

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

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

??? 11?? ??????? 2024 (*)

«????????????? ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) – ??????
2006/112/?? – ????? ?????? ?????????? – ?????? ?????????? ?????? ?????????????? – ??????
?????? ?????????? – ?????????????? ?????????????? ?????? ?????????????? ??? – ??????
????????? ??? ?????????? ?? ??? ?????????? ??? ?????????? ?????????????? ?????? ?????????? ???
?????? ??? – ?????????????? ??????????»

???? ??????? C?122/23,

? ? ?????????? ?????? ?????????????? ?????????? ?????????? ??? ?????? 267 ????, ???
?????? ?? Varhoven administrativen sad (?????? ?????????? ???????????, ???????????) ??
?????? ?? 25?? ?????????? 2023, ? ????? ?????????? ??? ?????????? ??? 1? ?????? 2023,
??? ??????? ??? ???

**Direktor na Direktsia «Obzhavane i danachno-osiguritelna praktika» Sofia pri Tsentralno
upravlenie na Natsionalnata agentsia za prihodite**

????

Legafact» EOOD,

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

????????? ??? ??? F. Biltgen, ?????? ???????, J. Passer ??? M. L. Arastey Sahún
(??????????), ????????,

????????? ??????????: A. M. Collins

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

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

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

– ? ?????????? ????????, ?????????????? ??? ??? T. Mitova ??? ??? R. Stoyanov,

– ? ?????????? ????????, ?????????????? ??? ??? D. Drambozova ??? J. Jokubauskait?,

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

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

???????

1 ? ?????? ?????????????? ?????????? ??? ?????? ??? ?????? ??? ?????? 2006/112/?? ???
??????????, ??? 28?? ?????????? 2006, ?????? ?? ?? ?????? ?????? ?????? ????????????????

????? (?? 2006, L 347, ?. 1), ??? ?????????????? ?? ??? ?????? 2009/162/?? ???
?????????, ??? 22? ?????????? 2009 (?? 2010, L 10, ?. 14) (??? ????: ?????? ???).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? Direktor na
Direktsia «Obzhavane i danachno-osiguritelna praktika» Sofia pri Tsentralno upravlenie na
Natsionalnata agentsia za prihodite (????????? ??? ?????????? «????????? ??? ?????????? ??
????? ?????????? ??? ?????????? ??????» ?????? ??? ?????? ?????? ?????? ??????
??????, ????????) (??? ????: Direktor) ??? ??? «Legafact» EOOD, ?? ?????????? ???
????????????? ?????????????? ?????? ?????????????? ?????? (???) ?? ??? ?????? ??????????
????? ?? ?????? ??? ??? ??????????.

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

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

3 ??? ?????????? 49 ??? ?????? ??? ?????????????? ?? ???:

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

4 ?? ?????? 2 ??? ?????? ?????? ?????????? ??? ?????? ?? ?????? ?????????? ?? ???.

5 ?? ?????? ?? ??? ?????? ??????, ? ?????? ?????????? «????????????? ???
????????? ??? ?????? ??? ?????????? ?????????? ?? ?????????? ??? ?????? ???», ???
????? 2, ??? ??? ????? «????????? ?????? ?????? ?????????? ?????????? ???», ???
????????????? ?? ?????? 213 ??? 214 ??? ?????? ??????. ?? ?????? 7 ??? ?? ???
?????, ?? ?????? ?????? ??? ????? «????????? ??????????», ?????????????? ?? ?????? 273 ???
????? ???.

6 ??? ?? ?????? 213 ??? ??????:

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

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

2. ?? ??? ?????????? ??? ?????????? ??? ?????????? 1, ??? ?????? ???, ??? ??????????
????? ??? ? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????????? ?????? ??? ?????? 3, ???
????? ?? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ???.

