

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

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

# JULIANE KOKOTT

??? 24?? ??????? 2022 (1)

???????? C?56/21

UAB «ARVI» ir ko

???

## Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos

[?????? ???? Mokestini? gin?? komisija prie Lietuvos Respublikos vyriausyb?s (?????????? ?????????????? ?????????????? ??? ?????????? ?????????????? ??? ?????????????? ??? ??????????????, ??????????) ??? ??? ?????? ?????????????? ??????????]

«????????????? ?????????? – ?????????? ?????????? – ????? ?????????????? ????? – ?????  
2006/112/??– ????? 137 – ?????????? ?????????? ??? ?????????? ?????? ?????????? ??????????  
??? ??? ??? – ?????????????? ??? ?????????????? ?????????? – ?????????? ?????????? ??? ??????  
????? – ??? ?? ?????????? ??? ?????????? – ?????????? ??? ?????????? ?????????? ???  
?????? ??? ???»

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

1. ??? ?? 1858, ? ??????? ??????? ?????????? Rudolf von Jhering ?????????? ??? «?????? ?????? ? ?????????? ?????? ??? ?????????? ??? ?????? ? ?????????? ??? ?????? ? ?????? ??? ??????????» (2).

2. ?????? ??????, ????????????, ???? ??? ???? ?????? ??? ??? ?????? ?????? ? ??????????  
?????? ??????? ?????????? ??????? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ???  
?????? ?????????????? ????????????. ??????????, ? ??????? ??? ?????????????? ??? ??????  
????? ?????? ?????? ?? ? ????? ?????????????? ??? ?????????? ??? ?????? ??? ???  
?????? ??? ?????? ??? . ??? ?? ??? ?????? ??????????, ? ??????? ??? ?????????? ??????  
????? ??? ?????? ??? ??????. ??? ??????, ??? ?? ?????????? ??? ??????, ? ?????????????? ??  
???? ?? ?????????? ?? ?????????? ?? ?????????? ??? ?????????? ??? ??????. ?????????? ?????????? ??  
????? ?? pro rata temporis ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????????? ??????????  
?????????? ?? ??? ??? ??? ?? ?????? ??? ?????? ?????????? ??????????????.

3. ??????, ??? ?? ?????????? ??? ???????????, ??? ?????? ??? ?? ???? ?????? ?????????? ??? ?????? («substance over form») (3) ?? ?????????? ???????????, ????? ??? ????? ???

????????? ??? ?????? ? ?? ?????????? ????? ?????? ??? ?? ???????????. ??????, ???, ? ?? ???  
?????????? ?? ?????????? ??? ????? ?????????? ????? ?? ?????? ??? ?????? ??? ?????? ??? ??????  
????????; ???? ??? ????? ?????????? ?????????? ? ??????? ?????? ?????? ?????????? ?????? ???  
????? ?????? ??? ????? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ???  
????????? ???????. ? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ??????.

4. ??????????, ? ??????? ??? ?????? ?????? ?? ?????????? ?????????? ??? ?????????? ?????????? ??? ??????????  
?????? ??? ?????? ??? ?????? ??? ??????????????. ??? ?????????? ??? ?? -?? ?????????? ???  
??? ?????? ??????- ?????????????? ??? ?????? 138, ?????????? 1 ??? 1?, ??? ?????? ???  
(4). ??? ? ?????????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ??? ??????????????  
????. ?? ??? ??????????, ?? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ?? ?? «?????  
??? ??????????» ??? ?????? ??? ??? (5), ??? ???? ?? ?????? ?? ??? ?????????? ??? ??????????.

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

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

5. .... ??. ??????? ???. ??????? ???. ??????? ???. ??????? 2006/112/?? ???. ??????? ???. ???. ???. ??????? ???. ??????? ???.  
????????????? ???. (6) (???. ???: ?????? ???.).

6.      ?? ?????? 135, ??????????? 1, ????????? ??, ??? ??????? ??? ?????????? ??? ?????????? ??????????:

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

?) ??? ?????????? ??????? ? ??????? ?????? ?????? ??? ??? ???????????? ?? ??? ??????????,  
????? ??? ?? ?????? 12, ?????????? 1, ???????? ??».

