

???????

?????? C 326/15 ????? ?????????????? ????? – ??????? 2006/112/??
– ?????? 132, ?????????? 1, ?????????? ?? – ?????????? ??????????
????????????? ?????? ?????????? ?????????? – ?????????? ??? ??????????
??? ?????????? ??? ?????????? ?????? ?????????? ?????????? ??? ?????? ???

?????? ??? ?????????? (???????) ??? 21?? ?????????? 2017 «????????????? ?????????? – ?????????? –
????? ?????????? – ?????? 2006/112/?? – ?????? 132, ?????????? 1, ?????????? ?? – ??????????
????????? ?????????? ?????? ?????????? – ?????????? ??? ?????????? ??? ?????????? ??? ??????????
?????? ??? ?????? ??? ?????? – ?????????? ??? ?????? ??? ?????????? ?????????? ??????????»

???? ?????? C?326/15,

?? ?????????? ?????? ?????????????? ?????? ?????? 267 ????, ??? ??????? ?? Administrat?v?
apgabaltiesa (????????????? ?????????? ???????, ???????) ?? ??????? ??? 9?? ?????? 2015, ? ?????? ??????????
?? ?????????? ??? 1? ?????? 2015, ??? ?????? ??? ??????

«DNB Banka» AS

????

Valsts ie??mumu dienests,

?? ?????????? (???????)

????????? ??? ??? T. von Danwitz, ?????? ???????, E. Juhász, C. Vajda (???????), K. Jürimäe ????.
???????, ???????,

????? ??????????: J. Kokott

?????????: M. Aleksejev, ?????????? ????????,

????? ??? ?????? ?????? ?????????? ??? ?????? ???' ?????????? ?????? 30?? ?????? 2016,

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

– ? «DNB Banka» AS, ?????????? ??? M. Kairovs, J. Teteris ??? I. Sloka,

– ? ????????, ????????, ?????????? ??? A. Bogdanova, I. Kucina ??? D. Pelše, ?????? ??? ???
I. Kalni?š,

– ? ????????, ????????, ?????????? ??? T. Henze,

– ? ????????, ????????, ?????????? ??? K. ?????????? ??? A. ????????????,

– ? ?????????? ???, ?????????? ??? D. Holderer, ?????????? ??? F. Kremer ???

P.-E. Partsch, avocats,

- ? ?????????? ??????????, ??????????????? ??? ??? M. Z. Fehér ??? G. Koós,
 - ? ?????????? ??????????, ??????????????? ??? ??? B. Majczyna ????? ??? ??? ??? B. Majerczyk-Graczykowska ??? K. Ma?kowska,
 - ? ?????????? ??????????, ??????????????? ??? ??? L. Inez Fernandes ??? R. Campos Laires,
 - ? ?????????? ??? ??????? ??????????, ??????????????? ??? ??? S. Simmons, ??? ???????, ??? ??? C. R. Brodie ??? ??? D. Robertson, ?????????????? ??? ??? O. Thomas, QC,
 - ? ?????????? ??????????, ??????????????? ??? ??? M. Owsiany-Hornung ??? ??? A. Sauka,

???? ?????? ?? ?????? ??????????? ??? ??????? ??? ?????????? ??? ??????? ?? ??????????? ??? 1?? ?????? 2017,
?????? ??? ???????

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1 ? ?????? ?????????????? ??????? ?? ??????? ?? ?????? 132, ?????????? 1, ??????? ??, ???
?????? 2006/112/?? ??? ??????????, ??? 28?? ??????? 2006, ??????? ?? ?? ????? ?????? ???
????????????? ??? (?? 2006, L 347, ?. 1).

2 ? ?????? ??? ??????????? ?? ?????? ?????? ?????? ?????? ?? «DNB Banka» AS ??? ??? Valsts ie??mumu dienests (?????????? ???, ????????) (??? ????: VID) ??????? ?? ??? ????????, ?? ?????? ??? ????????, ?? ????????, ?? ???????, ?? DNB Banka ??? ??????????? ?? ????????, ?? ?????????????? ?????? ?????? ?????? (???) ??, ??, ??, ??.

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

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

? ???? ??????