7 ?? ?????? 214 ??? ?????? ??? ?? ???:

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

?) ???? ?????????? ????, ????, ????, ????, ???, ???, ???? 9, ??????????
2, ? ?????? ??????? ??? ?????????? ??? ?????? ??? ?????? ?????? ? ??????
????????? ??? ???? ?????? ??? ?????????? ?????????? ?????????, ?????? ??? ??????????
?????? ? ??? ?????? ?????????? ??? ???? ?????? ? ??? ?????? ?????????? ?????????? ??? ??
????? ?????????? ? ??? ?????????? ?????? ?????? ??? ???? 194 ??? 197 ??? ???? 199,

?) ???? ?????????? ??? ???? ? ?????? ?????? ?? ?????????? ??? ???? ???
????????? ?????? ?????????? ?????? ?????? ??? ?????????? ?? ??? ?????? ?? ??
????? 2, ?????????? 1, ??????? ?), ? ?????? ?????? ??? ?????????? ??? ?????????? ???
????? 3, ?????????? 3, ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ???,
?

?) ???? ?????????? ??? ???? ??? ?????????? ??? ?????????? ?????? ??? ???? ??
????????? ?????? ?????? ??? ?????? ??? ???? ?????? ??? ?????? ??? ?????????? ?? ??
????????? ?????? ??? ???? 9, ?????????? 1, ??????? ???? , ?????????? ?????? ??? ??????
????????? ?????? ??? ?? ??? ??????,

?) ???? ?????????? ??? ???, ? ?????? ?????? ??? ?????????? ??? ?????? ???,
????????? ??? ??? ?????? ?????? ?????? ??? ??? ?????? ??? ??? ?????? ??? ?????? ?? ?? ???
196,

?) ???? ?????????? ??? ???, ?????????? ??? ?????? ??? ?????????? ?????? ???, ? ??????
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????? ??? ??? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ??? ???? 196.

2. ?? ?????? ??? ?????? ?? ?? ?????? ?????? ?????????? ??? ?????? ?? ??????????
????????? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? 12.»

8 ?? ?????? 273 ??? ?????? ?????? ?????????? ?? ???:

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

? ?????????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ???
????????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? 3.»

9 ? ?????? ??? ??? ?????? ???, ? ?????? ?????????? «????? ??????», ??????
????????? 1, ?????????? «????? ?????? ?????? ?????? ??????????», ??? ???
????????? ??? ?? ??? 281 ??? 292 ??? ??????.

10 ?? ?????? 287 ??? ?????? ?????? ?? ???:

«?? ?????? ??? ?????? ??? ?????????? ??? 1? ?????????? 1978 ?????? ?? ?????????? ???
????????? ??? ?????? ??? ?????? [?????] ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? [?????]:

[...]

17) ? ??????????: 25 600 [?????],

[...]».

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

11 ????. ?? ???? 96, ?????????? 1, ??? zakon za danak varhu dobavenata stoynost (????? ????. ?????? ?????????????? ??????, DV ????. 63, ??? 4?? ?????????? 2006), ??? ?????? ????. ?????? ????. ?????? ????. ?????????? ?????????? ????. ?????????? ????. ?????? ????. ?????? (???. ????: ZDDS):

«???? ?????????????? ??? ????? ?????????????????? ?????? ??? ?????????????? ??????????????, ?
?????? ?????????????? ?????? ?????????? ?????? ?????? ?????? ?????? 50 000 [?????????????
????? (BGN)] ??? ??????? ?????????? ??? ??? ?????????? ?????? ?????? ?????? ?????????????? ???
????? ??? ?????????? ??? ?????????????? ?? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?????? ?????????????? ??? ??????, ?????????? ??? ?? ??? ?????? ???
????????????? ?????????? ??? ??? ?????? ?????????????? ??? ?? ??? ?????? ?????? ??????????. ?? ?
?????? ?????????? ?????????????????? ??? ?????? ?????????? ??? ??? ?????? ?????????? ??? ???
????????????? ????, ?????????????????? ??? ?????? ?????? ????, ? ?????????????? ??? ???
?????? ?? ?????????? ??? ?????? ?????? ?????????????? ??? ??????, ?????????? ??? ???
????????????? ??? ??? ?????? ?????????????????? ? ?????? ?????? ??????????»

12 ?? ?????? 102 ??? ZDDS ?????? ?? ????:

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

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

3. [...] ??????????? ?? ?????????????? ?? ?????????????? ?????? ?????????? ?????? ????

1) [...] ??? ?? ??????? ?????????? ??? ?? ??? ?? ??? ?????????? ?????? ??? ?????? ?? ??????
?? ??????? ? ?????? ??????? ??? ??????, ?? ?? ?????? ??? ?????? ?????? ??????????
?????? ???????, ??? ??? ?????????? ??? ?????? ??? ??? ??? ??? ?????? ???????