7.     ?????? 137, ?????????? 1, ??????? ??, ??? ??????? ??? ??????? ??????? ??  
???????:

«?? ?????? ??? ?????????? ?? ?????????? ?????? ?????????????? ?????? ??? ?????? ?????????? ??????????

) ???? ?????????? ??????? ? ??????? ? ??????? ?????? ??? ?? ?????????? ?? ????,  
????? ?????? ??? ?????? 12, ?????????? 1, ???????? ?)».

8.     ?? ?????? 137, ?????????? 2, ??? ?????? ?????? ?????? ?????? ?? ??:

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

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

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

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

? ?????????? ?? ??? ?????????????? ?? ??? ?????? ?????????????? ?? ??? ????».

10.    ?? ?????? 187 ??? ??????? ???. ???? ???. ?????????????? ???. ?????????? ???. ???. ???. ???. ???. ???. ???:

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

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

????? ?????? ?? ??????? ?????? ???????????, ? ?????????? ??? ?????????? ??? ??????????? ?? ???  
?????????? ?? ?????????????? ?????? ?? ?????????????? ??? 20 ???.

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

[...] »

11. ?? ?????? 188 ??? ??????? ??? ?????? ?? ????:

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

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

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

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

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

12. ????' ?????????? ??? ?????????? ??? ??????? ??? ?????? ??? ?????? ?? ????? 137, ?????????? 1, ??????? ??, ??? ?????? ???, ?? ????? 32, ?????????? 3, ??? Lietuvos Respublikos prid?tin?s vert?s mokes?io ?statymas (????? ??? ?????????????? ??? ?????????? ???, ??? ?????: ?????? ????) ?????? ?? ????:

«???? ??????????? ????? ???? ????? ?????????? ?? ?????????? ?? ?????????? ?? ???? ?????????? ?? ????,  
????????? ?? ??? ??????????????? ??? ?????????????? ????, ??? ?????? ????, ???, ??? ?????? ???? ????,  
???? ??????????? ?????????, ? ????? ?????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? 1 ? 2  
??? ?????????? ??????, ??? ????? ?????? ?????????? ?????????? ????, ?????????? ????, ?????????? ????,  
????????? ?????? [...], ? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ?????????? 24  
?????, ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?? ??????  
??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? ??? ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

14. ?? ?????? 67, ??????????? 2, ??? ?????? ??? ?????? ?? ????:

«?? ?????????? ?? ???? ??????????? ?? ?????????????? ?? ?????? ?? ?????????????? ?? ?????? ?? ?????? ???:  
????????? ?? ???? ?????? ??????? ?????????? ?????????? ?????????? ?? ?????????? ?? ??????????  
?????????????, [...], ?? ??????? ?? ???? ??????? ?????????? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????????????? ?  
????? ? ?????? ??????? ??? ??? ??????? ???/? ?????????? ??? ?????? ?? ?????? (?)  
????????? ??????????? ?????????? ?????????/??????????, ? ??????? ??? ??? ??? ??? ???  
????????? ??? ?? ??????????? ?????????? ?????? ?????????? ?????????? ?? ??????????  
?????????????, ?? ??????? ?? ???? ??????? ?????????? ?????? ?? ?????? ?? ?????? ?? ?????????????????? ??  
????????? ??????????). [...]»

15. ?? ?????? 67, ??????????? 5, ??? ?????? ??? ?????? ??? ?????? ?? ?????:

16. ? ?????????? ??? ?????????? ??????? ?? ??? ?????? ?? ?????????? ?? ?????????? ?????? ??  
????????? ?? ?????? 188, ?????????? 2, ??? ?????? ???.

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

17. ? ??? ?????? ?????? ?????????? ?????????????? ?????????? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? «ARVI» ir ko UAB (??? ????: ARVI) ??? ??? Kauno apskrities valstybin? mokes?i? inspekcija (???????, ?????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ??????, ?????????, ??? ????: ?????????? ??? ??????).