3 ? ????? ??????? 77/388/??? ??? ????????????, ??? 17?? ????? 1977, ??? ?????????????? ??? ?????????????? ???
?????? ??????, ??? ?????????? ?? ??? ????? ?????? ?????? ??????? – ????? ?????? ?????? ????? ?????????????? ?????:
????????? ?????????? ??? (?? ????. ??? 09/001, ?. 49, ??? ????: ??? ?????) ?????????? ???
???????????????, ??? 1?? ?????????? 2007, ??? ??? ?????? 2006/112. ?? ????? 13 ??? ????? ?????? ?????? ???
?????:

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

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

[...]

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

[...]»

? ?????? 2006/112

4 ? ??????? 2006/112 ?????????????? ????? IX, ????????????? «??????????», ?? ?????????? 1 ??? ?????????????? «????????? ??????????».

5 ?? ?????? 132, ??????????? 1, ??? ??????? 2006/112, ??? ?????????????????? ??? ?????????????? «?????????
????????? ?????????????????? ??????? ??????????» ???????? 2 ??? ????? IX ??? ???? ??????, ?????????? ??
?????:

«?? ?????? ??? ?????????????? ??? ?????????? ??? ??????:

[...]

??) ?????????? ?????????? ?? ?????? ?????????????????? ?? ?????????????? ?????????? ??????????, ??? ??????
????????????? ?????????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??

[...] »

6 ?? ?????? 135, ??????????? 1, ??? ?????? 2006/112, ??? ?????????????????? ??? ?????????????? «???????????

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

[...]

?) ???????????, ?????????????????? ?? ??????????????????, ?? ??????? ??????? ???????????, ?????????????
?????????????, ???????, ?????????? ???????, ??????????, ???????????, ?????????? ?? ????? ???????????, ?? ??????? ??
????????? ???????????,

?) ??? ????????, ?????????????????? ??? ??????????????????, ?? ??????? ??????? ????????????, ?????????????????? ???
????????? ??? ?????????? ?????? ??? ????????, ?? ?????????? ?? ?????????? ??? ?????????????? ??? ??????????,
?????? ?? ??????, ?????? ?? ??? ????? ????????, ?????? ??? ?? ????????????????, ?? ????? ???
????????????????? ?????????? ?? ??????? ?????? ??? ?????????? ? ?? ?????? ?????????????? ?????????????? ??????????????,

[...] »

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

8 ???? ??? ?????????? ??? ?? ??????? ??? ?????? ?????? ?????? ???????, ?? ?????? 132, ?????????? 1, ?????????? ???, ??? ??????? 2006/112 ??? ????? ?????? ?????????? ??? ?????? ??????. ??? 1? ?????????? 2013 ?????? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??????, ? Pievienot? s v?rt?bas nodok?a likums (????? ??? ?????? ?????? ?????????????? ?????), ??? 29? ?????????? 2012. ?? ?????? 52 ??? ?????? ??????, ??? ?????? ?? ?????? ??? 1? ?????????? 2014, ??????????, ??? ?????????? 3.2, ??? ?? ?????????? ??? ?????? ?????? ?????????? ?????? ?????????? (??? ????: ???) ??? ?????? ??? ?????? ?????? ?????????? ??????, ??? ?????????? ??????????.

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

9 ? DNB Banka ?????? ?????????? ?????? ?????? ??? ????????, ?? ?????????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????? ?????? ?????????? ?????????? ??????.

10 ? DNB Banka ????? ?????????? ??? DNB NORD A/S (??? DNB INVEST DENMARK A/S), ????????

?????????? ??? ?????, ? ?????? ??? ?????? ??? ???????????, ??? AB DNB NORD Bankas, ??????????? ???????, ??? ??? Bank DNB Polska SA, ??????? ???????, ????? ??? ??? ?????? ???????????????, ??? DNB NORD Pank. ??? ????? ?? ????????, ??? ???????????????, ??? ???????????????????, ??? ????? ??? ???????????????, ??? ???????????, ??? ??????????? ??? ????? DNB.

12 ? DNB NORD ????? ?????????? ??? DNB Bank ASA, ??? ??????? ??? ????????, ??? ??? NORD/LB Norddeutsche Landesbank, ??? ??????? ??? ????????. ?? ??? ????? ??????? ??????? ??? ??????? ??? ??????? ??? ????????, ??? ??? ?????? ? DNB Bank ??????? ?? 51 % ??? ??????? ??? ?????? DNB.