4. [...] ????? ??????????? ?? ?????????????? ?? ?????????? 96, ?????????? 1, ??????
?????????, ??????????? ?? ?????????????? ?? ?????????????? ?? ?????????? ?????? ?? ?????????? ?? ??????
?? ?????? ?????????? ?????? ??????? ?? ??????, ?????????? ?????? ?????? ??????? ???????, ?????????? ?????? ???????, ?????????? ?????? ?????? ??????? ?????? ??????? ??????? ??

? ?????????? ???????? ??? ?????????????? ?????? ?????????? ??? 50 000 BGN ??? ???
?????????? ?????????? ??? ?????? ?????????? ??? ??? ?????????? ??? ??? ??? ? ???
????????? ?????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ??? ??? ? ???
???? ??? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? . ???
????? ?????? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ?????????? ?????? ???
?????????????, ??? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? , ?????? ??? ???
????????????? ?????????????? ?????????? ??? ?????? ?????????? ?????? ??? ?? ?? ??? ??????
?????????.

[...]»

13 ?? ????? 178 ??? ZDDS ?????????? ?? ???:

«?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???, ? ??????, ?????????? ????
?????? ??????????, ??? ?????? ?????? ?????? ?????? ??? ?????? ? ?????? ?????????? ???
????????? ??? ?????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????????? , ??????????
?????????, ?? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????????? , ? ?????????? ???,
????????? ??? ?????? ?????? ?????? ?????? ?????? , ?????? ??? 500 ??? 5 000 BGN.»

14 ?? ????? 180 ??? ZDDS ???? ?? ???:

«1. [...] ??? ?????????????? ??? ?????? ? ??????, ?????????? ?????? ?????? ?????????? ???
?????? ??? ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ???,
?? ?????????? ??? ?????? ?????? ?? ?????????? , ? ?????????? ???, ?? ?????????? ???
????????? ??? ? ??? ?????? ?????? , ?????? ??? ? ??? ? ?????????? ???, ??
????????? ??? ?? 500 BGN. ?? ?????????? ?????????? ??? ?????????? , ?? ??? ??? ??
????????? ? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ? ?????????? ???, ??
????????? ??? ?? 1 000 BGN.

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

3. [...] ?? ?????????? ?????????? ??? ?????? ? ?????? 1, ?? ? ?????????????? ??? ??????
?????? ??? ??? ?????? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ?? ??????
? ????, ?? ??? ??? ?????? , ??? ?????? , ??? ?????? ?????? ?????? ?????? ?????????? ??
????? ??? ??? ?????? ??? ?????? , ?? ?????? ??? ?? 200 BGN ?, ?? ?????????? ?????????? ???
????????? , ?? 400 BGN.

4. [...] ?? ?????????? ?????????? ??? ?????? ? ?????? 1, ?? ? ?????????????? ??? ??????
?????? ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 3, ?? ?????????? ???
????? ?????? ??? ?????? ??? ? ?????? ?????? , ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????? ??? ?????? , ?? ?????? ??? ?? 400 BGN ?, ?? ?????????? ?????????? ??? ?????????? ,
?? 800 BGN.»

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

15 ? Legafact ?????????????????? ??? ?????? ??? ?????? ??? ?????? ?????????? ?????????? . ?
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ???.

16 ??? 21 ?????????? 2018 ? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????????

??? «?????? ?????? ??? ?? 30 ?????????? 2012 ?????????», ?????????? ??? 114 708 BGN (????????? 58 600 ???), ?? ?????? ????????????????? ?????????? ?? «????? ??? ??????? ??????????».

17 ??? 23 ??? 24 ?????????? 2018 ? Legafact ??????? ??? ?????????? ?? ?? ??? ??????????, ?????????? ?????? 57 004 BGN (????????? 29 100 ???), ?? ?????? ?????????????? ?????? ??? ?????? ???.

18 ??? 3 ?????????? 2018 ? ?? ??? ?????? ?????? ?????? ?????? ?????? ?????????????? ?????? ??? ?????? ????. ? ??? ?????? ?????? ?????? ?????? ?????? 14 ?????????? 2018 ????. ?????????????? ?????? ??? ?????? ?? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? 19 ?????????? 2018.