18. ? ARVI ????? ?????????????? ??? ?????????? ?????? «??? ?????????? ?????» ?? ??????  
????????????? (?? ?????: ??????) ??? ?????????? ?????????????? «??? ?????? ??????», ??  
????????? ?? ????? ??????. ? ARVI ?????????? ?? ?????? ?????????? ?????? ??????????  
?? ???? ?????????? ??? ??? ????? ?????? ?????? ??? ?????? ?????????? 2013.

19. ???? 8 ?????? 2015 ? ARVI ?????? ?? ??????? ?????? «Investicij? ir inovacij? fondas, UAB» (??? ????: ??????????) ?????? ?????????? 371 582,48 ????, ?????????????????? ??? ?????? 64 489,52 ????. ???? ??? ?????? ??? ???????, ? ?????????? ??? ?????? ??? ??????????? ??? ?????, ???? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????? ??? . ???????????, ???? ??? ?????? ?????? ??? ?????? ?????? ?????? , ? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? . ?????? ??? ?????? ?????? (??????) ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? . ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? . ? ??????????

?????????? ??? ?????? ??????????? ?????? ??? ?????? ??? (?????? 2015).

20. ????? ??? ?????? ??? ?????????????? ???????????, ? ?????????? ??? ?????????? ??? ??????????????  
????????? ??? ?????????? ?????????? ?????????? ?????????????? ? ?????????????? ??? ?????? ??? ???  
????????? ?????????? ??? ?????????? ?????? ??? ?????? ?????? ??????????. ?? ?? ??????, ? ??????  
?????? ?? ???????? ?????????????? ?? ?????????? ?????????? ?????????? ?????????????????? ??? ??? ???.  
?????????, ???? ?? ?????????? ?????????, ? ?????????? ??? ?????? ??? ?????? ?????????????????? ???  
????????? ??? 2013 ?????? ?? ?????????????? ??? ?????? ?????????? ?????? ??? 2015. ??  
?? ??????, ? ARVI ?????? ?? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ?? ?????????????? ???  
????????? ?????????? ??? ??? ??? ??? 2015 ??? ??? ?????????? ??? 2022. ??? ??? ??? ??? ???? ?  
????????? ?????????? ?????????? ??? ARVI ?? ?????????? ??? ?????? 252 296 ???, ??? ??? ???  
????????? ?????????? ??? ?????????? ??? ??? ?????? ??????????.

21. ??????????, ? ARVI ?????? ??? ? ?????????????? ??? ????? 32, ?????????? 3, ???  
????? ??? ??????????????, ??? ?????? ??? ?????? ??? ?????? ?? ?????? ? ?????????? ??????????  
????? ???, ??? ?????? ?? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ???, ?????????? ???  
????? ??? ?????????????? ??? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ???  
?? ?????????? ??? ??????????. ??? ?????? ??? ??????, ? ARVI ?????? ??????????  
????????? ?????? ??? ?????????? ?????????? ??????. ? ?? ??? ?????? ?????? ??????????  
????? ??? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ??? ???  
ARVI ?????? ?????? ??? ?????????? ??????????.

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

1)    ?????? ??????? ?? ??? ???????? ??? ?????? 135 ??? 137 ??? ???????? ??? ?? ??? ?????  
???? ?????????? ?????????????? ??? ??? ?????????????????? ?????? ?????? ?????????? ??? ?? ????  
????? ? ?????????? ??? ??? ?????? ?? ??? ?????? ?? ?????? ?? ?????????? ?????????? ?????????? ? ?? ?? ????  
??? ?????????????? ??? ??? ??? [?????????] ???????? ?????? ?? ?? ???????? ??????????????  
?? ?????? ??????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???  
??????;

3) ??????? ?? ??? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ?? ?????????? ??  
????????? ?? ???? ?? ???? ?? ?????????????? ?? ?????????? ??, ?????? ?? ???? ?? ???? ?? ???? ??  
????????????????? ?? ???? ??, ?????????? ?? ?????????? ?? ?????? ?? ?????? -??? ?????????????? ??  
????????? ?? ?????????? ?? ?????? ?? ?????????? ?? ?????????? - ? ?????? ?? ?????????? ?? ?????????? ??  
????????????? ?? ???? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ???? ?? ?????????? ?? ??????????.

