

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

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

??? 8?? ?????????? 2018 (*)

«????????????? ?????????? – ????? ?????????????? ????? (???) – ?????? 2006/112/?? –
????????? – ????? 146, ?????????? 1, ??????? ??, ??? ????? 153 – ?????? ??????
????????? ????? ?????????????? ?? ??? ?????? ?????? – ?????? ?????????? ???
????????? ??? ?????? ?????? ?????? – ?????? ?????????? ??? ??? ?????? ?????? –
????????? ?????? – ?????? TIR»

???? ?????? C495/17,

?? ?????????? ?????? ?????????????? ?????????? ?????? ??? ?????? 267 ????, ???
?????? ?? Tribunalul Prahova (????????? Prahova, ???????) ?? ?????? ??? 14??
????????? 2017, ? ??? ?????? ?????? ??? ?????????? ??? 14 ?????????? 2017, ??? ??????
??? ????

Cartrans Spedition SRL

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**Direc?ia General? Regional? a Finan?elor Publice Ploie?ti – Administra?ia Jude?ean? a
Finan?elor Publice Prahova,**

**Direc?ia Regional? a Finan?elor Publice Bucure?ti – Administra?ia Fiscal? pentru
Contribuabili Mijlocii,**

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

????????? ??? ??? A. Prechal (?????????), ??????? ??? ?????? ??????????, ??????????????
??? ?????? ????????, C. Toader ??? A. Rosas, ????????,

????? ??????????: E. Sharpston

?????????: A. Calot Escobar

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

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

– ? Cartrans Spedition SRL, ?????????????? ??? ??? R. Ioni?? ??? ??? R. Popescu,

– ? ?????????? ????????, ?????????????? ??? ??? R. ?. Radu, ??? ???????
??? ??? C.?R. Can??r, ????? ??? ??? C.?M. Florescu ??? O.?C. Ichim,

– ? ?????????? ????????, ?????????????? ??? ??? L. Lozano Palacios ??? L. Radu
Bouyon,

???? ?????? ?? ?????? ??????????? ??? ???????? ??? ?????? ?? ???????????
?? 12?? ??????? 2018,

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

??????

1 H ?????? ?????????????? ?????????? ?????? ??? ???????? ??? ?????? 146, ???????????
1, ??????? ??, ??? ??? ?????? 153 ??? ?????? 2006/112/?? ??? ???????????, ??? 28??
????????? 2006, ??????? ?? ?? ????? ?????? ????? ?????????????? ????? (?? 2006, L 347,
. 1, ??? ????: ?????? ???).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ???????, ??????, ???
Cartrans Spedition SRL (??? ????: Cartrans) ???, ???????, ??? Direc?ia General? Regional? a
Finan?elor Publice Ploie?ti – Administra?ia Jude?ean? a Finan?elor Publice Prahova (??????
????????????? ?????????? ?????????? ?????????? Ploie?ti – ?????????? ??????????
????????? ?????????? Prahova, ???????) ??? ??? Direc?ia General? Regional? a Finan?elor
Publice Bucure?ti – Administra?ia Fiscal? pentru Contribuabili Mijlocii (?????? ??????????????
????????? ?????????? ?????????? ?????????? – ?????????? ?????????? ??????????
??????????????, ???????) ?????? ?? ??? ?????? ??? ?????????? ?????? ?? ??????????
?? ??? ??? ?????????????? ??? (???) ?????? ?????? ?????? ?????????? ???, ??? ??????
????????????????? ?? ??? ?????? ??? ?????? ?????? ?? ?????? ?????, ??? ??????
????????? ? Cartrans.

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

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

? ?????? ???

3 ?? ??? 131, ??? ?????????????? ??? ?????? 1 («?????? ??????») ??? ??????
IX («??????») ??? ?????? ???, ?????? ?? ???:

«?? ?????????? ??? ?????????? ??? ?????? 2 ??? 9 ?????????? ?? ??? ??????????
????? ?????????? ??? ?????? ??? ?? ??? ?????????? ??? ?????????? ?? ??? ?????? ???
?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?? ??? ?????????? ??? ?? ??????????
????? ?????????? ??????????, ?????????? ? ??????????..»

4 ?? ??? 146, ?????????? 1, ??? ?????????? ??? ?????? 6 («????????? ???
?????») ??? ?????? IX ??? ?????? ???, ?????????? ?? ???:

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

) ??? ?????????? ???, ??? ?????????? ??? ? ?????????? ??? ??? ?????? ???
????????? ??? ?????? ??? [????????? ???],

[...]

) ??? ?????? ??????????, ?????????????? ??? ?????????? ??? ??? ??????????
??????, ?????? ??? ?????? ??? ?????????????? ?????? ?? ?? ?????? 132 ??? 135, ???
????? ??? ?????? ?????????? ?? ??? ?????? ??? ??? ?????? ??? [...]».

5 ?? ??? 153, ??? ?????? ???, ??? ?????? ???, ?????????? ??? ?????????? 9, ?? ???

???????????? «????????? ??? ??????? ?????????? ??? ?????????????? ??? ??????????», ???
????? IX ??? ?? ??? ??????, ?????? ?? ??????:

«?? ??? ?????? ??? ?????????????? ??? ??????? ?????????? ?? ?????? ?????????????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????????? ??????, ?????? ?? ??? ??????
??? ?????????? ??? ?????????? 6, 7 ??? 8 ? ?? ?????? ?????????????????? ??? ??? [?????].»

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

6 ??? ?? ??? 4, ??? 16 ??? 17, ??? ?????? (???) 2913/92 ??? ??????????, ???
12? ?????? 1992, ??? ?????????? ?????????? ?????????? (?? 1992, L 302, ?. 1),
????? ??? ?????????? ?? ??? ?????? (??) 648/2005 ??? ?????????? ??????????
??? ??? ??????????, ??? 13? ?????? 2005 (?? 2005, L 117, ?. 13, ??? ????: ??????????
?????):

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

[...]