13 ???? 31 ?????????? 2006, ? DNB Banka ??????? ?? ??? DNB NORD ??????? ??????? ??????????????????????????????. ??????? ?? ???? ?????????? ???????, ? DNB NORD ???????, ?? ??????? ??????? ?? ??? ??????? ?? ??? ????????, ??????? ?? DNB Banka, ?????????????? ?? ???? ??????? ?????????? ?? ??? ??????? ?? ??? ??????? ?? ??? ?????????????? ?????????????? ??????? ?? DNB Banka ?? ?????????? ????????. ??????? ?? ??? ??????? ?? ??? ???????, ? DNB Banka ???????, ??? ?? ??? 2009 ??? 2010, ?????????? ??????? ?????????? ??????? ?? ??? ??????? ?? ??? ??????? ?????????????? ??? ? DNB NORD. ??????? ?? ?? ??????? ?? ??? ??????? ?? ??? ??????? ??????? ???????????????, ?? ??????? ?????????? ??? ?? ??????? ?? ??? ??????? 2011, ? DNB NORD ???????, ??? ?? ??? 2009 ??? 2010, ??? ??????? ?? ??? ??????? ?????????? ??????? ?????????? ??????? 5 %.

14 ????. 30 ?????????? 2009 ? DNB Bank, ?? ???????? ?? ??? DNB Banka, ?????? ??????? ?? ?? Microsoft Ireland Operations Ltd, ??????? ?? ??? ????? ?????????? ?? ??? ?????? ?????????? ?? ??? ?????????? ? Microsoft ??? ?? ??????? ?? DNB Bank ??? ?? ?????????? ?? ??? ?????? ?????????? . ?????? ?? ??? ?????????? ??????, ? Microsoft Ireland Operations ??????? ?????????? ?? ??? ?????? ??? DNB Bank ??? ?? ?????????? ??????????, ?? ?????? ?????????? ?????? ?? ??? ?????? DNB. ??? ???????, ? DNB Bank ?????????? ?? ??? ?????????? ?????? ?? ??? ?????? ?????? DNB, ??????? ?? ??? ?????? ?????????? ?? ??? ?????? ?????? ?????? ?????? ???? ?????? . ?????? ??????, ???????, ??? ?? ?????? ??? 2009 ??? 2010, ??????? ?? ??? ?????? ??? DNB Banka ??????? ??????? ?? ??? ?????? ?????? ? Microsoft.

15 ????. 20 ??????????? 2010 ? DNB IT ?????? ??????? ?? ?? ??????????? ????. ????. ?????????????? ?? ??
DNB NORD ????? ?? ?? ?? ?? ??????????? ?? ??, ??????? ?? ?? ??????? ? DNB IT ?????? ?? ?? ??????????? ?? ??
?????? DNB ??? ??????? ??????????? ??????? ?? ?? ??????????? ????. ????. ????. ????. ??????????????. ????. ??
?????? ?? ?? ?? 2010 ??? 2011, ? DNB IT ??????, ?????? ?? ?? ??????????? ?? ??, ?????? ??????????? ?? ?? ?? ??
DNB Banka ??? ?? ?? ?? ?? ??????????? ??????????? ????????????. ????. ????. ??????????????? ?? ?? ???????????
????? ???????, ????. ?????? ?? ?? ?? ??????????? ??????????? ??????????? ?? ?? ?? ?? ?? 5 %.

16 ? DNB Banka ?????????? ??????????? ?????????????? ??????????, ??? ??????? ??? ?????? ?????????? ??????? ???? ?????? ?????????? ??????? ??????? ?????????? ?????????????? ??? ???. ? ??????? ?????????? ?????????? ?????????? ?? ??????? ??? 9 ??????? 2012 ??????? ??? ?????? ?????????? ??? VID, ??? ??? ?????? ??? ?????????? ?? ??????? ??? DNB Banka ??? ??????? ??? ??????? ??? ??? ?????? ??? ?????? ?????? ?????? ?????????? ?? ??? ?????????? ??? ?? ??? DNB NORD, DNB IT ??? DNB Bank.

17 ? ?? ????? ??????? ?????????? ?????????? ?????????? ?????????? . ??????, ?? ?, ?? ?????? ??? ?????????? ??????
DNB Banka ??? DNB NORD, ? VID ?????????? ??? ?????????? ?????????? ??? ?? ?????? ?? ?????????? ?????? ???
????? ?? ??????? ??? ?????????? ???, ??? ???? ?????? ??? ?????? 132, ?????????? 1, ??????? ???, ??? ??????
2006/112. ? VID ??????? ??? ?? ?????? ??? ?????????? ?????? ?????????? ???????????????, ?? ??? ??? ??????
????????? ?????????? ?? ??? ??? ???, ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????.