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

23. ?????? ?????????????? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?????????? ???  
ARVI, ? ?????????? ??? ? ?????????? ??????????. ?? ?????????? ?????? ??? ?????????? ???  
????????? ?????????? ?????????? ??? ?????? 76, ?????????? 2, ??? ??????????  
?????????.

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

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

24. ? ?????? ?????????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??????????????  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????? ?????????? ??? ??? ?????????????? ?????? ?????????? ?????????? ??? ?????????? ???  
????????? ??? ??? 2010 ??? ? ?? ??? ?????? ?????????? ?????????? ?????????? ?????????? ??????????  
?? ?????????? ?????????????? ?????? ??? ?????? ??? ?????? ??? ?????? 267 ??? (7). ??????????,  
????????????? ??? ?????? ??? ?????????? ?????????? ??? ?????? ?????????? ??? ?????????? ???  
????????? ?????????? ??? ?????? (8).

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

26. ??????, ?? ??? ??? ?????????? ??? ?????? ?????????? ?????? ?????????????? ??? ?  
????????? ??? ?????? ??? ?????? ?? ??? ?????? ?????????? ?? ?????? ??? ?????? ??? ??????  
?? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ???, ?? ??????????  
????????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? 2010, ?????? ??  
?? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???  
????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

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

?????? ?? ?????????? ??????? ?? ??? ???? per se ?????????????? ?????? ??? ??  
????????? ??? ? ?????? ????? ?????????????? ??? ?????? ?????????? ??????.

28. ?????????? ??? ? ?? ?????? ??? ?? ??? ???? ?????????? ??? ?? ?????????? ??? ?  
????????? ?????????? ?? ?????????? pro rata temporis ??? ?? ?????? ??? ?????? ????,  
?? ?????? ?????????? ?????????? ?? ?????? ?????????? ??? ?? ?????? ??? ??????????  
????????? ??? ? ?? ?????? ??? ???????????. ?? ?????? ??? ?????? ??? ??????  
????????? ?????? ?? ?????? ?????? ?????? ??? ?? ?????? ?????????? ?????? ???  
????? ??? ???? ??????, ? ?? ?????? ?????? ?????????? ?????? ??? ?????? ?????? ??????  
????????? ???, ??? ???? ?????? ??????????, ??? ?????? ?????? ??? ?????? ??????.

29. ?? ??? ?????????? ?????????? ??? ?????? ??????, ?????????? ??? ?? ??????????  
?? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ?????? ?? ?? ?????? ?? ?????? ?????? ??? ?????? ?????? ??? ??????????  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ??????  
????????? ??? ?????? 137, ?????????? 1, ??? ?????? ??? (???). ??? ?????? ??  
????????? ?? ??? ??? ?????????? ?????? ??? ?????? ??? ?????? ???, ?? ??  
????? 137, ?????????? 2, ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ???  
????????? ??? (???).

? . ?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?? ?????? 137, ??????????  
1, ??? ?????? ???

30. ?? ??? 137, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ?????? ?????? ?????? ??? ?????? ???.

31. ? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?? ?????????? ???  
????????? ??? ?? ?????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ???  
????????? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? (9). ??? ??????  
??? ?? ??? ??? ?? ?????? ?????? ?????? ?????? ???, ?????? ??? ?????? ???  
????????? ??? ?????? ?????? (????????? ???) ??? ??? ?????? ??? ??????  
(????????? ??? ??? ???) (10).