16) ?????????? ??????:

[...]

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

[...]

?) ? ??????.

17) ??????????: ??? ?? ??? ?????? ??? ?????? ?????????, ?? ??? ?????????????????? ???
??? ??????????, ?? ?????? ??? ?? ?????? ??? ?????????? ?? ?????????????? ??? ?????????????? ???
?????»..

7 ?? ????? 59, ?? ????? ?????????????? ??? ?????? 1 («????????? ??? ?????????????? ??
????????? ???») ??? ?????? 2 («????????? ???») ??? ?????? IV
(«????????? ???») ??? ?????????? ???, ?????????? ?? ??????:

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

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

8 ?? ????? 91 ??? ?????? ???, ?? ?????? ?????????? ??? ?????? |
(«????????? ???») ??? ?????? ? («????????? ???») ??? ?????? 3
(«????????? ???») ??? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ?? ???:

«1. ?? ?????????? ??? ?????????? ?????????????? ?????????? ??? ?????????? ?????? ???
?????? ??? ?????????? ?????? ??? [?????]:

[...]

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

2. ? ?????????? ??? ?????????? ??? ?????????? 1 ??????????????:

[...]

?) ?? ??? ?????? TIR (????????? TIR), ??? ??? ??? ???:

1) ? ?????????? ??? ?????? ? ?????????? ?? ?????????? ??? ?????? ??? [?????]

[...]».

9 ?? ?????? 161, ?????????? 1 ??? 2, ??? ?????????? ??????, ?? ?????? ??????????????
??? ?????? 4 («?????») ??? ?? ??? ?????? 2, ??????:

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

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

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

10 ?? ?????? 182?, ?????????? 1, ??? ?????????? ??????, ?? ?????? ??????????????
??? ?????? V, ?????????? «????????? ??? ?????????? ??? ?????? ??? ?????? ???
[?????], ????

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

11 ??? ?? ?????? 182?, ?????????? 1 ??? 2, ??? ?????????? ????:

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

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

? ??????? TIR

12 ? ?????????? ??????? ??? ?????? ?????????? ?????????? ?????????? ?????? ???
?????? TIR, ??? ??????? ??? ?????? ??? 14 ???????? 1975 ??? ???????? ?? ???????
??? ???????? ?????????? ?????????? ?? ??? ?????? (???) 2112/78 ??? ???????,
??? 25?? ??????? 1978 (Edi?ie special?, 02/vol. 1, p. 197), ?????? ?? ?????? ???
????????? ??????? 20 ??????? 1983 (?? 1983, L 31, ?. 13). ??? ?? ?????? ???
????? ?????????? ??? ?? ??? ???????.

13 ? ??????? TIR, ??? ?????????? ??? ?????????? ?? ??? ??????? 2009/477/?? ??
??????????, ??? 28?? ?????? 2009 (?? 2009, L 165, ?. 1) (?? ????: ?????? TIR), ???????
?? ????? 1:

«??? ??? ?????? ??? ??????? ????????

?) ?? ??? ??? “?????? TIR” ??????? ? ??????? ?????????? ??? ???????
????????? ?? ??????? ???????, ??? ??????? ?????????? ??? ?????????? ??
?????? ??????? ??? ?????????? “?????? TIR”?

?) ?? ??? ??? “????? ??????? ?? ?????? TIR” ??????? ?? ????? ??????? TIR, ??
????? ??????????????? ?? ?????????????? ?????? ??? ?? ?????????? ?????????? ??
(?????????) ??? ??????? ?????????? ? ?????? (?????????)?

[...]

?) ?? ??? ??? “?????? ?????? ?????? ?????????? ?? ?????? TIR” ??????? ? ??????? ???
????????? ??? ? ?????? ??????? ?? ?????? TIR ?????????? ?????? ??
????????? ????. ? ??????? ??? ?????????????? ??? ??? ?????????? ?????? ??
??? ??????? ??? ??????? ? ??? ?????????? ??? ?????????? ??? ?????????? ???
? ?????? (?????????) ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???
(?????????)?

[...]

??) ?? ??? ??? “??????” ?????? TIR ??????? ?? ??????? ??? ????? ?????????? ???
TIR ??????? ?? ??? ??????? ?????????? ??? ?????? ??? ?? ??????? ??? ??????
????????? ?????? ??????? ?? ??? ?????? TIR, ? ?????? ?????????? ???
????????? ?????? ?? ??????? ?? ?????????? ?? ?????? TIR ??? ?????? ??????????. ?
????????? ?????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ???
? ??? ?????????????? ?? ?? ?????? ?????? ??? ?? ?????? TIR ??? ??????
?????????, ??? ??????? ??????? ??? ??? ?????? ?????????? ??????????, ?????????? ???
????????? ??????? ??? ???????

[...]»

14 ?? ??? 4 ??? ?????? TIR ???????? ??? ?? ?????????? ??? ?????????? ???
?????? ??? ?????????? TIR ?? ??? ??? ?????? ??? ?????????? ?? ??????? ?
????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????

15 ??? ??? ?????????? ??? ?????????????? ????, ? ??????? TIR ?????????, ???
????????? ????, ?? ??? 3, ??????? ??, ?? ?????????? ?? ??????????, ???' ???
?? ??????? ??? ?????????? ???, ??? ?????????? ???????, ??? ?? ?????? TIR, ???
????????? ??? ?? ?????? ??? ?????????? ??? ??????? ???????.

16 ?? ?????? TIR ?????????? ??? ?????? ?????? ??? ?????????????? ?? ?????????? ??
????. 1 ??? ?? ??????? ??' ????. 2, ?? ?? ?????????? ???????, ??? ?? ??????
????????? ??? ?? ?????????? ???????, ?????????????? ?? ??? ?? ??????
????????? ??? ?? ?????? ??? ?????? ?? ?????? ?????????? ?? ??????????. ??? ?? ?????? ???
????????? ??? ?? ?????? ??' ????. 1 ?????????? ??? ?????????? ??????????. ?
????????? ?????????????? ?????? ?????? ?????????? ??' ????. 2 ??? ?? ??????
????? ??? ?????????? ??? ?????? ?????????? ??????. ? ?????????? ??? ??????????????
??? ??? ?????? ??? ?? ?????? ?????????? ?? ??????????, ?? ?? ?????????????? ??? ??????
????? ??? ?????? ??? ?? ?????? ?????????? ??? ??????????.

