?? ?? ?????????? ??' ?????????? ???????.

????????

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

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

19.    ?? ??????? ??????????? ???????????, ????.    ???.    ???.    ???.    ???.    ???.    ???.    ???.    ???.

????????????? ??? ???? ?????? ? ?????????????? ??? ??????? ??? ??????? ?????? ?????? ?????? ????  
???? ?????????? ?????????? ??? ???? ?????? ???, ?? ?????? ??? ?????? X, ?????????????? ??  
2012 ???, ????????, ? ?????? ?????? 1 000 000 ???, ?????? ???, ?????? ?????? ?????? ??????????  
??? ?????????????? ?? ?????????? ?? 2012.

20. ??????, ? ?????? ? ?????????? ??? ?????????? ??? ?????????? ??????. ??? ???? ?????? ???, ?  
?????? ?? ??? ?????? T ?????????? ??? ?????????? ?????? ??????, ?????? ???  
????? ??? ?????? ?????????? ??? ???? ?????? ???, ?????? ??? ?????????? ?????? ???  
????????????? ?????? . ??????, ??? ???? ?????? X ?????? ?? ??? ??? ?????? ???  
30 ?????? 2013 ?????????? ?????? ??? ??? ?????????? ??? ?????? ?? 2012. ??????????, ?  
????? ? ?????????? ?????????? ?????????? ?????? ??? ?????? ?? ??? ?????? ?? ??? ??????  
T ??? 15 ?????? 2016, ??? ???? ?????? ??? Finanzgericht (????????? ??????????)  
???? ?????????? ??? ?????????? ??? 23? ?????????? 2020, ??? ?????? ?????????? ???  
????????? ?????????? ????. ??????, ??? ???? ?????? ??? ?????????? X, ?? ?????????? ???  
????????? ??? ???? ?????? ?????? ?????? ?????????? ??????.

21. ????????, ?????? ?? ?????? ?????? ???, ??? ?????? ?????????????? ???????????, ??  
????????? ?????????? ???' ??? ???? ??? ?????????? ?????? ??? ??????, ?? ?????? ???,  
????????? (4). ?? ?????????? ?? ?????????? ?????? ??? ??????, ?? ?????? ???,  
????????? . ??????????, ? ?????? ??? 23? ?????????? 2020 ?????? ??? ???? ???  
????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ??????????  
????????? ??? ??? ?????? ??????. ? ?????? ??? ?????? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? X ??? ?? ?????????? ???  
2012. ? ?????? ??? ?????? ?????? ?????? ?????????? ?????? ?? ?????? ?????? ?????? ??  
?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
????????? ? ??? ?????? ??? ?????? ?????? ???.

22. ?????????? ??? ?????? ??? ???????, ?????? ??? ???? ?????????? ?????? ?? ?????????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???  
??? ?????????? ?????????? (? ?????? ??? ?????????? ?????? ??? ?????? ???  
????????? ??? ???? ?????? ?????? ???).

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

23. ?? ?????? ?????????? ??????????, ?? ??????????, ??? ?????????? ?????????? ??  
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ?????????? ??????????  
????????? ??? ?? ?????? 64, ?????????? 1, ??? ?????? 2006/112. ????????, ?? ??????  
????????? ??? ?????? ?? ?????? ??, ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?? ?????? ??? «?? ??????», ??? ???? ?????? ??? ?????? 90, ?????????? 1,  
??? ??????. ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ??????  
??? ?????? 64, ?????????? 1, ??? ?????? 2006/112? ?? ?????? ?????? ??? ?????? ???  
????????? ?? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????.

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

24. ?? ?? ?????? ?????????? ??????????, ?? ?????? ?????????? ?????? ??  
????????? ?? ?? ?????? 90, ?????????? 1, ??? ?????? 2006/112 ??? ?? ?????? ??,  
?? ?????????? ??? ?????? ???? ?????? ?????? ?????? ??? ?????? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

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

26. ?????? ?? ? ??????? ??????.

