

Notification to the Parties No. 2018/040
Annex

**Questionnaire on the implementation of Resolution Conf. 9.14 (Rev. CoP17) and
measures to prevent and combat rhinoceros poaching and trafficking in rhinoceros horn**

Please provide as much information as possible in answer to the questions below. Where specified within the questions, please report on any actions taken since the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016). In all other questions, information requested is not time bound.

Country	AUSTRIA
Function of agency completing this questionnaire	CITES MA
Contact details of agency/agencies completing this questionnaire	Ministry of Sustainability and Tourism Stubenbastei 5, 1010 Vienna, Austria
Contact person (name, email, job title, function)	Max Abensperg-Traun, national CITES coordinator

Question 1.	INVESTIGATIONS, (Please do NOT provide any nominal or other sensitive information that might jeopardise or impede ongoing or future investigations or prosecutions)
1.1.	<p>Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn?</p> <p>Yes</p> <p>If 'yes', please provide details of such law enforcement strategies and associated activities conducted.</p> <p>Rhino hunting trophies (brought into the country for personal purposes), are checked to ensure they remain in the custody/possession of the importer/hunter</p>

1.2.	<p>Has your country adopted legislation or drawn upon existing legislation to facilitate the use of specialized investigation techniques such as controlled deliveries and covert investigations, where appropriate, in support of conventional investigation techniques, in particular for offences related to the illegal killing of rhinoceroses and the trafficking of rhinoceros horns?</p> <p>No</p> <p>If 'yes', please provide details below of:</p> <ul style="list-style-type: none">i. titles;ii. date of enactment ;iii. provisions of such legislation;iv. examples where such legislation has been utilised.

1.3	<p>Has your country used any other legislative tools and regulations, such as anti-money laundering and asset forfeiture legislation, in support of wildlife legislation, to address rhinoceros poaching and illegal trade in rhinoceros horn and other parts or derivatives, as applicable to your country?</p> <p>No</p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, as well as examples where such legislation has been utilised.</p>
1.4	<p>Has your country shared information and cooperated with other source, transit or destination countries, or international law enforcement organizations, and was any mechanisms such as those provided for in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention Against Corruption (UNCAC) mobilized to address individuals or groups suspected of involvement in rhinoceros poaching or the illegal trade in rhinoceros parts and derivatives, including conducting cross-border investigations?</p> <p>No</p> <p>If 'no', please outline below any barriers or obstacles your country may have encountered in encouraging further information sharing and cooperation with other countries, and as any support that might be needed to overcome them.</p> <p>There has so far been no need for it. Potential barriers would only become apparent once cross-border information-sharing and indicated mechanisms to address illegal trade have been tried</p>
Question 2.	LEGISLATION
2.1	<p>Has your country enacted and implemented comprehensive legislation and enforcement controls, including internal trade restrictions and penalties aimed at reducing illegal trade in rhinoceros parts and derivatives, and including any specimen that appears from an accompanying document, the packaging, a mark or label, or any from any other circumstances, to be a rhinoceros part or derivative?</p> <p>No</p>

	<p>If 'yes', please elaborate below on enforcement controls implemented and the titles, date of enactment and provisions of such legislation, penalties (can fines, custodial sentences, and asset forfeiture, as appropriate, be imposed, as well as any exemptions that might apply). If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>If 'no', please explain what measures have been implemented, and any support that might be needed to put in place such comprehensive legislation and enforcement controls.</p> <p>Our National Marking Ordinance of 2013 requires permanent, indelible marking of raw/unworked rhino horn, and our national policy does not allow sale of rhino horn within the EU, and re-export is only allowed under strictest conditions (cultural exchange, research)</p>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p>No</p> <p>If 'yes', please provide details below of the titles, date of enactment and provisions of such legislation, including penalties (fines, custodial sentences, and asset forfeiture) that can be imposed, as well as any exemptions that might apply. If such legislation is publicly available, please provide a copy of such legislation as an attachment or indicate how it can be accessed by providing a web link or reference.</p> <p>If 'no', please explain below how possession and utilization of rhinoceros parts and derivatives is regulated in your country.</p> <p>Treatment of “possession” and “utilization” is always in line with EU Regulations. There is no prohibition against possession, but, as for all other CITES species, need for proof of legal acquisition/origin</p>
Question 3.	PROSECUTIONS
3.1.	Please provide details of prosecutions that have been initiated in your country <u>since October 2016</u> related to the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, including dates, quantities and types of specimens involved, outcomes (successful or not), penalties imposed, prosecution rates, etc.

	There have been no such cases
3.2	If any measures have been implemented in your country that contributed to an increase in the number of successful prosecutions concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, please share information about these measures. -
3.3	Please outline below any barriers or obstacles there may be in securing successful prosecutions or deterrent penalties in your country concerning the illegal killing of rhinoceroses or illegal possession of and trade in rhinoceros horns, and any support that might be needed to overcome them. There have to date been no such cases, hence we cannot speculate about potential barriers/obstacles
Question 4.	DNA FORENSICS
4.1.	Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis? No Please provide information on any samples collected since October 2016 . Kindly also provide information on the methodology by which sample collection takes place, the chain of custody of samples, whether the samples have been submitted for analysis and the feedback from analysis. Please outline below any barriers or obstacles there may be in developing and adopting policies that allows for routine collection of samples from rhinoceros parts and derivatives for forensic analysis, as well as any support that might be needed to overcome them. See 3.3

4.2.	<p>Has your country to date in any way used the <i>Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis</i> provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) <i>Conservation of and trade in African and Asian rhinoceroses</i>, to collect and share information about seizures of rhinoceros specimens?</p> <p>No</p> <p>If 'yes', please indicate whether you have communicated with the country of origin?</p> <p>If 'no', please outline below any barriers or obstacles encountered in using the Form, and any support that might be needed to overcome them.</p> <p>See 3.3</p>
Question 5.	<p>RHINO HORN STOCK MANAGEMENT</p> <p>5.1. Does your country have legislation, regulations or administrative measures in place to ensure that stocks of rhinoceros horn are identified, marked, registered and secured, pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses</i>?</p> <p>At present, there are no stocks</p> <p>If 'yes', please provide details below of the provisions of the measures.</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p> <p>See 3.3</p>
5.2.	<p>Has your country declared these stocks to the Secretariat in accordance with the provisions of Resolution Conf. 9.14 (Rev. CoP17), paragraph 2. a)?</p> <p>See 5.1</p> <p>If 'no', please outline below any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>

5.3	<p>Has your country implemented national level measures for the management of imported rhinoceros trophies, including addressing the issue of alteration and transfer of such trophies, to ensure the rhinoceros horns acquired as legal hunting trophies remain in lawful possession pursuant to Resolution Conf. 9.14 (Rev. CoP17) on <i>Conservation of and trade in African and Asian rhinoceroses?</i></p> <p>See 1.1</p> <p>If ‘yes’, please provide details below of the provisions of the measures and describe successes and/or challenges of their implementation.</p> <p>If ‘no’, please outline any barriers or obstacles encountered in providing these measures, and any support that might be needed to overcome them.</p>