?? ?????????? ?????????? (?? ?? ?????? TIR)

17 ?? ?????????? ?????????????? ??? ?? ??????? TIR (?????? TAXUD/1873/2007)
????????? ??? ?? ?????????? ??????? ??? ?????????? ??? ?????????? ?????????????? ???
(????? ?????????????? – TIR). ??? ????? IX ??? ?????????? ??? ?????????????? ??
????? 1 ??? ???????, ??? ??????? 2, ?? ???:

«[...] ?? ?????? TIR [...] ??????? ?????????? ?????????? ??? ?? ??????? ?????????????? ???
[...] ??????? ??????? ??? ?????? [...] ?? ?????? TIR ?????????????? ??
????? ??? ??? ?????????? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???
??? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ??????????.

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

18 ?? ????? 143, ?????????? 1, ??????? c, ??? Legea nr. 571/2003 privind Codul fiscal
(????? 571/2003 ??? ?????????? ??????), ??? 22?? ?????????? 2003 (*Monitorul Oficial al
României*, ??? I, ????. 927 ??? 23?? ?????????? 2003), ??? ?????? ??? ?? ?????? ???
????????? ?????????? ??? ?????? ????? (?? ????: ?????????? ??????), ??????????
?? ???:

«??? ??? ??? ??????????:

[...]

c) ?? ?????? ???????, ?????????????? ??? ?????????? ??? ?? ??????? ??? ?? ?????????? ???
????????? ???????, ??? ?????? ??? ?????? ?? ?????? 141, ?? ?????? ?????????? ???
?? ??? ?????? ???».

19 ??? ?? ????? 144 ??? ?????????? ????:

«????????????? ??? ??? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??
????????? ??? ??? ?? ?????????? ??? ?????, ??? ?? ?????????? ??? ?????????????? ???
????????? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????? 143 ??? 144 [...].»

20 ??? ?? ????? 4, ?????????? 2, ??? Ordinul nr. 2222/2006 al ministrului finan?elor publice
privind aprobarea Instruc?iunilor de aplicare a scutirii de tax? pe valoarea ad?ugat? pentru
opera?iunile prev?zute la articolul 143 alineatul (1) literele a)-i), articolul 143 alineatul (2) ?i
articolul 144 din Legea nr. 571/2003 privind Codul fiscal (????????? ????. 2222/2006 ???

????????? ??????????? ??????? ?? ??? ??????? ??? ?????? ?????????? ??? ?? ???? ???????
??? ?? ??? ??? ?????????????? ??? ?? ??? ?????? ??? ?????? ??? ?????? ?? ??? 143,
?????????? 1, ??????? a ?? i, ?? ????? 143, ?????????? 2, ??? ?? ??? 144 bis ??? ???
571/2003 ??? ?????????? ????, ??? ????: ?????????? ??????? 2222/2006):

«? ??????? ?? ??? ?? ??? ??????? ?? ??? 143, ?????????? 1, ??????? c, ???
?????????? ????, ??? ?? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?? ???
?????? ????, ?????????? ??? ?? ??? ?????? ??? ?????? [...] . ?? ??????? ???
????????? ??? ?? ??? ?????? ??? ?? ??? ?????:

- a) ?? ??????? [...] ?, ??? ???????, ??? ?????? ?? ??? ?????? ??? ??????? ??? ???????
?? ??????? ????, ?? ?????? ??? ?????? ??? [...]
- b) ? ??????? ?? ??? ??????? ?? ??? ?????? ??? ???????
- c) ?? ??? ?? ??? ??????? 4 ?????? ?????? ???????, ??????? ??? ?????? ??? ???????
?, ???????, ??????? ??? ?? ??? ???????
- d) ??????? ?? ??? ?? ?????? ??????? ???? ?????? ??? ?????????????? ????.»

21 ?? ??? ?????? ?????? ?????????? ????, ??? ? ??????? ?????????? ??? ?? ???? ?
????????? ??? 4, ?????????? 4, ??? ?????????? ??????? 2222/2006, ??
????? ?????????? ?? ??? 4, ?????????? 2, ??? c, ???, ???, ???, ???, ??
«????? TIR» ?? ?? ?????? ?????? ??????? ?? ??????? ?????? ???????.

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

22 ? Cartrans, ??????? ?? ??? ?? ???????, ??? ?????? ?????? ??? ?????????? ????
????????????? ????. ??????? ?????????? ???????, ??? ?????????????? ????
?????? ??? ?? ??? ?????? ??? 13 ??????? 2014, ??? ??????? ??? ?? ??? 16 203
????????? ??? (RON) (?????? 3 650 ????) ??? ??? ?????? ?????????? ??????? ??????????
?????? ?????????? ??? ?????????? ?? ?????? ?????????? ???????, ?????????? ??? 67 512
RON (?????? 15 160 ????), ?? ??? ?????? ?? ??? ?????? ?????????????? ??? ?? ???
?????? ??????? ?? ??? 2012 ??? ?? ??????, ?? ??? ??? ?????? ??? 2012 ??? ??
??????, ? ??? ??? ?? ?????????? ??? 2013 ??? ?? ??? ??? ?????? ??? ?? ??????? ???
2014 ??? ?? ???????.

23 ??????? ?? ??? ?????? ??? ?????????? ??? ?? ??? ?????? ??? ??????? ??? ??????????
?????? ?? ??? ?? ??? ?????? ??????? ????, ? Cartrans ??? ??????? ?? ???
????????? ?? ??? ?? ??? ?????? ??? ?????? ?????? ???????, ??????? ?? ???
?? ??? ?? ??????????, ??? ?? ??? ?? ??? ??????, ??? ?????????? ?????????? ???????
?? ?? ?????????? ??? ?? ?????????? ???????.