27. ? ??? ?????????????? ?? ??????? ??? ?????? ?????????? ??? ?????? (5), ? ?????? ??????????  
?? «????????? ?????????? ??? ??????????, ??? ?????? ?????? ? ?????????? ?? ?????? [...] ?  
????????????? ?? ? ??????? ??? ?????????? ??? ?????? ??????????» (6). ?? ??? ???? ??? ??????  
????????? ??? ?????? ?????????????? ??? ?????? ?????? ?????????? ??? ?????????????? ???????,  
??????, ??? ?????? ??? ?????? ??????????, ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ???????.

28. ????????, ?? ???? ?? ?????? ??? ?????????? ?????????????? ??????? ?????? ?? ???? ?? ??????  
????????? ?? ?????????? ? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???  
????????, ?????????? ??????? ? ??? ?????????? ??? ?????? ???, ??? ??????????, ??? ? ? ????  
??? ??? ??? ?????? ?????? ?? ?????????? (7). ?????? ?? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? «?????????», ?????? ?? ?????????? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ?????? ??? ?????????? ??????????  
????????? ?? ??? ?????? ??? ?????? ?????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??????????  
????????? ?? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?? ??????  
????????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ??????  
????????.

29. ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????????? ??? ??????  
???, ?? ? ? ??????, ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ? ??????????????  
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? (8).

30. ??? ??? ??? ?? ??????? ??? ?????? ??? ?????? 90, ?????????? 1, ??? ?????? 2006/112  
????????? ?? ? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ? ? ?????? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????????? ????????. ????????, ?? ? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ????????, ??? ?????? ???, ??? ?????? ???, ? ? ? ??? ?????? ??? ??????  
?????????. ??? ??????????, ??? ??????????, ??? ?????????? ??? ?????? ??? ?????? ??? ??????????????  
????????? ??? ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?  
????????? ????????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

31. ??????, ?? ?????????? ?? ?????????? ??? ?????? ?????????????? ??? ??????????????  
????? ???, ? ?????? ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ??? ?????????? ??? ??????  
????? ?? ??? ?????? ????????, ?????????? ???, ?????? ?????? ?????????? ??? ?????? ??? ??????  
????? ?? ??? ?????? ? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? (9). ???????,  
????????????? ?? ?????????? ?????????? ?? ? ? ? ? ?????? ??? ?????? ??? ?????? ??? ??????  
????? ??? ?????? ??????. ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? 2, ??? ?????? 2006/112 ?????? ??? ?????????? ?????????? ??? ?????? ??? ??????  
??? ?????? ??? ?????? ??? ?????? 1 ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? (10).

32. ???????, ?? ?????????? ???????? ?????????? ??? ?????????? ??? ??????? ? ???????????  
????????? ???, ?? ??? ???? ?????????? ?? ?????????? ?????????????? ??? ?????? ???  
?????? ??????? ??? ?? ?????????? (11). ???????, ??? ?????????? ?????? ?????? ???  
????? ??????? ??? ???.

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

34. ???????, ??? ?? ????, ?? ??? 90, ?????????? 1, ??? ?????? 2006/112 ???  
?? ?????? ???, ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ??????, ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

35. ???????, ??? ?????????? ?? ?????????? ??????????, ??? ?? ??? 90, ?????????? 1,  
?? ?????? 2006/112, ? ?????? ??? ?????? ?????????? ??? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ????. ? ??????????  
2 ??? ?????? ?????? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ???  
?????????. ?????? ??? ?? ?? ?????? 17, ?????????? 1, ?????? 1, ??? UStG, ?? ??????  
?? ????????, ? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???  
??? ?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? 2006/112, ??? ?????????? ??? ?????? ???  
??? ?????????? ??? ?????????? ??? ?????? ?? ?????? 90 ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

**??? ??? ?????? ?????????????? ??????????**

36. ?? ?? ??? ?????? ?????????????? ????, ?? ?????? ?????????? ????, ???' ??????, ??  
????????????? ?? ?? ?????? 64, ?????????? 1, ??? ?????? 2006/112 ???? ??? ?????? ???  
????????? ?? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

37. ?? ??????? ??? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ??????????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??????  
?? ??? ?? ??????? ??? ?????????? ?????? 2012 (12). ??? ?????? ??? ?????? ??? ??????  
?????? ??? ??? ?????? ??? ?????? ?????????? ???.