32. ????????, ?? ?? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
ARVI. ????????, ?????? ??? ?????? ??? ?????? 135, ?????????? 1, ????????, ??, ???  
?????? ???, ? ?????? ??? ?? ?????? ?????? ??? ?????? ARVI ?????????? ??? ??????. ???  
????? ??? ?? ?????? ??? ?????? ??? ?????? (?, ?? ????????, ?????? ?? ??????????)  
? ?????? ??? ??? ??? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????. ?? ?? ??????,  
? ?????? ??? ?????? ?? ?????? ??? ?????? ??? ?? ?????? ?????? ??? ?????? ???  
??????. ??????, ??? ?????? ??? ??? ?????? ??????, ?????? ?????? ?????????? ?? ??? ??? ???  
????????? ??? ??????. ???' ?????? ??? ??????, ??? ?????? ?????? ?????????? ?? ??? ??? ???  
????? ?????? ??? ?????? ?? ??? ??? ?????? ??? ?????? ??? ??????. ?? ??? ??? ???  
????????? ?, ?????? ?????? ??? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ???  
????????? ??? ?????? ??? (11) ??? ?????? ?????? ??? ?????? ???.

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

ARVI, ????? ?? ?????????? ? ?????? ?? ??????.

34. ??????????, ???????, ??? ?????????????? ?????????????? ??? ?? ??????????????  
????????????? ?????? (????????? ??????) ?? ?????? ?????????????? ??? ?? ?????? ??  
????????? ?????? ??? ?? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????????? ?? ?????????? ?? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ??  
????????? ??? ??, ???, ???, ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??  
????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???,  
?? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? (????? ?? ?????????? ?  
ARVI) ??? ?? ?????? ?????? (????? ?? ?????????? ??? ?????? ?????? ?????? ??????).

35. ??? ??????????, ?? ?????????????? ??? ?????? 137 ??? ?????? ??? ?????????? ??????????  
????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? (?? ?????????? ??? ARVI) ???  
?? ??? ?????? . ? ?????? ??? ?????????? ??? ?? ?????????? ?????????? ?????? ???  
????????? ?????????????? ?????????????? ??? ?????? ??? ?????????? ?????? ?????? ???  
????????? ??? ?? ?????? 137 ??? ?????? ??? . ???????, ? ?????????? ??? ??????  
????????? ?? ?????????? ?????? ??? ?????????? ??? ?????? ?????????????? ??????  
??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???, ?? ?? ??????, ??????  
??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ??????.

? . ??? ?? ?????????? ??? ?????? ?????? ???' ?????? 137, ?????????? 2, ??  
????????? ???

36. ?? ??? 137, ?????????? 2, ??? ?????? ??? ?????????? ??? ?? ?????? ???  
????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
????????? 1. ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ??  
????????? . ?? ?????? ?????????, ??? ?????? ?????????? ?? ?????? ?????????? ???  
????????? (12) ??? ??? ?????? ?????? ??? ? ?????????, ??? ?? ?????? ??? ?????? «????  
????????? ??????????». ???????, ?' ??? ?????????? ?? ?????????? ?? ?????? ??  
????????? ? ??? ?? ?????? ?????? ??? ?????? ?? ?? ?? ?????? ?????? ?? ?????? ??  
????? ??? ?????????? ??? ?????????? ??? ?????? ?? ?????? ?? ?????? ?????? ?????? (13). ?? ??  
??????, ??????? ?????? ??? ?? ?????????? ?? ?????? ?????? ?? ?????? ??? ?????? ??  
(14). ??? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?? ?????? ??  
??? ?????? ?????? ??? ?????????? ??? ?????? (15).

37. ??? ?? ?????????? ??? ??????????, ??? ?? ??? ?????? ?????? ??? ?????? ???  
????????, ??? ??????????, ?? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ???  
????????? (16), ??? ??? ??? ? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????? ?????? ?????? (17). ?? ?????? 137, ?????????? 2,  
?? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??  
????????? ??? ??? ?????? (18).

38. ?????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??  
????????? ?????? ??? ?? ?????????? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ??  
????? ?????? ??? ?? ?????? ??? ?????? ???, ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ??? ?????? ??? ?????? ???, ?????? ??? ?????? ?????? ??? ?????? ???  
????????? ??? ?????? (19), ?????? ??? ??? ?????? ??? ?????? ?????? (20).