24 ? Cartrans ?????? ??????? ??????? ??? Tribunalul Prahova (????????? Prahova,
??????) ??? ?? ?????? ??????? ??????? ????. ??? ?????? ??? ?????????? ???, ??????????
?? ?? ??????? ??? ??????, ?? ?????????? ?? ?????? TIR ??? ?? ?????????? CMR (???
????????????? ??? ?? ?????? ??? ?????? ??? ?????? ??????? ??? ?? ??? ?????? ?????? ???????
?????????????, ??? ??????? ??? ?????? ??? 19 1956, ??? ?????????????? ?? ??
????????? ??? 5? ?????? 1978), ?? ?????? ??? ?????? ??????? ??? ?? ??? ??????????
????????? ??? ?????? ??? ?????? ??? ?????? ?????????????? ?? ?? ??? ?????? ??? ?????????? ???
????????? ??? ?????? ?????????????? ?? ?? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??? ?????? 4, ?????????? 2, ?????? d, ??? ?????????? ??????? 2222/2006,
??? ??????? ??? ?? ??? ??? ?. ? Cartrans ?????????? ?????????? ??? ?? ??? TIR

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

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

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

27 ??? ??? ?????????? ????, ?? Tribunalul Prahova (????????? Prahova) ?????????? ??
????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?? ?????? ??? ?????????? ?? ?????? ???
????????? ??????:

«1) ?????????? ?????? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??????, ??? ??
????????? ?????????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ??????????
????????? ?? ??? ?????? ??????, ??????? ?? ??? [?????? ???], ?????? TIR ?? ?????? ???
??? ?????????? ??? ??? ?????? ??????????, ?????????????? ??? ?????? ??? ?????????? ??? ??
???? ?????????? ?????????? ?????????????? ??? ?????????? ??? ?????? ??? [?????????]
????????????? ??? ?? ?????? TIR] ??? ?????????? ??????????;

2) ?????????? ??? ??? 153 ??? [?????? ???] ?????????? ?????????? ??? ?????????? ??
??? ?????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ?????????? ???
????????? ??? ?????????? ??? ??? ??? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ??? ?????????? ??? ??? ?????? ?????????? ??? ?????????? TIR ?????????? ??? ??
????????? ??? ?????? ??????????;»

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

28 ??????????????, ?????? ?? ?????????? ???, ??? ?? ?????? 153, ?????? ??????, ???
????????? ???, ?? ?????? ??? ?????????????? ?? ?????????? ??? ?????????? ?????????? ???
????????? ?????????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????? ??? ??????????
????????? ?????? ?? ??? ?????? ??? ?????????? ??? ?????????? ?????, ??? ?????? ??? ?????? 6 ??? ??????
?? ??? ?????? ???.

29 ??? ?? ??? 146, ?????????? 1, ??????? ??, ??? ?????? ???, ?? ??????
????????????? ??? ?????? 6 ??? ?????? ?? ???, ?? ?????? ??? ?????????? ???
????????????? ??? ??? ??? ?????? ??????????, ?????????????? ??? ?????? ??? ?????????? ???
??? ?????????? ????, ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ????
????? (??., ??????, ?????? ??? 29?? ?????? 2017, L.?, C?288/16, EU:C:2017:502, ???
20).

30 ?? ??????????, ??????? ?? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ?????????? ??? ?????? 153 ??? ?????? ???, ? ?????? ??? ?????? ?????????? ???
?????????, ??? ??? ?????????? ??? ? Cartrans ?????? ?????? ??? ?????? ??????????
????? ??? ?????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????????? ?????????? ???, ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

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

31 ??? ??? ??? ??????? ????, ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????????
??? ??? ??? ??????? ??? ?? ?????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??
????????? ???, ??? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????? ??? ?????????? ??, ?? ?? ?????? 153 ??? ?????? ???, ?? ?????????? ?? ?? ?????? 146,
????????? 1, ??????? ??, ??? ?????? ???, ?????? ?????? ?????? ?????????? ?????????? ??? ?? ???
????????? ??, ?? ?????????? ??? ?????? ?????? ?????? ?????????? ??????????.

32 ??????, ??????? ?? ??????? ??????? ??????? ?????????? ??? ?????????? ??????? ??
????????? ??? ?????????? ??? ??????? ??, ??? ?? ??????? ??? ?????????? ??? ?????????? ??
????????? ??????? ??, ??? ??????? ?????? ?????????? ? ?????? ?????????? ??? ?????? 20
??? ?????????? ??, ?? ?????????? ??? ?????????? ?????????? ???????, ???' ??????, ??
????????? ??? ?????? ?? ?????????? ??? ?? ?????????? ?????? ??? ?????????? ??? ?? ??? ??.

33 ?????????? ??? ?????? ??? ???????, ?????? ?? ?????? ?????? ???, ?? ?? ??? ??????????
??, ?? ?????? ?????? ?? ?????????? ??? ??????, ?? ?????? ?????????? ???, ???' ??????,
?? ?? ?????? 146, ?????????? 1, ??????? ??, ??? ?????? ???, ??? ?????????? ???, ?? ??
????? ?????? ?? ?????????? ?? ?? ?????? 153 ??? ?????? ?????? ?????? ?????????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????????? ??? ??
??, ?????????? ??, ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??
????????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????????? ??
??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ?? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? TIR, ?????????? ??, ?? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??
????? ?????? ?????????? ??, ?? ?????? ?????????? ?????? ?????? ?????? ?????? ??' ?????? ??? ??
????? ?????????? ??, ?? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???.