?? ?? ?????????? ??? ?????? 64, ?????????? 1, ??? ?????? 2006/112

38. ?????????? ???, ??? ???? 64, ?????????? 1, ??? ?????? 2006/112, ?? ??????  
????????? ?? ?????? ?????????? ?????????? ?????????? ?????????? ??  
????????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????????? ??  
????????? ??????. ???????, ??? ???? ?????? ??? ?????? ?????? ?????????? ??????  
?? ?????? ?????? ?? ?????? ??? ?????? ?????? ?? ?????? ?????? ?????? ??????  
????????? ??? ?? ?????? ???.

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

40. ????????, ?? ??? 64, ?????????? 1, ??? ?????? 2006/112 ?????? ?? ??????????  
?? ?? ?????? ??? ?????? 63 ??? ?????? ??????. ?????? ??? ?????????? ???????, ??  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????? ??? ?????? ?????????? ??  
????????? ?????????? ??? ??????.

41. ?? ??? 63 ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????? ??  
????????? ?? ?? ?????? ??? ?????? ?????????? ?????? ??? ??????. ??? ?? ?????? ???, ???  
????????? ??? ???? ?????? ??? ?????? ?????????? ?? ?????? ?????????? ?????????? ??????????  
????? ??? ?????? ?? ?????????? ??? ?????? ?? ?????? ?????? ??? ?????????? ??????????  
???? ???????, ??? ???? ???????????????, ??? ???????????, ??? ???? ??????????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????.

42. ????????, ??? ???? ?? ??? 64, ?????????? 1, ??? ?????? ??? ??????  
????????? ?? ?? 63 ??? ?????? ??? ?????? ??? ?????????? ?? ?????? ?????? ?????? ????  
????????? ??? ???????, ??? ?????? ?? ?????????? ??? ?? ?????? ?? ?????? ?? ???  
????????? ?????? ?????????? ???????. ???????, ? ?????? ??? ?????? ?????????? ???  
????? ?????? ?????? ?? ?????????? ?? ?????? ??? ?????? ?????????? ??? ?????? ???  
????????? ?????? ?????????? ?????????? ???????. ?????????? ??? ?????? ?????? ???  
????????? ? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????.

43. ?????, ??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??  
????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??  
????????? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???.

44. ????????, ??? ?????????? ??? ???? ?? ?????????? ? ?????????? ??? ?????? 64,  
????????? 1, ??? ?????? 2006/112 ?? ?????????? ??? ?????? ??? ?????? ?????? ???  
????????? ? ?????? ?????????? ??? ??????, ??? ?????? ??? ? ?????? ??? ?????? ???  
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ???????. ???????, ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
?? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 63 ??? ??????.

45. ????????, ? ?????????? ?????? ??? ?????? 64, ?????????? 1, ??? ??????  
2006/112, ??? ???? ?? ?????? ??? ?????? 63 ??? ??????, ?????????? ??? ??? ??????  
????????? ??? ?????? ?????????? ??? ??????. ?????????? ???, ???' ??????, ??? ??????????  
?? ?????????? ??? ??? ?????? ???.

46. ????????, ??? ?????? ?????????? ? ?????????? ??????????, ??????? ?????????? ??? ??  
???? ??????? ?? ??????? ??? ?? ?????? ??? ?????????? ?? ?????????? ?? ??????????  
????????? ?? ??????? ?????? ?????????? ??? ?????????? ?????????? ?????????????? ???  
????????? ?????????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ???  
????????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ???  
????????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ???  
????????? ?????? ?? ?????????? ??? ?????? ?????? ?????? ??? ?????? ?????? (13). ? ??????  
??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???.