19 ? ??? ?????? ?????? ?????? ?????? ??? ? ?????? ?????? ??? ? ??? ?????? ?????? ??? 21?? ?????????? 2018 ??? ??? 34 202 BGN (????????? 17 500 ???) ??????? ??? ?????????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? 102, ?????????? 4, ?????? ??????, ??? ZDDS.

20 ? ?? ??? ?????? ?????? ???, ??????? ?? ?? ??? 96, ?????????? 1, ??????? ???????, ??? ZDDS, ? Legafact ?????? ?? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?? ?? ??? ?????? ???, ??? ?? ?????? ?????? ??? 28 ?????????? 2018, ??? ?? ??????. ?????? ??? ?????? 102, ?????????? 4, ??? ZDDS, ? ?? ??? ?????? ??? ?????? ??? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? 50 000 BGN (????????? 25 600 ???) ??? ?? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

21 ??? ???????, ? ??? ?????? ?????? ?????? ?????? ?????? 27 ?????????? 2019 ????. ?????????? ?????????????? ??? ?? ??? ?????? ?????? ?????? ??? ?????? ??? Legafact ?????? ??? ??? 24 701,66 BGN (????????? 12 600 ???) ?? ??? ?????? ??? 3 218,33 BGN (????????? 1 650 ???) ?? ??? ??? ?????? ?????? ?????? 2018 ????. ?????????? ?????????? ??? ?????? ?????? ?? ?? ??? ?????? ??? ??? 21 ?????????? 2018 ??? ?? ?????? ?????? ??? ?????? ??? (??? ????: ?????? ??? ?????? ?????? ?????? ??????).

22 ?????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ??? ?????? ??? ?????? ??? Direktor ??? 19?? ?????? 2020, ? Legafact ?????? ?????? ?????? ??? Administrativen sad – Sofia grad (????????? ?????????? ?????????? ??????, ??????????).

23 ????. 30 ??????? 2020, ??? ??????? ?????? ???????????, ?? Konstitusjonen sad
(????????????? ???????????, ??????????), ?????????? ?????????? ?? Visszia advokatski savet
(????????? ??????????? ?? ??????????? ??????????, ??????????), ?????????? ?? ????
102, ?????????? 4, ??? ZDDS ??????? ?? ?? ?????????? ??????????. ?? ?????????? ???
?????? ??? ? ?? ??? ???????, ??????????? ?? ?????????? ??? ?????????? ??? ?????????? ??? ???
????????????? ??? ??????? ??? ??? ?????? ??? ?????????????? ??? ?????????? ?????????? ???,
????????????? ??? ??? ??? ??????? ?????????? ?????? ? ?????? ?????????? ??? ?????????? ???
??? ???????????. ? ?????????? ?????????? ??? ??? ? ?? ?????? ?????????? ??? ?????????? ???
????? ? ???, ??? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ???
????????? ?????????? ??? ?????????? ??? ??????.

24 ?? ??????? ?? 23?? ?????????????? 2021, ?? Administrativen sad – Sofia grad
(?????????? ?? ?????????????? ??) ??????? ?? ?????????? ?????? ?????? ??????????????
???????????????, ?????????? ?? ?????????? ?? ?????????????? ?? ?????? ?????????????? ?? ??????????????
????????? ??, ???????????, ??? ??????? ?? ?????? ?????? ?????? ?????? ??? ???, ??? ??????????????
??? ?? ??????????? ?? ??? ?????? ??? 9?? ??????? 2015, Salomie ??? Oltean (C?183/14,
EU:C:2015:454).