18 ????????, ? VID ??????, ??????????? ?????? ?????????????? ?????? 7 ??? ?????? 2006/112, ??? ? ? ??????????
?????? ?? DNB Banka ??? ???? DNB IT ??????????? ?????? ??????????. ? ?????????? ??? ?????????? ???
?????? ??? ? DNB IT, ?? ??????? ??? ????????, ????????????, ??? ??? ?????? ?????????? ????????????, ???
????? ?????? ??? ?????? ???, ??????? ?? ?? ??? ?????? ?????????? ????????, ??? ??? ?????? ??? ????????????, ???
?? ??? ??????, ??? ? DNB Banka, ?? ??????? ??? ?? ??? ?????? ????????, ??? ?????????? ??? ??? ?????? ???
?????????, ?? ?????? ?????????? ??? ?????????????? ??? ??? ???.

19 ??????, ??? ?????? ??? ?????????? ?????? ??? DNB Banka ??? ??? DNB Bank, ? VID ??? ?????????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ???????????????, ??? ?? DNB Banka, ??? ?? ??? ??, ??? ??

?????????? ??? ?????? ?????? ??????? ?????????? ??? ??????????. ???????, ??? ? VID, ??? ?????? ?????????????????? ??
????????? ??? ? DNB Bank ?? ?????? ?? ?????????????? ?? ?????? ?????? ??? ?? ?????? ?????? ?????? ??????????????????
????????????? ??? ???.

20 ? DNB Banka ??????, ?????? ??? administrat?v? rajona tiesa (????????????? ?????????? ??????????????,
?????????), ?????????? ?? ?????? ?? ?????????? ? VID ?? ?????? ?? ?????????? ??? ?????????? ??? ?? ?????? ??????????
????????? ?? ??? ?????????? ??? ?????????????? ?? ??? DNB NORD, DNB IT ?? DNB Bank. ?? ??????????
???? ?????????? ??? ?? ?????? ?????????? ?? ?????????? ??? 1?? ?????????? 2013.

21 ? DNB Banka ?????? ?????? ??? ?????????? ??? Administrat?v? apgabaltiesa
(????????????? ?????????? ???????, ?????????), ?????????????? ??? ?????????? ??? ?? ?????????????? ???
????? 132, ?????????? 1, ?????????? ???, ??? 2006/112 ??????. ??? ? DNB Banka, ?? administrat?v?
rajona tiesa (????????????? ?????????? ??????????), ?????????????? ??? ?????????? ??? ?? ??? ?????????? ??? ??
????????? ??? ??? ?????????? ?????????????? ??? ??????????, ??? ? ?????????? ??? ?????????? ??? ??
????????????? ??? ??? ?????? ??? ?????????????? ??? ??????, ??? ?????????? ??? ?? ?????? 132, ?????????? 1, ???????
??, ??? 2006/112. ? DNB Banka ?????????? ??? ? ?? ?????? ?????????? ?????? ?????? ?????????? (???) ???
??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????, ?? ?????????? ??? ?????????? ??? ?? ??? ?????? ??
????????????? ??? ?????????? ??? ?????????? ??? ?? ???.

22 ??? ???? ??????? ??????, ?? Administrat?v? apgabaltiesa (????????????? ?????????? ??????) ?????????? ??
????????? ?? ?????????? ??? ?? ?????????? ?? ??? ?????????? ?? ?????????? ?? ?????????? ?????????? ??????:

«1) ?????????? [??] ??? ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ?????????? ???, ?? ?????? [2006/112] ??
????????? ??? ?? ??? [??] ??? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????????? ?????? ???
????????? ??? ?????? ??? ?????? ?? ?????????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???;
?? ?????? ??? ?????? ?????? ?????? ?????? ???;

2) ?????? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ???, ??
????? [2006/112] ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ???, ?? ?????? ??? ?? ???
????????? ??? ?????? ??? ?????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? [??] ?? ?????????? ??? ?????????? ?? ?????????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???;
3) ?????????? ??? ?????? ??? ?????? ??? ?????? 132, ?????????? 1, ?????????? ???, ?? ??????

