



JUDGMENT

IN THE NAME OF THE REPUBLIC OF ESTONIA

Court Viru County Court

Time and place of decision: February 27, 2024, Narva Courthouse

Criminal case number 1-24-736 (23913000026)

Judge Olga Dorogan

Court secretary Marjet Metskaev

Translator Olga Abakumova

Criminal matters **Evgeniy Kozlovtssev in the indictment under Section 93-1 (1) - Section 25 (2) of the Criminal Code, in settlement proceedings**

Prosecutor District Prosecutor Kalmer, Viru District Prosecutor's Office
Birch

Accused **Evgeniy Kozlovtssev**

personal identification code 38707083718; place of residence XXX; XXX; XXX;
native language XXX; does not work.

Previous convictions: 1 criminal conviction:

- On 09.12.2020, the Viru County Court sentenced him to 1 year and 6 months of imprisonment pursuant to Section 121 (2) (2), (3) of the Penal Code, and to 1 year and 5 months of conditional imprisonment and 7 days of probation for 2 years pursuant to Section 68 (1) and Section 73 (1) of the Penal Code. The sentence was served on 09.12.2022. No seal has been applied.

Defender Attorney at Law Madis Mahlapuu (did not participate in the court proceedings)

Court hearing date 27.02.2024

RESOLUTION Guided by § 248 (1) clause 5, § 249, § 306, § 311 and § 313 of the Criminal Code, the county court decided:

1. To find Evgeniy Kozlovtssev guilty of committing a crime qualified under Sections 93-1 (1) - 25 (2) of the Criminal Code and to sentence him to 8 (eight) months imprisonment.

2. On the basis of § 73 (1), (3) of the Criminal Code, to leave the 8 (eight) months of imprisonment imposed on Evgeniy Kozlovstsev suspended and not fully enforced, if Evgeniy Kozlovstsev does not commit a new crime during the probationary period of 1 (one) year and 6 (six) months.

3. According to § 78(1) of the Penal Code, the probationary period begins from the pronouncement of the court judgment, i.e. from 27.02.2024.

4. Physical evidence: 1 bottle of wine "Chateau Cheval Blanc 2011" (0.75 l) and 1 bottle of wine "Chateau Margaux 2011" (0.75 l), which are located in the warehouse of the MTA Narva border checkpoint at the address Peterburi mnt. 1, Narva city under the transfer-acceptance act No. 23YA0767411-3/1, to be transferred to state ownership pursuant to § 126 (3) (3) of the Criminal Code.

5. On the basis of Section 180(1) of the Criminal Code, order Evgeniy Kozlovstsev to pay a penalty of 1,230 euros to the Republic of Estonia and a fee of 200 euros to the defense attorney Madis Mahlapuu for providing state legal aid. euros, total 1430 euros.

6. On the basis of § 180(3) of the Criminal Code, the remaining part of the procedural costs, i.e. part of the defence counsel's fee in the amount of 78.16 euros, shall be borne by the state.

7. Pursuant to Section 180(3) of the Criminal Code, Evgeniy Kozlovstsev must pay the procedural costs ordered against him in the amount of 1,430 euros to the bank account indicated in the county court decision within 1 (one) year from the entry into force of the judgment.

The procedural costs should be paid to the Tax and Customs Board's bank account No. EE351010052031000004 in SEB bank, to the bank account No. EE522200221013264447 in SWEDBANK bank or to the bank account No. EE401700017002872300 in LUMINOR BANK bank. On the payment order, indicate the reference number 99924700005722 and the explanation "name and surname of the accused - Evgeniy Kozlovstsev, criminal case number - 1-24-736, explanation - costs of criminal proceedings". If the financial claims have not been paid in full on time, the claims will be sent to the bailiff for enforcement proceedings in accordance with the procedure provided for in the Code of Enforcement Procedure.

Appeal procedure

The court decision has the right to appeal to the Tartu Circuit Court within 15 days of the public announcement of the decision. An appeal may be filed only if the provisions of the settlement procedure have been violated (the provisions of Chapter 9, Section 2 of the Criminal Code) or if there has been a significant violation of criminal procedure law within the meaning of Section 339, Subsection 1 of the Criminal Code. The accused and the defense counsel may also file an appeal if the act described in the settlement is not a crime, it has been incorrectly qualified according to the Penal Code, or if the accused has been sentenced to a punishment for a crime that is not provided for by law.

ACCUSATION

1. EVGENIY KOZLOVTSEV entered the Narva border crossing point at the address Narva, Peterburi tee 1 on the way out from the Republic of Estonia to the Russian Federation on 06.06.2023 at around 20:35. E. Kozlovstsev did not want to declare anything to customs and was directed to a customs inspection, during which 4 bottles of wine were discovered. As a result of determining the cost of the wines, it turned out that the prices of 2 bottles of wine were over 300 euros. These wines were 0.75 liter wine bottles, one of which was Chateau Cheval Blanc 2011 with an average detected value of 715 euros and Chateau Margaux 2011 with an average detected value of 572.50 euros. During the examination carried out at the border checkpoint, E. Kozlovstsev took the aforementioned 2 bottles of wine and failed to transport them across the border. E. Kozlovstsev was aware of the sanctions and the ban on importing wines costing more than 300 euros

to Russia, as he had previously tried to take wine to Russia, but was informed of the sanctions and sent back from the border with the opportunity to cross the border without the sanctioned goods. More specifically, E. Kozlovtssev entered the Russian Federation from the Republic of Estonia on 25.02.2023 at the Narva border crossing point on the outbound route, while he was carrying wine worth over 2000 euros. E.