47. ???????????, ?? ??????? ??? ?? ??? ?????? ??? ?????? ?????? ?????? ??? ??  
????????: ?? ??? ?????? ?????????????????? ??????, ?????? ??? ?????? ?????????????? ?  
????? ?????????? ??? ?????????? ??? ? ?????????? ??? ??????, ?? ??? ?????? ??? ?????????? ,  
????? ?? ??? ?????? ?????? ??? ??????, ??? ?? ?????? ?????? ?????????? ??? ?????? ???  
????, ???' ?????, ?????????? ?? ?? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????????? .  
????????, ?? ?????? ?????? ?????? ??? ?? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ,  
??? ?????? ??? ??, ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ??????.

48. ?? ?????? ?????????????? ??? ?????????? ??? ?? ?????????? ??? ?????????? ???  
????? ?????????? ?? ?????? ??????????, ?????? ??? ? ?????? ???? ?????????? ???, ???  
????? ??? ??? ?????????? Asparuhovo Lake Investment Company (14) ??? baumgarten sports &  
more (15). ??? ??? ??? ?????? ??? ?????? 64, ?????????? 1, ??? ?????? 2006/112 ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????????? , ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ???  
??? ?????????? , ??? ??? ? ?????? ??? ?????????? , ? ?? ?????? ??? ?????? ?????????? ???  
????????? ?????????? ??? ??? ?????????? ??? ?? ??? ?????? ?????????? (16). ?????? , ?????? ???  
??? ?????????? ?????????? ??? ?????? ?????????? ?????????? , ??? ??? ?????? ?????????? ???  
????????? ??? ?????? ?????? , ? ?????? ??? ? ?????????? ?? ?????????? ?????????? ??????????  
????????? , ? ?????? ?????????? ?? ?????????? ?? ?????????? ?????? ??? ??? ???  
????? ?????? ??? ??? ?????????? ?? ?????????? ?????? ??? ?????? ?????? ??? ??? ???.

49. ??? ??? ?????? , ?????? ?? ??? ?????? ??? ???? «[?????] ?? ??????  
????????? [...] ?????????? ??????», ??? ?????? 64, ?????????? 1, ??? ??????  
2006/112 ??? ??? ?????? ??? ?????? ?????? ?? ?????? , ?? ?? ??? ?????? ???,  
????????? ?????? ?????? ?????? ??? ?????????? ?????? ?????? ??? ?? ?????? ??? ?????? ,  
????? ??? ?? ?????????? ?????? ???.

50. ???????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????? , ??? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? ?? ??????.

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

51. ??? ?? ?????? ?????????? , ??? ?????? ??? ?????? ?????? ?????? , ??? ??? ? ?????? X, ??  
??? ?????? ?????????? ???, ?????????? ???, ?? ?????? ??? ?????? ??? ?????? ???  
????? , ??? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??  
????????? ?????? ??? (?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ), ?????? ???  
? ??? ?????????? ??? ?????? ?????? ???, ? ?????????? ??? ?????? ??? ?????? ?????? ???

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

52. ??? ???????????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????????? ??? ?????? ???  
????????? ???????, ? ?????????? ??? ?????? 90 ??? ?????? 2006/112 ??? ?????? ??  
????????? ??? ?????? ??? ?? ?? ??? ?????????? ?? ??? ?????? ??????, ???? ?? ???? ???, ??? ??  
?? ?????? ??? ?????? 64, ?????????? 1, ??? ??????.

53. ??? ???????????, ? ?????????? ??? ?????? ??? ?? ??? ??????????, ???' ????, ??? ??  
?? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ??  
?????. ? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ?? ?????????? ??  
??????????. ?? ?????????? ??? ?????? ??? ?????????? ?? ?? ?????????? ??? ?????? ??? ?????????? ??  
(17).