[2006/112] ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? [??], ?? ?????????? ??? ? ??????
?? ?????????? ??? ?????? ??? [??] ??? ?????? ??? ?????? ??? [??] ?? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? [??] ??? ?????? ?????? ??? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? 196 ?? ??????
[2006/112];

4) ?????? [??], ??? ?????? ??? ?????? 132, ?????????? 1, ?????????? ???, ?? ?????? [2006/112], ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? [??];

?? ?????????? ??? ?? ?????????? ??? ?????? ??? [??] ?? ?????? ???' ?????? ?? ?????? ?????? ?????? ??????
????? ?? ?????? ??? ?????? [??] ? ?????? ?????????? ???????????, ?? ??????, ?? ?????? ??? ?????? ???
????????? ?????? ?????? ?????? ?????? ???, ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ???, ??? ?????? ??? [??] ?????? ?? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???;
5) ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ?? ?????? [2006/112] ?? ?????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???;

6) ?????? ?????? ??? ?????? 132, ?????????? 1, ?????????? ???, ?? ?????? [2006/112] ???

?????????? ??? ??????????? ??? ?????? ?????; ??? ??????????????, ?????? ????? [??], ??? ??? ?????? ??????? ???
?????????????? ?????? ??? ?????? [2006/112], ??? ?????? ?????????, ??? ?????? ??? [??], ?? ??? ?????
??? ?? ??? [??], ?? ??????? ??? ??? ?? ?????? ???»

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

23 ?????????????? ??? ?????? ?? ?????????????? ??? ? DNB Banka ?????? ?????????? ?????? ?? ?????????????? ???
????? ?????????? ??? ?????? ?????? ?????????????? ?????? ??????. ??? ???? ?????? ???, ?? ?????????? ??? ????
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????????, ??? ? DNB NORD, DNB IT ??? DNB Bank,
????? ?????? ??? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? 2006/112. ?????????? ???
????? ??? ??? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ?????? ?, DNB Banka ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???.

24 ??? ?????? ???, ?? ?????? ??? ?????????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? 132,
????????? 1, ?????????? ???, ??? ?????? 2006/112, ??? ?????????? ?????????? ??? ?????????? ??? ??????????
??? ?????????? ??? ??????, ??? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

26 ??? ?????? ??????????, ??? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ?????????? ?? ??? 267 ???, ??? ?????????? ?????????? ??? ?????? ??? ??????
????????? ??? ? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? (????????? ??? 20? ?????? 2016, Danqua, C?429/15, EU:C:2016:789, ??? 37
??? ??? ?????????? ???).

27 ??? ??? ?????????? ???, ?????? ?? ?????????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???
????? ?? ??? 132, ?????????? 1, ?????????? ???, ??? ?????? 2006/112 ?????????? ?????????? ???
????? ?????????? ??? ??? ??? ??? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ???
????????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

28 ??????, ?????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? 135, ?????????? 1, ?????????? ???, ???
????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ???.

29 ?????, ??? ?????? ??????????, ??? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ???, ??? ??? ???? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ??? ???? ???
????????? ?? ??? ?????? ?????? (????????? ??? 26? ?????? 2012, Able UK, C?225/11, EU:C:2012:252,
????? 22, ??? ??? 4? ?????? 2017, Fahimian, C?544/15, EU:C:2017:255, ??? 30 ??? ??? ??????????).

30 ??? ?????? ?? ?????? ??? ?????? ?????????? ??? ?????? 132, ?????????? 1, ?????????? ???, ??? ??????
2006/112, ?????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? 2, ?? ?????? ??????????
«????????? ?????????? ?????????? ?????? ?????? ??????», ??? ?????? IX ??? ???? ?????? ???.
????????? ??? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ???
????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

31 ? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???
«?????????». ???????????, ??? ?????? ??? ?????? 2006/112, ?? ?????? 132, ?????????? 1, ?????????? ???, ???
????????? ??? ?????? ??? ?????? «????????? ??????» ?????? 1, ??? ??? ?????? 2 ??? ?????? ???.
????? ???, ??? ?????? ??? ?????? ??????, ?????? ?????? ?????? ??? ?????? 2, ??? ?????? ???.