34 ?????, ??? ?????? ??? ??????? ??? ?????????? ??? ?????????? ??? ?????? 146, ?????????? 1,
????????? ??, ?? ?????? ???, ?????? ?? ?????????? ??? ?????? ??? ? ?????????? ???
????????? ?????????? ??? ?????? ??? ?????? ??? ?????? 146, ?????????? 1, ?????????? ??, ??
????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????????? ???, ?? ??
????????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
????? ?????????? ??? ?????? ?????? ?????? ?????? (????????? ??? 29?? ?????? 2017, L.,
C?288/16, EU:C:2017:502, ??? 19).

35 ?? ??????????, ??????????, ???????, ???????, ??? ?????? ?????????? ???, ??? ??? ?????? ???
????????? ??? ??, ??? ?????? ?? ?????? ??? ?????????? ???, ?????? ?????? ?????????? ???
?? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????????? ???
??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ???
????????? ??? ??, ??? ?????? ???, ??? ?????? ???, ??? ?????? ?????? ??? ?? ?????? ??? ??
????? 146, ?????????? 1, ??????? ??, ??? ?????? ???, ??? ?? ?????? ?????????? ??? ??
??? ??? ?? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??? ?????? ???
??????, ??? ?????? ??? ?????? ?????? ?????? ??? ?? ?????? ??? ?????? ???, ?? ?? ?????? ???
?? ?????????? ??? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???, ??
??? ?????????? ??? ??, ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???.

36 ????????, ?? ???? ?????????? ?????????? ?????????? ??? ?????????? ??? ? ??????
????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ?????? ?????????? ??? ????
??? ?????????? ?????????? ?????? ??? ?????????? ??? ?????? ??? ?????? ?????, ??????? ??
????? ??? ?????? ?? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
??? ?????????? ??? ? ?????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????,
????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???????, ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

37 ???????, ?????????????? ???, ??????? ?????????????? ?????? ?????? ?????? ??? ??
??? ??? ???? ?? ?????????? ?????? ??? ?? ?????????? ??? ?? ?????? ??? ?????? ??? ??
????????????? ?????????? ?? ??? ????? ?????????? ?????? ??? ?? ???, ?????????? ??? ??
????? ??? ?? ??????????, ??????? ?? ?? ????? 131 ??? ?????? ??????, ??? ?????????? ??? ??
??? ??? ?????? ?????????? ??? ?? ??? ?????? ??? ?????? ?????? ??????, ??? ?????????? ??? ??
????? ??? ?????? ?????????? ??? ?? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ??
???????????, ?????????? ??? ??????????. ??????????, ??? ??? ?????? ??? ?????? ??? ??????????
????, ?? ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ?? ??????
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????????
?? ??? ?????? ??? ?????????? ?????? ??? ??? ?????????????? (??., ???????, ??????? ?? ?? 9??
????????? 2014, Traum, C?492/13, EU:C:2014:2267, ??? 27 ??? ?????? ??????????).

38 ????? ?????? ??? ???. ??????????????????, ?????? ????? ??????????? ?? ??? ???? ??
????? ?????????? ??? ???. ?????????????? ??? ???. ?????? ?????????? ??? ???. ?????? ?????????? ??? ???.
?? ?????????? ???, ?? ?????????? ?????????? ??? ???. ??? ???. ??? ???. ?????? ?????????? ??? ???.
???????????, ??? ???. ?? ?????????? ??? ???. ?????? ???. ?????????? ??? ???. ?????????? ??? ???.
?? ?????????? ?? ???. ??? ???. ?????? ?????? ???. ?????? ???. ?????? ?????? ???. ?????? ?????? ???.
????? ?? ???. ?????????? ??? ???. ?????? ?????? ???. ?????? ???. ?????? ?????? ???. ?????? ?????? ???.
(????? ???. 9?? ?????????? 2017, Euro Tyre, C?21/16, EU:C:2017:106, ??? 34 ???.
????????? ??? ??????????).

39 ??????? ??????????? ?? ?? ??? ?????????????? ????????????????, ? ????. ??? ??????????????
????????????? ?????????? ?? ??????? ?????????? ??? ??? ?? ?????? ??? ?? ??
????????????? ??? ????? ?????????????? ?????????? ?????????????? (??., ???????,
?????? ?? 9?? ??????????? 2017, Euro Tyre, C?21/16, EU:C:2017:106, ????. 35 ??? ???.
????????????? ??????????).

40 ????? ?? ??????????? ?? ??????????????, ?????????????? ????? ?? ?????????????? ????? ??
?????? ? ?? ??????? ??????? ?????????? ??????? ?? ?????????????? ?? ??????? ??
????????????? ??????????? ?? ??? ?? ??? (????????? ?? 9?? ?????????????? 2017, Euro Tyre,
C?21/16, EU:C:2017:106, ????? 38 ??? ??? ?????????????? ???????????)).

41 ???????, ??? ??????? ?? ?????????????? ? ??? ?? ?????????????? ??????????????, ?? ???
?? ??????? ?? ?? ?, ?? ?????? ?????????????? ??? ?? ?????? ?? ?????? ?? ?????????? ?? ??????
?? ???????????, ?????????????? ?? ?????????????? ?? ?????? ?????? ?????????? ?? (?????? ?? ?
9?? ??????????? 2017, Euro Tyre, C?21/16, EU:C:2017:106, ??? 39 ??? ??? ???????????
?????????). ??? ?? ?????????? ?? ?????????????, ??? ?????????? ?? ?????? ?? ?????? ?? ????
?? ?? ??????????? ?? ?? ?????????????? ?? ?????????? ?????????? ?? ?? ?? ?????????? ?? ?
????? ?? ?????? ?????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?? ?????????? ?? ?
?? ??????????????? ?? ?? ?????? ?? ?????????? ?? ?????????? ?? ?? ?????????? ??

?????????? ??? ? ?????????????? ?????????????? ??? ???? ?????? ?????? ?? ??????? ?? ??????? ?? ??
? ?????? ??? ?????????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?? ??????? ?? ??????? ?? ??
????? ??? ?? ?????? ??? ?????????? ?????? ?? ?????? ??? ?????? ?? ?????? ???????, ??? ?????? ??
?? ??????????? ?? ?????????? ?????????? ??? ??? (?????? ?? 9?? ??????????? 2017,
Euro Tyre, C?21/16, EU:C:2017:106, ??? 40 ??? ??? ?????????? ??????????).