54. ?? ?????????? ??? ?????? ??? ?????? ?? ?? ??????? ??? ?????????? ??? ?????????? ?  
????????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???, ??? ??????????  
???? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ???  
????????? ????, ??? ?? ?????????? ?? ?????????? ??? ?????????? ?? ?????????? ???  
????????????????, ?????????? ??? ?? ?????? 90 ??? ?????? 2006/112 ??? ??????  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???, ?? ?? ??????, ??? ?????? ???  
????????? ??????.

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

56. ?? ??? ?????? ????????, ? ??? ?????? ?? ??? ???? ???? ? ?????????? ??? ? ?????????? ???  
?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (18). ????????, ? ?????????? ???  
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ???  
????????? ??? ???.

57. ??? ?????? ?? ?????????? ??? ?????????? X ??? ? ?????? ?????????? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ???  
????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????????? ??? ?????? ???  
????????????? ??? ?????????? ??? ?????? ??? (19). ? ?????? ??? ?????? ??? ?????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?????????? ??? ?????? ???  
??? ?????? ??? ??? ??? ?????????? ?? ?????????? ??? ?????? ?????????? ???  
?????????.

58. ??? ?????? ??? ?????? ????, ?? ?????? ?????????? ??? ?????????? ?? ?????????? ???  
????? ??? ??? ?????? ? ? ?????? ?? ?????????? ??? ?????? ?? ??? ?????? ????. ?????? ??  
?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???, ? ?????? ???  
????? ????, ??? ?????? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ????. ??  
????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???,  
????? ??? ?????? ???, ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ??  
????? ??? ?????? ??? ?????? 2006/112.

59. ??????? 2006/112 ??????, ??? ????? XI, ??? ?????????? ??? ?????????? ???  
????. ?? ????? 220 ??? ?????????? ??? ?????????? ?? ?????????? ?????? ?????,  
????? ?????????? ?? ?????????? ?????? ?????? ?????????? ?????? ??????  
????? ?????????? ????. ?? ????? 226 ??? ?????? ?????? ?????????? ?? ??????  
??? ?????? ?? ?????????? ?? ?????????? ?????? ?????????? ?????? ??????  
????: ? ?????? ?? ?????? ?????? ?????????? ?????? (????? 6), ? ?????????? ???  
????? ?????????? ?????? ?????? ?????? (????? 7), ? ????? ?????? ??? ??????  
(????? 8), ????? ?? ?????? ??? ?????????? ??? (????? 10).

60. ??? ?????? ?????????? ?? ??????????, ?? ?????? ??? ?????????? ??????????  
??? ??????????, ?????? ?? ?????? ?? ?????? ??? ?????????? ?????????? ???  
????????? ???, ?????? ?? ?????? ?? ?????????? ?????? ?????? ?????????? ???  
????? ??? ?????????? ??? ?????????? ?????? (20). ???????, ?? ?????????? ???  
????????????? ??? ?? ?????? ?????? ?????????????? ??????????, ??? ??????????  
??? ?????? ?? ?????????? ?????????? ?????? ?????????? ??? ?????????? ??????  
????????? ??????????, ??? ?? ?, ???????, ??? ?? ???????, ?????? ??? ?????? ???  
????????? ??? ?? ?????????? ???, ?????????? ???.

61. ??? ?????? ??? ?????? ?????, ?? ? ?????? X ??? ?????? ??? ?????? ???  
?????????, ?? ?????? ?? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? ???  
????? ??? ?? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????????? ??? ?? ?????? ??????????, ?? ?????? ?? ?????????? ?? ?????????? ???  
??? ?????????? ?????????? ??? ?? ?????? ?????????? ?????? ??? ?????? ??? ??  
??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ??  
????????? ??? ?????????? ???.

62. ?????? ????, ??? ?????????? ?? ?????????? ?? ?????? ?????????? ???  
?? ?? ?????????? ?? ?????????? ?????? ?????????? ?????? ?????????? ???  
«?????????» ??? ?? ?????????? ??? ?????? (21), ??? ?????? ?????? ???  
????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????????? ???  
????? 193 ??? ?????? 2006/112 ?????? ??? ?? ?????????? ??? ?????? ?????????? ???  
????? (22). ???, ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????????  
??? ?????????? ??? ? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ???  
????? ??? ?????? ?????????? ??? ?????? (23).