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

39. ?? ?????? 137, ?????????? 2, ?????????? ??? ?????? ??? ?????? ??? ??????

? ?????? ? ? ?????????????? ?????????? ??? ?????????????? ??? ?????????????? 1, ???? ??????????  
????? ?????????????? ???? ???? ?? ???? ?????????????? ?????????????? . ? ?? ???? ?????????? ????  
??? ???? ?????? ???? ?????????????? ???? ???? ?????????? ???? ???? ?????? ???? ???? ??????  
??? ?????????? ?????? (21).

40. ? ??????????, ???? ?? ?????????? ???? ??????????????, ?? ?????? ???? ???? ?????? ??  
????????????? ???? ?????????? ???? ?? ?????????? ???? ?????????? ???? ?????????? ??????????  
(22). ????????, ? ?????????? ???? ?????????? ???? ???? ?????????? ?? ?????????? ??????????  
?????????????, ???? ???? ?????? ???? ?????????? ??????????, ???? ?? ?????????? ???? «?????»  
??? ?????????? ?????? ???? ?????? ?????? ?? ?????????? ?? ?????? ???? ?????? ?????? ????  
????? 137, ?????????? 2, ?????? ??????, ???? ?????? ???, ???? ???? ?????????? ????  
????? ???? ?????????? ?????? (23).

41. ???? ????????, ???? ???? ???? ?????????? ????, ???? ???? ?????????? ????, ????  
????? ? ?????????? ?????? ???? ?????????? ???? ???? ?????????? ???? ?????? ???? ?????? ????  
????? ?? ?????????? ????. ???? ???? ???? ?????? ?????? ???? ?????????? ?????????? ???? ?????????? ????  
????????? ???? ???? ???? ?????? ?????? ???? ?????????? ???? ?????????? ?????????? ???? ????  
?????????, ???? ???? ???? ?????? ?????? ???? ?????????? ?????? ???? ???? ???? ???? ?????? ????  
????? ???? ??????. ??????, ???? ?? ??????????, ?? ?????? ???? ?????????? ????  
????????????? ?????????? ???? ???? ?????????? ?????? ???? ?????????? ???? ?????????? ????  
????????? ???? ?????? ???? ?????????? ?????? ???? ?????????? ?????? ???? ?????????? ????  
??? ?????? (24).

42. ?????, ? ???? ?? ?? ???? ?????????? ???? ?????????????? ???? ?????????? ??????????????  
??? ?????????? ???? ?????????? ???? ?????? ???? ?????????? ???? ?????????? ???? ?????? ????  
ARVI ???? ???? ?????? ??????????. ???? ???? ???? ? ?? ???? ?????????? ???? ??????????  
?? ???? ?????? ???? ?????????? ???? ?????? ???? ?????????? (25) ? ???? ?????? ???? ??????  
???. ????????, ???? ???? ? ?????? ???? ?????????? ?????????? ?????????? ???? ????  
(?????) ??????????. ?? ?????? (????. ???? 188, ?????????? 1, ???? ?????? ???)  
????? ???? ???? ???? ?????????? ???? ???? ?????????? ?? ?????????? ?????????? , ???? ?????? ????  
??? ???? ???? ???? ?????? ???? ?? ?????????? ?????? ???? ?????? ???? ?????? ???? ????  
????? ???? ????.

43. ?? ?? ??????, ???? ?????????? ? ?????? ?????????? L. A. Geelhoed ??? 18 ???  
(26), ? ?????????? ???? (?????, ? ?????????? ???? ???? ?????????????? ????  
????????? ???? ???? ?????????? ?????? ???? ?????????? ???? ?????????? ???? ????  
????????? ???? ???? ???? ?????????? ???? ?????????? [?? ??????????, ???? ??????  
????????? ???? ?????????? ???? ???? ???? ?????? ?????? ???? ???? ???? ????  
(?????) ?????????? ???? ?????? ???]. ?????? ???? ?????????? ???? ???? ???? ?????? ????  
??? ?????????? ???? ?????? ???? ???? ?????????? ???? ???? ???? 137, ?????????? 2, ???  
????? ???.