42 ????????, ? ?? ?????? ??? ?????????? ?????????????? ??????? ?? ?????????? ?? ???????
????????? ??? ?? ??? ??? ??? ?? ?????????? ?? ?????????? ?? ??????? ?? ?????? ??????????
????????? ??? ?????? ??? ?????????? ?????????????? (?????? ?? 9?? ??????????? 2017,
Euro Tyre, C?21/16, EU:C:2017:106, ??? 42 ??? ??? ?????????? ??????????).

43 ??? ?????, ??? ?? ??????????, ?? ?????????????? ?????????????? ?????????????? ??? ?? ???????
????????? ??????????, ??? ????? ?? ?????? ?????? ?? ?????? 146, ?????????? 1, ???????
??, ??? ?????? ???, ??? ?? ?????? ??? ?????? ?????? ??? ? ?????? ??? ?????? ??
????????? ??? ?? ??? ??? ?????? ?????? ?? ?????? ?? ?????? ?????? ?????? ???.

44 ?????? ??? ?? ??? ?????????? ?????????????? ?????????????? ?????????? ??? ??
????????? ??? ?? ??? 35 ??? ?????????? ?????????, ? ?????? ?????? ?????? ?????? ??? ??
????????? ?????? ??? ?????????? ??????, ? ?? ?????? ??? ?????? ?????? ?????? ???, ??? ??????????
?? ?? ?????? 146, ?????????? 1, ??????? ??, ??? ?????? ???, ?? ?????? ??? ?????? ???
????????? ??? ? ?????????? ??? ?? ?????? ?? ?????? ?? ?????? ??? ?????? ??? ?????? ???.

45 ???????, ? ?????? ?????????? ?????????? ??? ?????????????? ??? ?? ?????? ??? ?????? ??? ??
?????? 146, ?????????? 1, ??????? ??, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??????? ??? ??????????, ? ?????? ?????? ??? ?????????? ??? ?????, ??????????? ??
????? ?????????? ??? ?????????? ??? ?????? ???, ?????? ???, ???????????, ???????????
????? ???????, ??? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? 146, ?????????? 1,
?????? ??, ??? ?????? ???.

46 ??????????, ??? ??????????????, ??? ?????????????? ??? ?????? ?????? 34 ?? 35 ??
????????? ???????, ??? ? ?????? ?????????? ?????????? ??? ?????????????? ???' ?????? ???
????? ??????? ?????? ?????????? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????? ???????
????????? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??????????
?????????, ???????????, ??? ?? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????
?????, ??? ?????????? ??? ?????????? ??? ?? ?????? ?????????? ??? ?????? ??? ??????
????????? ??? ??? ?????????? ???, ??? ??? ??? ?????????? ??? ?????? ??? ??????????
?????????.

47 ?????? ?????? ?? ?????????? ??? ??? ?? ?????????? ??? ?????????????? ??? ?? ?????? 146,
????????? 1, ??? ?????? ??? ?????? ??? ??????????, ??? ?????????? ??? ?? ?????? ??? ?? ??? ??
?????, «????????? ??? ??? ??????».

48 ??? ??? ??????? ????, ?????????? ??? ?????? ?????? ?????????? ?????????? ?? ??????? ??
????????? ??? ?? ??? ?????? ??? ?????? 146, ?????????? 1, ??????? ??, ??? ??????? ??
????? ???, ??? ?????????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??? ?????????? ??
????????? ??? ?????? ??? ?????? ?????????? ??????, ?????? ??? ?????? 153 ??? ?? ??? ?????? ???????,
????? ???' ?????? ?????? ?? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????????
????? ??? ??????, ??? ? ?????????????? ??? ?????? ??? ?????? ?????? ?????? ??? ??????????????
????? ??? ?????? ?????????? ??? ??? ?????? ?????? ?????? ?????? ?????? ??? ??????????
?????, ?? ?? ??????, ??? ??? ?????????? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
?? ?????????? ??? ?????????? ??? ??????, ???????, ?? ?????? ?????? ?????? ?????? ?????????? ???
??? ?????? ??? ?????????? ??? ?????? ?????? 38 ??? ?????? ??????.

49 ???????????, ??? ???? ?????????? ??? ? ?????????? ??? ?????????? ?????????? ??????????
???? ???? ?????? ?????????? ??? ? ?????????????? ?????? ?????????? ? ??????, ?????????? ??
????????? ??? ?????????????? ??? ???????, ?????? ? ? ?????????? ?????????? ?????????? ?????????,
????????????? ???' ?????? ??? ?????? ??? ????? ?????????????? ?????????? ??? ???????
???? ???? ?????? ?????????? ??? ? ???? ?????? ??? ?????????? ??? ? ???? ?????? ?? ??? ??? ??
?????.

50 ????????, ? ?????? ????? ????? ?????????????????? ?????????? ?????????? ??
????????????? ?? ??? ?????????? ??? ?????????????? ?????????????? ??? ?????????? ??????????
?????????????, ???? ??? ?????? ??? ?????????????? ??? ?????????????? ??? ?????????? 38 ??? 39
??? ?????????? ??????????, ???? ?? ?????????????? ?? ?????? ??? ?????? ?????? ?????????????? ??????????
?? ??????????? ??????????? ??? ?????? ?? ?????? ??? ??????. ?? ?????????? ??? ?????? ???
?????????? ? ??????? ??? ??????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ?? ?????? ??
?????????? ?????????? ??????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ???
????????????? ???????.