25 ????? ??? ??????? ?? 30?? ??????? 2020 ??? Konstitusjonen sad (????????????????
?????????????), ?? Administrativen sad – Sofia grad (????????????? ?????????????? ??????) ????
??? ?? ????? 102, ?????????? 4, ??? ZDDS ??? ?????????????? ?????????? ??? ?????? ??? ?? ????
????????????? ?????????? ?????? ?????????????? ?????????? ??? ?????? ??? ?? ??? ????
??? ?????? ?????????????? ? ?????????? ??? ?????????? ?????? ??????, ??????? ?? ??? ?????
??? 9?? ??????? 2015, Salomie ??? Oltean (C:183/14, EU:C:2015:454), ?? ?????????? ???
??? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????????????. ?? Administrativen sad –
Sofia grad (?????????? ?????????????? ??????) ?????? ???, ?????????????? ?????? ???
????????? ???, ?? ???????????, ? Legafact ?????????? ?? ?????????? ??? ?????? ?????
??? ?????? ??? ??? ?????? ?????? ?????? ?????? ??? ??? ? ?????????? ??? ?????? ??? ??????
????? ??? ?????????? ?????????? ??? ?? ?????? ?? ?????????? ?????? ??? ?????? ??? ??????
?????. ? ?????? ??? ??? ?????????? ?????? ??????????????

26 ? Direktor ??????? ?????????? ??? ?? ?????????? ?? Administrativen sad – Sofia grad
(????????????? ?????????????? ???) ??????? ?? Varhoven administrativen sad (?????????
????????????? ???????????, ??????????), ??? ?? ?????????? ???????????.

27 ?? ??????? ??????????? ?????????????? ??? ?? ??? 102 ?? ZDDS ??????????? ?? ?? ??
????????? ?????????? ??? ?? ?????????? ??? ?????????? ?????? ??? ?????? 213 ?? 214 ??
????????? ???, ?? ????? ?????????????? ?? ?????? ????? ?? ?????????? ?? ?????????? ?????? ???,
???' ??????, ??? ?????????????? ??? ?? ?????? ?????????? ??? ?????????? ?????? ?????????? ???
?????????? ?????? ? ?????? ?????????? ??? ?? ?????? ?????????? ??? ?????????? ?????????? ??????????
?? ?????? ?????? ?????? ?????????? ??????????.

28 ?? ?????? ?????????? ?????? ?? ???? 102, ?????????? 4, ??? ZDDS, ?? ???.
????????? ?? ?? ?? ??' ???. ?????? ?????????????? ??????? ?????? ?? ?????????? ???.
?? ?????????? ?????????? ???. ?? ?? ?????? ???. ???. ???. ???. ???. ???. ???.
?????????, ???. ???. ???. ?????????? ??????????, ???. ???. ???. ???. ???.
?????????? ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???.
?????????? ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???.
?????????? ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???.
???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???. ???.

29 ??? ??? ????????, ?? Varhoven administrativen sad (???????)
???????????) ?????????? ?? ????????????) ?? ????????) ?? ?????????? ?? ?????????? ??

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

- «1) ?????????? ??? ????? ?????? ??? ?????? ?????????????? ?????? ?????????????? ?????? ???
????????? ?????? ?????? ?????? ?????? ? ??????, ??? ?????? ??? ?????????? ??? ?????????? ???
????? ????? XII, ??????? 1, ??? [?????? ?????], ?????????????? ?????????? ???
????????????? ??? ?????? ?????? ?????? ?? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????????? ?????? ??? ?????? ???;»
- 2) ?????????? ? [?????? ?????] ?? ?????? ?????? ?????? ??? ?????? ? ?????????? ???
?????????, ??? ?????? ??? ????? XII, ??????? 1, ??? [?????? ?????], ?????????? ???
????????? ??? ?????????? ??? ?????????? ?? ?????? ?????? ?????????? ?????? ?????? ??????????
????????? ??? ?????? ???;
- 3) ?????? ?????? ??????????, ??? ?????????? ??? ?????? ?????????? ??? ?????? ???, ??????
?? ?????????? ?? ? ?? ?????? ?????? ??????, ? ?????? ?????????? ?? ?????? ?????????? ???
????????? ?? ?????????? ?????????? ?????? ??? ?????? ?????????? ??? ?????? ?????????? ???
????? ???, ??? ?????????? ??????;»

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

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

30 ?? ?? ?????? ?? ?????? ?????? ?????????? ??????????, ?? ?????? ?????? ?? ??????????
?? ??????, ?? ?????? ?????????? ?????, ???' ??????, ?? ?????????? ?? ? ?????? ???
????? ??? ?????? ??? ?????????? ?? ?????? ??????, ?????????? ??? ?????? ???'
????????? ??? ?????? 287 ??? ??????, ? ?????? ?????? ?? ?????????? ??? ?????? ???
??? ??? ??? ?????????? ? ?????? ??? ?????? ?????????? ?????? ??? ??? ?????????? ???
????????? ??? ?????, ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ???, ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
?????????.