63. ???????, ?? ??? 66, ??????? ??, ??? ?????? 2006/112 ??????? ???  
???? ?? ?????????? ???, ??? ??????? ?????? ?? ?????? ?????????? ?????????? ???  
???? ???, ? ??? ?????? ??????? ?????? ?? ?????? ??? ?????? ?????? ???  
????????? (24). ???????, ??? ?????? ?????????? ??? ?????? ?????? ???  
????? 63, 64 ??? 65 ???, ?????? ??? ?????????? ?????? ??? ?????? ???  
????? ?? ?????? ??????? ?????? ?? ?????????? ?????????? ???, ?????? ?? ???  
????? ?????????? . ? ??? ? ?????? ??? ?????? ?????????? ?????????? ???  
???' ???, ?? ??????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ???.

64. ??? ?????? ?????????? ? ?????????? ?????????? ??? ? ???????, ? ??????? ???  
????? 64, ?????????? 1, ??? ?????? 2006/112, ??? ?????? ?????????? ? ???????, ?  
?? ??? ?????? ? ??? ? ?????????? ?????? ??? ?????????? ?????? ??? ?????? ???  
??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ???, ?? ??????????  
?? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? 66, ??????? ??, ??? ??????.

65. ???????, ?? ?????????? ??? ?????? ??? ?? ??? ? ?????? ?????? ???' ?????? ??  
????????? ??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???

????????????? ?? ?????????? ??? ?????????? ??? ?????? 50 ??? ?????? ?????????? ??????????.

???????

66. ??????? ?? ??????? ??? ??????? ???????????, ??????? ?? ?????? ? ??? ?????? ??????????  
??? ??????????? ?????????? ??? ?????? ?? Bundesfinanzhof (????????????? ??????????  
??????????, ???????):

- 1) ?? ????? 64, ?????????? 1, ??? ?????? 2006/112/?? ??? ??????????, ??? 28??  
????????? 2006, ??????? ?? ?? ????? ?????? ????? ?????????????? ?????, ??? ??  
?????? ?? ?? ??? ????? ?????? ?? ?????? ??? ?????????????? ?????? ?????? ??????????,  
??? ?? ?? ??? ? ?????????? ??? ?????? ?????? ?????????? ?? ??????.
- 2) ?? ????? 90, ?????????? 1, ??? ?????? 2006/112 ??? ?????? ???, ?? ??????????  
???? ?? ?? ???? ? ?????????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? ??????????  
?? ?? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?? ??????, ??? ?????????? ??  
????????? ??? ?????? ??? ?????? ??? ??????.
- 1 ?????? ?? ??????????: ? ???????.
- 2 ?? 2006, L 347, ?. 1.
- 3 ?????????????? ??????: BGBl. 2005 ?, ?. 386.
- 4 ??????????????, ??????? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ?? ??? ?????????? ???  
????????????? ??? ?????? ?????????? ?????????? [????????? ??? ?????? ??????] XY  
(????????????? ??? ??????), C?100/20, EU:C:2021:387]. ????????, ??? ?????????? ??? ??  
????????? ?????????? ??? ?????? ??????, ??? ??? ??? ?????? ?????????? ?????? ??? ??  
????? ??? ?????? ??? ??????.
- 5 ??? 1, ?????????? 2, ??? ?????? 2006/112.
- 6 ??? 73 ??? ?????? 2006/112.
- 7 ??? 90, ?????????? 1, ??? ?????? 2006/112
- 8 ??? 12?? ?????? 2017, Lombard Ingatlan Lízing (C?404/16, EU:C:2017:759,  
????? 26).
- 9 ??? 12?? ?????? 2017, Lombard Ingatlan Lízing (C?404/16, EU:C:2017:759,  
????? 29).
- 10 ??? 12?? ?????? 2017, Lombard Ingatlan Lízing (C?404/16, EU:C:2017:759,  
?????? 28 ??? 29).
- 11 ??? ?????? ?????????? ? ?????????? ??????????, ?????? ?? ?????? ?????? ??? ??  
????????? ??? ?????? ??? ?? ?????????? ?? ?????????? ??? ?????? ?? ?????? ??????. ??????, ?  
?? ??????? ??? ?????? ?? ?????? ?????? ?? ??????.
- 12 ?? . ?????? 19 ?? ?????? ???????.
- 13 ??? 2?? ?????? 2019, Budimex (C?224/18, EU:C:2019:347, ??? 22).
- 14 ??? 3?? ?????????? 2015 (C?463/14, EU:C:2015:542).