Kozlovtssev was explained the sanctions imposed and the possible consequences of being held accountable, and he was sent back from the border with the wine.

According to Article 3h(1) of Council Regulation (EU) No 833/2014 of 31.07.2014, it is prohibited to sell, supply, transfer or export luxury goods listed in Annex XVIII to the Regulation, directly or indirectly, to any natural or legal person, entity or body in Russia or for use in Russia. Wines fall under the commodity code 2204 21 42 in the fourth paragraph of Annex XVIII to the Regulation. Wines costing more than 300 euros were added to the Regulation by amending Regulation No 2024/1214 of 23.06.2023.

According to § 3(1) of the International Sanctions Act (RSanS), an international sanction is a foreign policy measure aimed at supporting the preservation or restoration of peace, international security, democracy and the rule of law, observance of human rights and international law, or the achievement of other objectives of the Charter of the United Nations or the common foreign and security policy of the European Union. According to § 6 of the RSanS, a violation of an international sanction is a failure to fulfil an obligation or a violation of a prohibition provided for in the legal act implementing the international sanction. A legal act implementing an international sanction is, within the meaning of § 9(1) of the RSanS, a regulation of the Council of the European Union or a law of the Republic of Estonia, on the basis of which the obligations and prohibitions provided for in the legal act establishing the international sanction are applied.

Therefore, Regulation No. 833/2014 of the Council of the European Union of 31.07.2014, as amended, is an international sanction.

By such actions, Evgeniy Kozlovtssev committed a crime qualified under Sections 93-1 (1) - 25 (2) of the Criminal Code, i.e. an attempt to violate the prohibition set out in the legislation implementing international sanctions.

CONTENT OF THE AGREEMENT AND POSITIONS OF THE PARTIES IN COURT

2. In accordance with the agreement concluded between the accused Evgeniy Kozlovtssev, his defense attorney Madis Mahlapuu and the prosecutor of the Viru District Prosecutor's Office Daniel Toom, the prosecutor requests the court to convict and punish Evgeniy Kozlovtssev with 8 months of imprisonment pursuant to Sections 93-1 (1) - 25 (2) of the Penal Code. Pursuant to Sections 73 (1), (3) of the Penal Code, the sentenced imprisonment shall not be enforced if Evgeniy Kozlovtssev does not commit a new crime during the probationary period of 1 year and 6 months. According to the agreement concluded, two wines of commercial value must be transferred to the state property under Section 126 (3) (3) of the Criminal Code, since the legal owner cannot be identified and Evgeniy Kozlovtssev has no contact with the person from whom he received these wines. According to the agreement, the accused is to be ordered to pay a fine of 1,230 euros and the defense attorney Madis Mahlapuu a fee of 200 euros for providing state legal aid, a total of 1,430 euros. Under Section 180 (3) of the Criminal Code, the accused is to compensate the procedural costs within 1 year from the entry into force of the judgment.

According to the agreement, the defense attorney's fee in the amount of 78.16 euros will be borne by the state pursuant to Section 180(3) of the Criminal Code.

At the court hearing on 27.02.2024, the accused stated that he understood the agreement concluded, 3. agreed with it, had given voluntary consent to the application of the settlement procedure, had expressed his true will when concluding the agreement and agreed to all the legal consequences reflected in the agreements. The accused also confirmed that he understood the obligation to compensate for the procedural costs and voluntarily undertook to compensate for the procedural costs.

It is also understood that he must pay the procedural costs within one year of the court decision entering into force. The prosecutor supported the agreement reached, requesting that the court confirm it with a judgment.

POSITION AND REASONS OF THE COURT

4. The court finds that Evgeniy Kozlovstev must be found guilty under Sections 93-1 (1) - 25 (2) of the Criminal Code and punish him according to the agreement. The procedural costs in the amount of 1,430 euros must be borne by E. Kozlovstev. Part of the defense attorney's fee in the amount of 78.16 euros must be borne by the state.

Having reviewed the materials of the criminal case file and heard the opinions of the parties to the **5.** proceedings, the court is of the opinion that the accused has understood the agreement and that the conclusion of the agreement corresponds to his true will. The court questioned the accused at the hearing about the content of the agreement and was satisfied that the accused had also signed it voluntarily, knowing the consequences. The act of the accused has been correctly qualified, therefore Evgeniy Kozlovstev must be convicted and sentenced to the punishment agreed upon in the agreement pursuant to § 93-1 (1) - § 25 (2) of the Criminal Code. The requested punishment corresponds to the extent of the accused's guilt and the purpose of the punishment. In other respects, the agreement exists and is lawful in all the elements required by law, and the court has no need or legal basis to form an additional position on the above. The court finds that the provisions of Chapter 9, Section 2 of the Criminal Code have not been violated in the agreement proceedings and the regulations on the agreement proceedings have been followed in the criminal case proceedings.

Based on the above, the court takes the view that the accused is liable to be convicted of the **6th** charge against him and must be sentenced to the agreed penalty and ordered to pay the costs of the proceedings.

/digitally signed/

Olga Dorogan
Judge