31 ??????, ??? ?????? ?? ?????????? ??? ? ?????? ??? ?????????? ??? ?????? ??? ??
????????? ?? ?????? ?????????? ??? ?????? ??? ?????? ??????????, ??? ??
????????????? ??? ?????? ?????????? ??? 49 ??? ?????? (????. ?????? ??? 17?? ???
2018, Vámos, C?566/16, EU:C:2018:321, ??? 30).

32 ?? ??????????, ??? ?????????? ??? ?????? ?????? ??? ?????? ??????????, ? ?????? ???
????????? ??? ?????? ?????? ?????? ?????? ?????????? ???' ?????????? ??? ?????? 287,
????? 17, ??? ?????? ???, ?? ?????? ?????????? ??? ?????????? ??? ?????? ???
????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? 25 600 ??? ?? ?????????? ???.

33 ?????? ?? ?? ?????? ???, ?? ?????????? ??? ?????? ??? ?????????? ?? ??????????
????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ???, ??? ???
????????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? 50 000 BGN (?????? 25 600 ???) ?? ??????
????????? ?????? ???, ??? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????? ???, ??? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ?????????? ??? ?? ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???
??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

34 ?? ?????? ?????? ??? ?????? ??? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ???,

?????????? ??????????? ?????????????? ??? ?????? ????? ?????????? ??? ???????????
????? ????????????, ??? ??????????? ?????? ??? ?????????????? ??? ???????????
????, ????? ??? ??? ??? ?????????? ??? ?????? ?????? ?????? ??? ?????????? ???
????????? ? ?????????? ??? ?????? ??? ??? ?????? ?????????? ??? ?????? ??? ?????????? ??
????????? (??????? ??? 9?? ??????? 2020, AJPF Caraeu-Severin ??? DGRFP Timi?oara,
C?716/18, EU:C:2020:540, ??? 40 ??? ?????????????? ??????????).

35 ????????, ?????????????? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????
????????? ?? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??????.

37 ?????? ?????? ?? ??????? ?????? ?????? ?? ?????? ?????????? ? ?????????? ?????? ??
????????? ?????????? ???, ? ?????????????? ??? ?????? 33 ??? ?????????? ??????????
????????? ?????????? ?????????? ?????????????? ?????????? ??? ?????????????? ??????????????
????? ????, ????, ??????, ??????? ?? ?????????? ?? ?????????? ?? ?????????? ?????????? ??? ??????
????????? ?????? ????, ???????, ??????? ?? ?????????? ?? ?????????? ??? ?????????? ??????????
??? ?????????? ????. ?? ??????????, ??? ?????????????? ??? ? ?????????? ???
????????? ?????? ????, ?????? ????, ?? ?????????? ??? ?????????? ??? ??????????
??????????????, ??? ?????? ??? ?????? ?????? ?????????????? ??????????, ??? ?? ??????????
????????? ?????? ?????????? ??????????, ?? ??? ?????? ?????? ?????????? ??? ?????????? ???
????????? ?????? ????

38 ??????????, ?? ???? ?????????????? ?????????????? ?????? ??? ???? ?????? ??????????????
????????????? ????, ??? ?????? ?????? ? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ???????, ??????? ???????, ???' ????, ??? ?????????? ??????????? ?????? ??? ??????? ?
????? ??? ??? ?????? ???.

39 ?????????????? ?????? ??? ??????? ????????, ??? ?????? ??? ??? ?????????? ??????????????
????????? ?????? ?? ?????? ? ??????? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ??
????????????? ?? ??????, ?????????????? ??? ?????? ??? ?????? ???' ?????????? ?? ??????
287 ??? ??????, ? ?????? ?????? ?? ?????????? ??? ?????????? ??? ?????? ??? ??? ??? ??????
? ?????? ??? ??? ?????? ?????????????? ??? ??? ?????????? ??? ? ?????????? ??? ??? ???,
??? ?????? ? ?????? ? ?????????? ??? ?????????? ??? ?????????? ??? ?????????????? ??? ??? ??????
????????? ?????????? ?? ??? ??? ?????? ? ?? ??? ?????? ??? ?? ?????? ??? ?????? ??? ???,
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??????????.