15 ??????? ?? 29?? ?????????? 2018 (C?548/17, EU:C:2018:970).

16 ??., ????????????, ?????????? ??? 3?? ??????????? 2015, Asparuhovo Lake Investment Company (C?463/14, EU:C:2015:542, ??????? 47 ??? 49), ??? ??? 29?? ?????????? 2018, baumgarten sports & more (C?548/17, EU:C:2018:970, ??????? 30 ??? 31).

17 «[...] ?????? ??? ??????? 63 ??? ??????? [2006/112] ? ??? ?????????? ?????????? ???  
??? ?????? ??? ?????????? ?????? ??? ?????? ??????? ??????????, ???? ???? ??? ?????? ???  
????????????????? ??? ?????????? ???????, ?????????? ??? ?? ? ? ?????????? ??? ???  
????? ?????? ??????? ??? ??? ??????????. ???????, ? ??? ?????????? ??? ?????? ???  
??? ?????????? ???? ? ??? ?????? ???????, ??????? ?????? ??? ??? ?????? ???  
?????????, ??? ??? ?????? ???, ?? ??????? ??? ?????????? ??? ??????????????????  
?????». ?? ?? ??????, «[...] ??? ? ?????? ??? ??????? ? ?????? 2006/112, ?? ??????  
??? ??? ?????? ??? ? ?????? ??? ? ?????? ??? ?????????? ??? ?????? ??? ??????,  
???' ????, ??? ?? ?? ? ?????????? ??? ?????? ??? ??????????, ??????????????????  
??? ???, ??? ??? ?????????? ??? ? ?» (????????? ??? 28? ?????? 2011, ??????? ???  
?????????, C?274/10, EU:C:2011:530, ?????? 46 ??? 48).

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

19      ????? ?? ?????? 9, ??????????? 1, ??? ??????? 2006/112, «[?]?????? ?? “????????????  
???? ????” ?????????????? ?????, ??? ????????? ?????????????? ??? ?? ?????????????? ???,  
?????????? ??????????????, ?????????? ??? ??? ?????????????? ????? ??? ?? ??????????????  
??? ?????????????? ???».

20 ??????? ??? 15?? ???????????? 2016, Barlis 06 – Investimentos Imobiliários e Turísticos (C-516/14, EU:C:2016:690, ??????? 26, 27, 29 ??? 30).

21     ??., ?????, ?????????? ?? 20?? ?????????? 1993, Balocchi (C?10/92, EU:C:1993:846,  
????? 25), ??? 23?? ?????????? 2017, Di Maura (C?246/16, EU:C:2017:887, ???? 23).

23      ????? ?????????? ????? ?? ???? ?????????????? ??? ?? ?????? ?????????? ?????????? ???  
20?? ?????????? 1993, Balocchi (C?10/92, EU:C:1993:846), ??? ?? ?????????? ?????? ???  
??? ?????????? ?????????? ??? ????? ??? ??? ?????????????? ??????, ??? ?? ??? ?? ?? ???  
?????????.

24     ?? ?????? 13, ?????????? 1, ?????? 1, ????????? b, ??? UStG, ?? ?????????? ?? ?? ??????  
20, ?????????? ?? ???? ?????????? ????, ??? ???? ?????? ?????????? ????, ?????????? ????, ?????????? ????, ??????  
?????.