

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	Hungary
Function of agency completing this questionnaire	CITES MA
Contact details of agency/agencies completing this questionnaire	Ministry of Agriculture Department for Nature Conservation Biodiversity and Gene Conservation Unit CITES Management Authority Address: H-1055 BUDAPEST, Kossuth tér 11. Phone: +361 795 3753 Fax: +361 795 00069 Email: cites@fm.gov.hu
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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.	Has your country developed and implemented any law enforcement strategies to combat, as applicable, rhinoceros poaching and illegal trade in rhinoceros horn? no If 'yes', please provide details of such law enforcement strategies and associated activities conducted.

	<p>The CITES Management Authority organizes a wildlife trade committee meeting each year, with the participation of customs, police, nature conservation authorities, veterinary authority as well as the representative of TRAFFIC with the aim to discuss enforcement matters.</p> <p><i>In November 2017, the (NBI) has submitted a grant application to finance the establishment of a cooperation and coordination framework on environmental law enforcement, a National Environmental Security Taskforce (NEST), this framework will further strengthen the cooperation among enforcement bodies and provide a formalised forum to discuss enforcement strategies and combat illegal trade.</i></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>Yes</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. <p><i>The law on prosecution (2017. évi XC. törvény a büntetőeljárásról) allows in set circumstances for the use of techniques such as pseudo buying, controlled deliveries systematic and covert observation.</i></p>

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><i>On Czech request, in December 2017 National Bureau of Investigation has launched a criminal procedure to prepare the legal criteria of joining a Eurojust assisted Joint Investigation Team (JIT), targeted illegal rhino trade in Hungary, Slovakia, and the Czech Republic.</i></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>
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</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><i>According to the Criminal Code, illegal purchase, possession, sale, import, (re-)export, transport through the territory of Hungary, trade in or killing of specimens of species listed in Annex A and B is a criminal offence and must be punished by up to <u>3 years imprisonment</u>.</i></p> <p><i>According to the national CITES regulation, competent authorities shall impose a nature protection fine amounting to minimum 10.000 and maximum 100.000 HUF depending on the severity and repetition of the offence on anyone not meeting or not properly meeting his/her obligations covered by the Convention, the Council Regulation, the Commission Regulation or the national CITES regulation in respect of a specimen of a species – if not nationally protected. The fine may be imposed repeatedly in case of non-payment. This fine shall be imposed by each started 250 grams in the case of rhinoceros horn. Anyone not meeting or not properly meeting his/her obligations covered by the Convention, the Council Regulation, the Commission Regulation or the national CITES regulation may be obliged by the management authority to pay the costs of confiscation and seizure, including also the costs of keeping (storing) and transport.</i></p> <p><i>Rhino horn trophies obtained by Hungarian hunters were checked by the competent The Regional CITES Authorities in the beginning of 2018, and we plan to continue such operations and inspections. Regional CITES Authorities in Hungary are integrated in the regional Government Office's Environment and Nature Conservation Department. In the beginning of 2017 the number of governmental offices who deal with CITES related duties has increased from 11 to 19.</i></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>
2.2	<p>Has your country enacted legislation that prohibits possession of rhinoceros parts and derivatives acquired in violation of the Convention?</p> <p>yes</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. see responses for question 2.2.1</p>
Question	PROSECUTIONS

3.	
3.1.	Please provide details of prosecutions that have been initiated in your country <i>since October 2016</i> 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.
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. see question 2.2.1
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.
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 <i>since October 2016</i> . 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.
4.2.	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</i>

	<p><i>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>
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 <i>Conservation of and trade in African and Asian rhinoceroses</i>?</p> <p>No stocks are present</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>
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>not relevant</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 question 2.2.1 and 2.2.1</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>
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