

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	European Union
Function of agency completing this questionnaire	CITES Management Authority
Contact details of agency/agencies completing this questionnaire	European Commission, Directorate-General for Environment, Unit F.3 (Multilateral Environmental Cooperation) – Avenue de Beaulieu 5, 1049 Brussels, Belgium
Contact person (name, email, job title, function)	Matthias Leonhard Maier, CITES Team Leader matthias-leonhard.maier@ec.europa.eu

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>In general, law enforcement is the competence of EU <i>Member States' national or sub-national authorities</i>. Enforcement experts from the Member States meet twice per year in the EU CITES Enforcement Group to discuss strategic and other issues of common concern and to exchange relevant information. Rhino poaching and illegal trade in rhino horn has been on the agenda of the Enforcement Group on several occasions.</p> <p>The EU Agency for Law Enforcement Cooperation, Europol, is assisting Member States in the fight against serious and organised crime, and has led in several coordinated enforcement operations against wildlife trafficking, including illegal trade in rhino horn.</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>N/A</p>
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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>N/A</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>Europol (see 1.1 above) has also been involved in internationally coordinated operations involving transit or destination countries.</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>Yes: Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R1143. See in particular articles 4 (import restrictions), 5 (restrictions on export and re-export), 8 (restrictions on internal trade), 14 (monitoring of compliance and investigation of infringements) and 16 (sanctions).</p> <p>Guidance on the interpretation of these and other relevant provisions in the Regulation is contained in Guidance document: export, re-export, import and intra-Union trade of rhinoceros horns, Commission Notice 2016/C 15/02, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016XC0116(01).</p> <p>The nature and level of penalties are determined by each EU Member State.</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 – but individual EU Member States may have done so, in line with the enabling provision in article 8, paragraph 2 of the</p>

	Regulation mentioned above.
Question 3.	<p>PROSECUTIONS</p>
3.1.	<p>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.</p> <p>N/A (see response to Question 1.1 above)</p>
3.2	<p>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.</p> <p>N/A</p>
3.3	<p>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.</p> <p>N/A</p>
Question 4.	<p>DNA FORENSICS</p>
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p>N/A (see response to Question 1 above)</p>
4.2.	<p>Has your country to date in any way used the Form for collection and sharing of data on rhinoceros horn seizures and on samples for forensic analysis provided in the Annex to Resolution Conf. 9.14 (Rev. CoP17) Conservation of and trade in African and Asian rhinoceroses, to collect and share information about seizures of rhinoceros specimens?</p> <p>N/A (see response to Question 1 above)</p>

Question 5.	RHINO HORN STOCK MANAGEMENT
5.1.	<p>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 Conservation of and trade in African and Asian rhinoceroses?</p> <p>No.</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>N/A (see above)</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 Conservation of and trade in African and Asian rhinoceroses?</p> <p>Yes: see Section 5 of the Guidance document mentioned in response to Question 2.1.</p>