52 ??????????? ?? ??????? ?????? ??????????????? ?????????? ?? ?? ??????????????? ??
?????????? ?? ??????????? ??????????????? ?? ?? ?????? ?????????? ?? ?????????? ??
?????????? ?? ??????????? ?? ?? 146, ?????????? 1, ?????????? ??, ?? ???????
?????????? ??, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? 39 ??
?????????? ??, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ??
?????????????? ?? ?? ?? ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ??
?? ?? ??????????? ?? ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ??????. ???????, ?? ??
?? ?? ??????? ?? ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ?? ???????, ??
?? ?? ??????? ?? ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ???????, ?? ?? ???????, ??
?? ?? ???????.

53 ???????, ??? ?????? ?????? ? ?????? ?????????? ??? ?????? 40 ??? ??????????
???, ? ?????????? ??? ??? ?????? ??? ?????? ??? ?? ?????????? ??? ?????????? ??? ?????? ??????
????? ??? ??? ? ?????????? ? ? ?????? ?????? ?? ?????????? ?? ?????????? ?? ?????????? ??
??????????, ?????????? ?? ?????????? ??? ?????? ?????? ?????????? ???, ? ???, ??
????????? ??? ??? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?? ??? ??????
?????????, ?? ?????? ??? ?????? ?? ?????????? ?? ?????????? ??? ?????? ?????? ??????????
?? ?????????? ??? ?????????? ???.

54 ???? ?? ?????????????? ?????????? ??? ?????????? ?????????? ?????????? ??????? ??
????????? ?? ?????????? ?????????? ??? ??? ??? ??? ?????????? ?????????? ?????????? ??
????? ??? ?????????????? ?? ??? ??? ?????????? ?????? ??? ?????? ?, ??? ?????? ??????????
??? ?????? 146, ?????????? 1, ?????????? ??, ??? ?????????? ???, ? ??? ??? ?????? ??????????
????????? ?? ?????????????????? ??? ??????????, ??? ?????????????? ??? ?????? 153 ???
????????? ????, ??? ??? ??? ??? ??? ?????? ??? ? ?????????????? ?????????? ??? ?????????? ???

????? ?? ??? ???? ??????????? ??????????? ?????????? ??? ?? ??? ????? ??????? ???
?????? ?? ?? ?????????? ??? ?????????? ??? ??????? 38 ??? ??????? ??????? ???.

55 ?? ?????? ?? ??????????? ??? ???? ??? ?????????? ???????, ??? ?????? ???????
????????? ?????? ??? ?????? ??? ?????????? ??? ?????????????? ?????????? ??? ??
????? ??????? ?? ??????, ??? ?????????? ??? ?????? 37 ??? ??????? ???????, ??
????? ??? ??? ?????????? ??? ?????????? ???????, ???????, ??? ?? ???
????? ??? ??????? ?? ??????? ??????? ???, ???????, ?? ??? ?? ??????? ???
????????? ??? ??? ?????? (?????? ??? 9?? ??????? 2014, Traum, C?492/13,
EU:C:2014:2267, ??? 28 ??? ?????????? ???????).

56 ? ??? ?? ?????? ?? ??????? ?? ?????????? ?? ?????????? ???????????, ??? ?????? ?????????? ???
????????? ??? ?????? ?? ?????? ?????????? ???????????, ??? ?? ??????? ??
????????????? ?? ?????????? ?? ??????? ??? ?????? ??? ?????????? ??? ??
?????????. ???????, ?? ?????????? ??? ?????? ?????? ??? ?????????? ??? ???????????
???? ?????????? ??? ?????? ?????? ?? ?????????? (?? . ??????? ??? 9?? ??????? 2014,
Traum, C?492/13, EU:C:2014:2267, ??? 29 ??? ?????????? ???????).

57 ??????, ?? ?????????? ??? ?????????????? ??? ?? ?????????? ??? ?? ??????????
????????? ??? ?????? ?????? ? ?????????? ??? ??????? ??? ?????? ?? ?????????? ???
?? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ??
????????? ?????? ??? ?????????? ??? ?????????? ?????? (?????? ??? 9??
????????? 2014, Traum, C?492/13, EU:C:2014:2267, ??? 30 ??? ?????????? ???
?????????).

58 ?? ??????????, ??? ?????????????? ?? ?????? ?????????? ??? ?? ?????????? ???
????????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ?? ??????? ??? ?????? ???
????? ?????? ???????, ? ?????? ???????, ??? ?????? ???, ?????? ??? ??????????
????????? ?? ?????? ??? ?????????????? ??? ?? ?????? ??? ?????????? ?? ?????? ???
????????? ? ?????? ??? ?????????????? ???.

59 ??? ??? ??????? ????, ? ?????? ??? ?????? ??? ?????????? ??? ??????? ???
?????? ??? ??? ?????????? ??? ?????????? ??? ??? ??? ??? ?????????? ??? ??????? ??
????? ?????????? ??? ?????? 55 ??? 57 ??? ??????? ???.

60 ??????, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?? ??????
????????? ?? ?????????? ??? ?????????? ??? ?????????? ? ?????????? ??? ?????? ???
?? ??? ?????? ?????? ?? ?????? ?????? ?????????? ??? ?????? ?????????? ??? ??????????
????????? ?? ?????????? ??? ?????????? ??? ??? ??? ?????? ?????????? ??? ?????? 146,
????????? 1, ??????? ?, ??? ?????? ???, ?????? ?? ?????????? ??? ?????? ??? ??
??????, ??? ??? ?????????? ???, ?????????? ??? ?????? ?? ?????????? ??? ?????? ???
??? ????????? TIR, ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??? ??
????? ???.

61 ?? ??? 91, ?????????? 1, ??????? ??, ??? 2, ??????? ??, ??? ?????????? ???
????????? ??? ? ?????????? ?????????? ??? ?????? ??? ?????????? ??? ?????? ???
? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ???????, ?? ?????????? ???
??? ?????????? ??? ?????? ?? ?????????? ??? ?????? ???????, ??? ?????????? ???
????????????, ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????? ??? ?????? TIR.

62 ?? ?????? TIR ??????, ??? ?????????? ??? ??? ?????????? ??? ?????????? TIR, ???
??? ?? ??? 1, ?????????? ?? ??? ???, ?? ?????????? ??? ??? ?? ??? ?????? ???