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

40 ?? ?? ?????? ?????????????? ??????? ?? ?????? ??????????? ??????, ???' ??????, ??
????????????? ?? ? ? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????????? ?? ?????? ??????? ?
????? ?????????? ?? ? ?? ?????? ?? ?????????????? ?? ?????? ?? ?????? ?????????? ?? ?????? ?????????? ??
????????? ???????, ???? ?????????????? ?? ?????????????? ?? ?????? ?? 39 ?? ??????
?????????, ??????? ?????????? ?? ?????? ?? ?????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ??????.

41 ???????, ?????? ?? ??????????? ???, ??? ?????? ??????????, ???????, ??????????
?? ??????????? ? ??? ?????? ?????? ??? ?????? ??? ? ?????? ??? ???????????, ?? ?????? ???

?????? ?? ?????????? ?? ??????????? ?? ??? ????? ?????????????? ??????? ?????????????? ???
?????????? ??????? ?? ?????? ?? ??????? ??????????? ??, ?? ?????????? ?????? ??? ??????? ?? ???????
?????? ?? ?????? ?? ?????? ?? ?????? ?????????? ?? ??? ????? ?????????? ??? ??????? ??????. ????,
????????????? ?? ?????? ?????????? ?? ?????? ?????????? ?? ??? ?????? ??? ??????? ?????? ??????
??? ?????? ?? ?????? ?????????? ?? ??? ?????? ?????????? ?? ??? ?????? ??? ??????? ?????????????? ???
?????????? ?? ?????? ?????????? ?? ??? ?????? ??? ?????????? ?????????????? ??? ??????? ?? ??????? ???,
????????????? ?? ?????? ??? ?????????? ?? ??? ?????? ?????????? ?????????? ??? ??????? ?? ??????? ???
??? ?????????? ?? ?????? ?????????? ?? ??? ?????? ?????????? ?????????? ??? ??????? ?? ?????????????? ???
?????????? ?? ?????? ?????????? ?? ??? ?????? ?????????? ?????????? ??? ??????? ?? ??????? ???
?????????? ?? ?????? ??? ?? ?????????? ?? ??? ?? ?????????? ??? ??????? ?? ??????. ?? ?????? ?????? ??????
??? ??? ?????? ???????????, ?? ??????, ?? ?????? ??? ?????????? ?????????????? ?????????????? ??????????,
?????? ?? ?????????? ?? ?????? ?????????? ?? ??? ?????? ?????????? ??? ?????????????? ??? ??????? ?? ??????
?????????? ?? ?????? ?? ?? ?????????? ?? ??? ?? ?????? ??? ?????????? ??? ?????????????? ?????? ???
?????????? ?? ?????? ??? ?????????? ??? (????. ??????? ?? 9?? ?????? 2015, Salomie et Oltean,
C?183/14, EU:C:2015:454, ?????? 51 ??? 52 ?????? ??? ????? ?????????????? ??????????).

42 ??????????? ?? ??????? ?? ??????? ?????? ?????? ?????? ?? ??? ??? ??
??????????????, ?????? ?? ??????????? ?????, ?????? ?????, ? ??? ??? ? ??????????? ??
????????? ??? ??? ????? ??????????? ? ?????? ????? ?????? ??? ? ?????? ??????????? ??
????? ??? ?????? (?????? ?? 8?? ????? 2019, EN.SA., C?712/17, EU:C:2019:374, ????)
40 ??? ??? ?????????????? ??????????).

43 ??????????????? ?????? ???, ??? ????? ?????? ??? ??????????, ?? ?????? ??? ??????????
?? ??????? ??? ?????? ??? ??????????????????????, ? ?????? ??????? ??? ??????
?????????????? ??? ?????????????? ?????? ??? ?????????? ??? ?????????????? ??? ?????????????? ???
????????????? ?????? ??? ?????? ??? ??? ??? ??? ?????????? ??? ?????????????? ??????????????
??? ?????? (?????? ??? 17?? ??? 2023, Cezam, C?418/22, EU:C:2018:418, ??? 28 ???
??? ?????????????? ??????????).

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

45 ? ?????????? ????? ??????? ?? ?????? ??? ?????????????? ?????????? ??? ?? ?????
????????????? ?? ?? ??? ?????? ???????.