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

44. ? ??????????, ? ?????????? ???? ???? ????, ???? ?????????? ?????????? ??????????, ?  
????? ???? ???? ???? ?????????? ????, ???? ?????? ???? ???? ?????? ???? ???? ?????? ????  
??? ?????? ???, ?????????? ?????????? ???? ???? ???? ?????????? ???? ???.

45. ? ???? ???? ?????????? ?????????? ?????? ?????????? ?? ?????????? ??????????????  
?????????????, ???? ?????? ?????? ????, ???? ?????????? ???? ???? ?????? ???? ????  
????? (27).

46. ???? ???? ???? ?????????? ???? ?????????? ?? ?????????? ?? ???? ???? ?????? ??????????????  
??? ?????? ???? ?????? ???? ?????????? ???? ?????????? ???? ?????? ?????? - ???? ??????????

????????? ??? ?- ? ?????????? ?????????????????? ?????????????????? ??? ?????? ??? ????????????

47. ? ?????????? ??? ?????? ?? ?????????? ?????? ?? ?????? ? ?????? ? ?????????? ?????????? ???  
????? ??????????????, ???? ??? ?????? ????????, ??? ??????, ??? ?????? ??? ??????  
?????????? ??? ??????? ????. ??? ?????? ?????? ?? ?????????? ?????? ?????? ??? ?????? ???  
?????????? ??? ??????? ???? ??? ?????? ??????????, ???? ??? ??????? ??? ?????? ??? ?????? ???  
????? ??? (28). ?????? ?????? ?????? ?????? ?? ?????? ?? ?????? ??? ?????? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??????.

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

48. ? ?????????? ??? ?????????? ?????? ?? ?????? ? ?????? ?? ?????????? ??? ????  
????????????????? ??? ?????? ??? ?????? ??? ?????? ??? ? ?????? ??? ?????? ??? ????  
????? ??????? -?, ???? ?? ??????????, ?????????? ?????? ??? ?????? ???- ??? ?????? ???,  
????????? ?? ?? ??????? ?? ??? ?????? ??? ?????? ??? ??????????????. ?????? ?????????? ??? ?  
????????? ??????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??????? ??? ?????? ??? ?????? ??? ?????? (29).

49. ?????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ????, ????  
????????? ??? ?, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
????? ??? ?????? ?????? ??? ?????? ????. ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
????????? ?????? (30) ??? ?? ?????? ???????. ??? ??????????, ?? ?????????? ??? ????  
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??????????, ???? ??? ?????? ?????????? ??? ?????????? ??? ???? ???  
????????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????????, ??? ?????? (?????? ???? ???? ? ?????????? ????) ?????? ?????? ???  
?????????, ???? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ???.

50. ??? ? ?????????????? ?????????? ??? ? ?????????????? ?????? ??? ????  
????? ?? ??????????, ???? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
(31) ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ????  
????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

51. ??????, ??????, ?? ?????????? ?? ?????? ?????? ???, ?????? ?????? ???, ???  
????????? ???, ???, ?? ?????????? ?????????? ??????????, ?? ??? ?????? ??? ????  
????????? ?????? ??? ?????? ????. ?????? ??? ?????? ?????? ??? ?????????? ??? ????  
????? ??? ?????? ??? ?????? ????. ?????? ??? ?????? ??????????, ???? ??? ?? ??????????  
????????? ??? ??? ?????? ??? ?????? ?, ?????????? ??? ?????? ??? ?????? ??? ????  
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ????  
?????.

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

53. ??? ???? ???? ???, ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
??????, ??? ???? ?????? ?????????? ??? per se ??????????????

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

54. ??????, ? ?????????? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????? (32) ?????????? ?? ?????????? ??? ?????????? ???  
????????? ??? ?????????? ????. O ?? ?????? ??? ?????? ?? ?????? ?? ?????? ??? ?????????? ???  
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ????. ??? ?????? ????  
????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ????. ?? ?? ??????, ?? ?? ???  
(?????????) ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?? ???  
?? ??? ?????????? ??? ?????? (????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????????????? ???).