«????????? ?????????? ?????????????????? ??????? ??????????», ??? ???? ?????????? 3, ??? ?????????? «????????? ?????? ??????????????????», ??????? ??? ?????????? ??? ?? ?????????????? ??? ?? ?????? ?????? ?????? 2 ??????? ??? ?????????? ?????????? ?????????????? ??????? ?????????? ??? ?????? ?????? ?????????????? ??? ?????? ?????? ??? ?? ??? ?????? 3.

32 ?? ???????????, ?? ?? ??? ?????????? 3 ???????????, ?? ?? 135, ?????????? 1, ?????????? ??????????
????????? ?? ?????????? ?? ?? ?????????????? ?????? ?? ?????????????????? ??????????, ?? ?? ??????, ?? ?????? ?? ??, «?) [??] ??????,
????????????????? ?? ?? ???????????????, ?? ?????? ?? ?????? ??????????, ?????????????? ??????????????, ??????????,
????????? ?????????, ??????????, ?????????? ?? ?? ?????? ?????????» ?? «?) [??] ??????, ?????????????????? ??
?????????????????, ?? ?? ?????? ??????? ??????????, ?????????????????? ?? ?? ?????????? ?? ?? ?????????? ?????? ?? ??
?????????». ?? ?? ???????, ?? ?? ?????? ?????????? ?? ?? ?????? 2006/112 ?????????? ?? ?? ?????????????? ?? ??
????? 132, ?????????? 1, ?????????? ??, ?? ?????? 2006/112 ?????????? ?? ?? ?????????? ?? ?? ?????????? ?? ??
????????????????? ?? ?? ?????? ?? ?????????????????? ?????????? ??, ?????????, ?? ?? ?????????? ?? ?? ??????????
?? ?? ?????? ?? ?? ?????? ?????????????????? ?? ?? ?????? ?? ?? ?????????? ?? ?? ?????????? ?? ??

33 ????? ?????? ??? ?????? 132, ??????????? 1, ?????????? ???, ??? ??????? ??? ?????? 2006/112, ?????? ?? ?????????? ? ??????? ??? ?????? ?????? 132 ??? ?????? ???, ? ?????? ??????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? (??????? ??? 5?? ??????? 2016, TMD, C?412/15, EU:C:2016:738, ??? 30 ??? ????? ??????????? ??? ???????).

34 ???????, ?? ?????????? ??? ?? ?????????? ?????????? ??? ?? ?????????? 1, ??????? ??, ??? ?????? 2006/112 ??????? ??? ?? ?????? ?? ?????????? ?????????? ?????? ?? ?????? ?????? ?????????????? ?????????? ?????????? (??, ??? ???????, ?????? ?? 5?? ?????? 2016, TMD, C?412/15, EU:C:2016:738, ?????? 31 ??? 33).

35 ?????? ??????, ?????? ?? ??????????? ??? ?? ?????? ?????????? ??? ?????????? ??? ?????? 132 ??? ??????
2006/112 ?????? ?? ????????????, ??????, ?????????? ??? ?? ?????????? ?????? ?????????? ?????????????? ??? ??
????? ?????? ??? ? ??? ?????????? ??? ??? ?????? ?????? ?????????? ??? ?????????????? ?? ?????? ?????? ???
????????? ??? ??? (??., ??????, ?????? ??? 5?? ?????????? 2016, TMD, C?412/15, EU:C:2016:738, ?????? 34
??? ??? ?????????? ??????).

36 ??? ?? ??????? ??????? ?? ?? ?? ?????? ?? ?????????? ?? ?????? ?? ??????? ?? ?? ?????? 132, ??????????? 1, ??????? ??, ??? ??????? 2006/112 ?????????? ?????????? ?? ?? ?? ?????????? ?? ?????? ?? ?????? 132, ??? ?? ?????? ?????? ?????????????? ?? ?????? ???????????, ??? ?????? ?? ?? ?? ?? ?????? 132, ??? ?? ?????? ?????? ?????? ?????????????? ?? ?????? ???????????, ?????????? ?? ?? ?????????????? ?? ?????? ?? ?????? 135 ??? ?? ?????? ??????.