46 ???????, ??? ?????????????? ? ?????????? ????????, ? ??????? ?????????? ??
?????? ?????? ?????? ??????? ?????? ?? ??????? ???? ??????? ???????, ??? ??
?????? ??? ??????????? ?? ?????????????? ??? ?????????????? ?????? ?????? 41 ??? 43 ???
????????? ??????????, ??? ????? ??? ?????????????? ?????? ??? ?????? ? ?????????? ??? ??
?? ??? ?????? ??? ?????????????????? ??? ?????? ?????? ?????? ??? ?????? ? ?????? ?????
?? ??? ?????? ??? ?????? ?????????? ?? ? ?????????? ?????? ??? ?????? ??? ???????????,
????? ??? ?????????? ???????????, ??? ?????????? ??? ?????? ?????? ??? ?????? ???.

47 ????????, ??? ??? ?????? ??? ?????????? ??? ??? ?? ?????????? ??? ??? ??
?????? ?? ?? ?????????? ??? ?????? ????. ??? ????? ?? ????? ?????? ??? ??????????

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

48 ??? ??? ?? ??? ?????????????? ????, ? ?????????? ??? ?????? ?????? ??? ??
????????? ??? ?????? ??? ?????? ?????????????? ??? ?? ??? ?????? ?????? ?????? ???.

49 ??????, ?????????? ??? ?????? ??????????, ?? ?????? ?????? ?? ??? ?????? ?????? ??
????????? ??? ?? ?????????? ?? ?????? ??????, ?? ?????????? ??, ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? 47 ??? ??????
?????????, ? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??????,
????? ??? ?????? ??? ?????????? ??? ??????????.

50 ????? ????, ?? ?????? ?????????? ??? ?????? ?? ?????????? ??? ? ?????? ???, ???,
????? ??? ??? ??? ?????????????? ??? ?????? ??? ?????????? ??? ?????????? ???
????????????? ??? ?????? ???, ??????, ?????? ??? ?????????? ???
?????????????, ?????? ?? ? ?????????? ??? ?????? ?????? 41 ??? 43 ??? ??????
????????? ??? ?????? ??? ??????????.

51 ????????? ??? ?????? ??? ?????? ??? ??????????????, ??? ?????? ??????????????
????????? ??? ? ?????? ? ?????? ??? ? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ?? ?????? ?????? ? ?????? ?????????? ??? ? ?? ?????? ??? ?????????? ???
????? ?????? ??? ?????????? ??? ?????? ?????????? ??? ??????, ?????? ?????????? ??? ??????????
??? ?????? 39 ??? ?????? ??????, ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????? ?????????? ??? ??????, ??? ??? ?????????? ??? ? ?????? ???, ?????? ??? ??????
????? ??? ??? ?????????? ??? ?????? ??? ??? ?????? ??? ?????? ??? ?????????? ???
????? ?? ?????? ?????? ??? ??? ? ?????? ??? ?????? ??? ?????? ??? ?????????? ???
????????? ?? ? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????? ??? ?????? ???
????? ?????? ??? ?????? ???, ??????, ?????? ??? ?????? ??? ?????????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??????,
????? ??? ?????? ??? ?????? ???, ?????????? ??? ?????? ??? ?????? ??? ?????? ???.

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

52 ????????? ??? ? ?????? ?????????? ??? ?????? ?? ??? ?????? ?????????? ??? ????
??? ?????????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????????? ???, ?' ???
????????? ?? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??????????
????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

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

1) ? ?????? 2006/112/?? ??? ??????????, ??? 28? ?????? 2006, ?????? ?? ??
????? ?????? ?????? ?????? ?????????? ???, ??? ?????????? ??? ?? ??? ??????
2009/162/?? ??? ??????????, ??? 22? ?????? 2009,

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

??? ?????????? ?? ?????? ??????, ?????????? ??? ?????? ?????? ???'
????????? ??? ?????? 287 ??? ??????, ??? ?????????? ???, ? ?????? ?????? ??
????????? ??? ?????? ?????? ??? ?????? ?????????? ??? (???) ??? ??????????

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

2) ? ?????? 2006/112, ??? ?????????????? ?? ??? ?????? 2009/162,

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

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

(?????????)

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