????????????????? ??? ?? ?????????? ??? ??????? ?????????????? ??? ?????????? ??????????????,
????????? ??? ??????????, ?????? ?? ?? ?????????? ??? ?? ?????????? ???, ??? ?? ??????,
????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ??? ?????? 16 ??? ??????
????????, ?????????? ?? ?????????? ?????? ? ?????????? ??? ?????????? ?????????? ??????????
TIR ?????? ?????????? ??? ?????????????? ?????? ?? ??????????.

63 ???? ?? ??????????????? ?????????? ?? ???? ?? ????? TIR ??????? ??????????, ?????? ???
???? ??????????? ?? ???? ?? ???? ????? ???????????, ??????? ?????? ??????? ?? ????
?????? ??' ????? ?? ????? ?? ?????????? ?? ???? ?? ?? ????? ?????? ?????? ?????????????? ?? ???? ?? ????
???? ??????????? ?? ???? ?? ???? ?????? ?? ???? ?????? ?? ???? ?? ???? ?????? ?? ???? ?? ???? ?? ????.

64 ???????????, ??? ?????? ?????????? ??????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ????? ?????????? ????? ?? ?? ??? ?? ?????? ?????? TIR ??????
????????? ??????? ??? ?????? ?????????? ??? ?? ?????????? ??? ??? ?????? ???
????????????? ??? ??? ?????? (??., ???' ??????????, ??????? ??? 27?? ?????????? 2007,
Teleos ???., C?409/04, EU:C:2007:548, ??? 37).

65 ????????, ??? ???? ?????? ?????? ?????????? ?????????? ?????????????????? ??? ???.
?????? ?????? TIR, ?? ?????? ??? ??????, ?? ??? ?????? ?????? ??? ?? ???? ??????
????????? ?? ??? ?? ?????? ?????????????? ? ??? ?????????????? ??? ?? ??? ?????? ?????? ??? ??.
????????? ???, ?? ??? ?????? ?????????? ?????? ??? ?????????????? ?????? ??? ???????????.
????????? ?????? ??? ?????? ??? ?? ??? ?????? ?????? ?????????? ?????? ??? ??????????.

67 ???????, ?????????? ?? ???? ?? ???? ????? ?? ?????????? ?????? ?????? ?? ??????? ??
????????? ?? ???? ?? ???? CMR, ??? ???? ?? ???? ?????? ??????? ?? ????
?????????, ?????????? ?? ?????????? ?? ???? ??????, ??? ???????, ??? ???????, ??
??????????, ??? ???????????, ??? ?????????? ?????? ?? ???? ???????????
??????????.

68 ?????????????? ?????? ??? ??????? ????? ????????, ??? ?????????????? ??????????
?????? ?? ????? ? ??????? ???, ??????, ?? ????? 146, ?????????? 1, ??????? ??, ???
?????? ??? ???, ???????, ?? ??? ????? ??????? ?? ?????????? ?? ?? ?????? 153 ??? ?????
?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ?? ?????????? ?? ??????????
?????? ?????? ?????? ??? ?????? ? ??????? ??? ??? ???, ???????????, ??? ??? ??????
????????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ??? ???
????????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???
????????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???
????? ?????????? ?????? ?????? ??? ?????? ?????? ??????. ???????, ??? ?????????? ???
??????????, ?????????? ?? ?????????? ??? ?????? ?????? ??? ?? ?????? ???????, ?? ?????????? ???
??? ?? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
????? ? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????. ???
????? ???, ?????? TIR ?????????? ??? ??? ?????????? ?????? ??? ?????? ??? ??????
????????? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ???, ??????
????????? ?? ???? ??? ?? ??? ?????? ?????? ?????????? ???' ?????? ?? ?????????? ???????, ???
????? ?? ?????? ?????????????? ??? ?????? ?? ?????????? ??? ??? ?????????? ??? ?????? ???
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69 ?????????? ??? ? ??????? ?????????? ??? ?? ??? ????? ????? ?????????? ??? ?????? ???
??? ?????????? ?????????????? ??? ??????? ?????????? ??? ?????? ??? ?????????? ??????????, ?' ????
????????????? ?? ?????????? ??? ??? ?????????? ??????. ?? ?????? ??? ????? ??????????????
???? ??????? ?????????????? ??? ???????????, ??? ??? ?? ??? ???????, ??? ??????????.

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

?? ?????? 146, ??????????? 1, ??????? ??, ??? ?????? 2006/112/?? ??? ??????????,
?? 28?? ?????????? 2006, ??????? ?? ?? ????? ?????? ?????? ?????? ?????????????? ????,
??????, ??? ? ? ? ????? ??????? ?? ?????????? ?? ?? ?????? 153 ??? ?????? ???????,
???????, ?????? ?? ?????????? ?????? ?? ??????? ?? ?????? ??? ?????????? ?? ?? ??????????
???????, ?????? ?????? ?????? ?????? ?????? ?? ?????? ? ??????? ??? ?? ??? ??
????????????? ????, ???????????, ??? ?? ?????? ?????? ?????????? ?????????? ????
????? ??? ?????? ??????????? ?? ?????????? ?????? ??? ?? ??? ?? ?????? ?????????? ???
????????????????? ??? ?????????? ?????? ??? ?????????? ??? ?????????? ?????? ??????????
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????????? ?????? ?????? ??? ?????????? ??????. ???????, ??? ?????????? ???
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???? ?????? ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ???
???? ?????????? ?????? ? ??????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ??????. ??? ??????? ???, ?????? TIR ?????????? ??? ?? ??? ??????????????
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??
????????? ??? ??? ?????? ??? ?????? ?????????? ?? ?????? ?? ?? ??? ?????? ?????? ?????????? ???'
????? ?? ?????????? ?????? ?????, ?????? ?? ?????? ?????????? ?????? ?????????? ??? ??
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(???????????)

* ??????? ??????????????: ? ??????????.