37 ????? ????????, ?? ???? 132, ?????????? 1, ?????????? ???, ??? ?????? 2006/112 ?????? ?? ?????????? ???
????? ?????? ??? ? ?????????????? ??? ???? ?????? ?????? ?????? ?????? ?????? ??? ???? ?????? ?? ???? ?????? ??? ???? ??????
????????????? ?????? ?????????? ??? ?????????????? ??? ?????????????? ??? ?????? ????. ????????, ?? ?????????? ???
????????? ??? ??? ???? ??? ?????? ?????? ?????? ?????? ?????? ?????????????? ??? ?????? ??? ???? ?????????????? ???
?????????, ? ?????? ??? ?????? ?????? ?????? ?????????????? ??? ?????? ??????????, ?? ?????????? ??? ??????????
?????.

38 ???????, ?????? ?? ??????????? ???, ?? ??????? ?? ?? ??????? ?? ??????? ??? ?????? ??????????, ?? ???????, ?? ??? ??????? 2003, Taksatorringen (C?8/01, EU:C:2003:621), ??? ??????? ??? ???? ??????? ??? ???? ???? 13, A, ??????? 1, ??????? ???, ??? ?????? [??? ?????????? ??? 132, ??????? 1, ??????? ???, ??? ?????? 2006/112] ??????? ?????????? ??? ??????? ??? ???????.

40 ?? ????? ?? ??????? ????? ??, ??????, ?? ?????????????? ?? ???? ?? ??????? ????? ?? ???? ??????? ??
??????????????, ?????? ??? ?????? 132, ??????????? 1, ??????? ???, ??? ??????? 2006/112, ??? ??????
?????????? ?? ?? ?????? 37 ??? ??????? ???????, ??????????? ??????? ??? ?????? ??????? ??????? (?)..,
???' ???????, ?????????? ??? 6?? ?????????? 2009, Asturcom Telecomunicaciones, C?40/08, EU:C:2009:615,
????? 37, ?????? ??? ??? 21?? ?????????? 2016, Gutiérrez Naranjo ?.., C?154/15, C?307/15 ??? C?308/15,
EU:C:2016:980, ????? 68).

43 ????? ????????, ? ??????? ?? ??????? ??????? ??????? ?? ??????? ??????? ?? ??????? ?? ??????? ?? ??????? ??
?????? 132, ??????? 1, ??????? ??, ??? ?????? 2006/112, ????? ?? ??????? ?? ??????? ?? ??????? ?? ??????? ??
??????, ????? ?? ??????? ?? ??????? ????? ?? ??????? ?? ??????? ?? ???????, ????? ?? ????? ?? ????? ?? ??????? ??
??????.

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

45 ?????????????? ?????? ??? ???? ????????????????, ???? ?????? ?????????????? ?????????? ?????? ?? ?????? ?
????????? ??? ?? ?????? 132, ?????????? 1, ?????????? ???, ??? ?????? 2006/112 ???? ??? ?????? ???
????????????? ??? ?????????? ????? ?????????? ?????? ??? ?????? ??? ?? ?????? ??? ?????? ?????????? ??????????
????????????? ??? ?????????????? ??? ?????? 132 ??? ?????? ?????? ??? ??, ??????, ?? ?????????? ??? ??????????
?? ?????? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ?????? ?????? ??? ?????????? ?????????? ?,
????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??? ?????????? ??? ?????? ???.

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

46 ?????????? ??? ? ??????? ??????????? ??? ?? ??? ????? ??????????? ??? ?????? ??? ?????? ??? ??????????

????????????????? ??? ??????? ??????? ??? ??????? ????????????, ?' ??? ????? ??????????? ?? ?????????? ??? ???

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

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

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

?? ?????? 132, ?????????? 1, ??????? ???, ??? ??????? 2006/112/? ?? ?? ???????????, ?? 28?? ?????????
2006, ??????? ?? ?? ?? ?????? ??????? ?????? ??????????????? ??????, ?? ?? ?????? ?????? ?? ? ??????????????? ??
????????? ?? ?????? ??????? ?????? ?? ?????? ?????????????? ??????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
????????????? ?????? ?????????????? ?? ?????? ?????? ?? ?????? 132 ?? ?????? ?????? ?? ?? ??, ??
?? ?????????? ?? ?????????? ?? ?????? ?? ?????? ?? ?????? ?????? ?????? ?????????????? ?????????????? ?? ??
?? ?????????????????? ??????????, ? ?????? ?? ?????? ?????? ?????? ?????????????? ?????? ??????????????, ??
????????? ?? ?????????? ??????.

Source

URL: <https://taxexperts.qa/????/????????????-??????/??????-c-32615-?????-????????????????->

[?????—?????-2006112?—?????-132](#)