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

56. ? ?????????? ??? ?????????? ??? ?????? ??? ?????? ? ?????????? ??? ?? ??? ??? ?????? ???  
????????? ?? ?????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? (33), ??? ?????? ??? ?????????? ??? ?????? ????. ??? ?????? ???  
? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ???, ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ??? ?????? ??? ?????? ???.

57. ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? –?????? ?? ??? ??  
????? ?????????? ???– ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ???  
????? (????? ?? ??? «substance over form») (34). ???? ?? ?????????? ????, ? ???? ???  
????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? (????????? ???  
???) ?????? ?????????? ?? ?????????? ??? ?????????? ???, ?????? ??? ?? ?????????? ???  
????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

58. ??????, ??????, ?? ?????? ??, ?????????? ??? ?????? ??? ?????????? ??? ??  
????? ??? ?? ??????, ? ?? ??? ?????? ??? ?????? ??? ?????? ?? ?????????? ??? ??????. ?  
????????? ??????, ??????????, ?????? ????, ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????????? (35),  
????? ??? ?????? ??? 138, ?????????? 1, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????????? ??? ?????? ??? (?????????) ?????????? ??? ?  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??????.

59. ??????, ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? «substance over  
form». ??? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ???, ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? (36).

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

????????? ??? ?? ?????????? ?????????? ?? ?????????? ??? ?? ?????????????????? ??????? ??  
????????????? ??????) ??? ??????? ??????? ?????????? ??? ?? ?????????? ?????? (37).  
???? ?? ? ?? ? ?? ?????????????? ??? ??????? ?????????? ??? ?? ?????????? ???, ??? ? ??  
???? ?? ??????????, ??? ??????? ?????? ?????????? ??? ?????? ??? ?????????? ??? (38).  
???? ???????, ??? ??????? ?????? ?????????? ??? ?????? ??? ?????????? ?? ?????????? ??? ?  
????????? ??? ?????? ARVI ?????????? ??? ?????????? ??? ?????????? ?????????????? ??????????  
???? ?? ??? ?????? ??? ?????? (??? ??? ??????????).

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

## VI. ???????

62. ?? ?? ??????, ?????????? ??? ?????????? ?? ?????????? ??? ?????????? ?????????????? ??????????  
?? ?????? ? Mokestini? gin?? komisija prie Lietuvos Respublikos vyriausyb?s (?????????  
????????????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????) ??  
????:

1) ?? ?????? 137 ??? ?????? 2006/112/?? ??????? ?? ?? ?????? ?????????? ???  
????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????????? ??? ?????? ??? ??????  
????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ??????  
? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????????? ??? ?????? ??? ?????? ??? ??????????????  
???? ????. ? ?????????? ??????? ??? ?? ??? «????????» ?????????? ??? ?????????? ??? ?????????? ???  
??? ???? ??? ?????????? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ??? ?????????? ???.

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

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

2 Rudolf von Jhering, *Geist des Römischen Rechts auf den verschiedenen Stufen seiner Entwicklung*, ??? 2, ??? 2, ???, 1858, Haften an der Äußerlichkeit. III. Der Formalismus. § 45, ?. 497 (32) – 1? ???.

3 ??., ??? ??????????, ?????????? ??? 20?? ?????????? 2016, Plöckl (C?24/15,  
EU:C:2016:791, ?????? 39 ??.), ??? 9?? ?????? 2015, Salomie ??? Oltean (C?183/14,  
EU:C:2015:454, ?????? 60 ??.), ??? ??? 11?? ?????????? 2014, Idexx Laboratories Italia  
(C?590/13, EU:C:2014:2429, ?????? 41 ??.), ??? 27?? ?????????? 2012, VSTR (C?587/10,  
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(3) «[...] ?? ?????????? ?????? ??? ?????????? ?? ?????????? ?????????????? ??????????  
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(7) «[...] ?????????? ? ?????????? ??? ?????????? ?????? ?????????? ?????? ??? ??  
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