

**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	Germany
Function of agency completing this questionnaire	CITES Management Authority Germany
Contact details of agency/agencies completing this questionnaire	Federal Agency for Nature Conservation, Konstantinstrasse 110, D-53179 Bonn, Germany
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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.	<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><i>No! No specific strategies by national authorities; however, organised crime operators were active across the EU to acquire and trade rhino horns (especially thefts in 2012). This has prompted Europol to launch a specific action on the illegal trading of rhino horns within the Union.</i></p> <p>If 'yes', please provide details of such law enforcement strategies and associated activities conducted.</p> <p>If 'no', please indicate the reason why such strategies have not been considered, and if the development and implementation of such strategies is expected in future.</p>

	<p>There is no information about illegal activities (importation, export) regarding German borders. In addition, we have not received additional information by police offices or 'Laender authorities' on rhino confiscations.</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><i>Yes / No Yes, in general terms, but not specific for wildlife issues, especially not specific for illegal trade in rhino specimen.</i></p> <p>Specialized investigation techniques may be used by investigating offices after these were allowed by the competent public prosecutor. In general, those techniques are measures in accordance with Articles 161, 163 StPO (code of criminal procedure) and for covert investigators Articles 110a – e StPO whereby prerequisites for 'controlled deliveries' are set out in directives (in German: 'Richtlinien für das Strafverfahren und das Bußgeldverfahren'; public prosecutors are bound, but legally binding is not equal to force of laws),</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>The 'German Customs Investigating Service' (Zollkriminalamt) is competent and have used, i.e. 'controlled deliveries', especially in transit cases of illicit wildlife trafficking in order to dismantle the groups behind. There were several examples, in 2013 in transit to China/Hongkong 16 controlled deliveries were enforced regarding ivory, pangolins and dried sea horses, mostly coming from African countries. In 2014 there was a co-operation with Singapore regarding sea turtle shells coming from Dominican Republic via Germany.</p> <p>If 'no', please outline below any barriers or obstacles there may be in adopting such legislation, and any support that might be needed to overcome them.</p> <p>Indeed, there are challenges when 'controlled deliveries' are applied (time consuming, contact in partner country - confirmed and accepted action by partner agency -; Is the partner country interested in? Are there legal or practical restrictions?</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><i>Yes, in general terms as set out in German penal code (Section 73 et seq., StGB – Strafgesetzbuch, Penal Code) which was re-worded in 2017, fully considering the terms of Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union: That allows the confiscation of criminal assets The regulation may be applied in cases of illegal trade in rhinoceros horn and other parts or derivatives but for the time being no relevant cases occurred.</i></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> <p>Section 73 Conditions of confiscation</p> <p>(1) If an unlawful act has been committed and the principal or a secondary participant has acquired proceeds from it or obtained anything in order to commit it, the court shall order the confiscation of what was obtained. ...</p> <p>Full text is available under https://www.gesetze-im-internet.de/englisch_stgb/.</p> <p>If 'no', please outline below any barriers or obstacles there may be in adopting or applying such legislation, and any support that might be needed to overcome them.</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>No with regard to rhinoceros!</i></p> <p>If 'yes', please provide outline below details of such operations and their outcomes.</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><i>Yes!</i></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>With regard to legislative measures: yes! (see German Biennial Reports; however, there were no cases where those measures were applied or enforced regarding rhinoceros part or derivative.</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><i>Yes!</i></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>There is a general prohibition of possession as set out in German national law (Federal Nature Conservation Act, in German: Bundesnaturschutzgesetz –BNatSchG-), see Article 44 (2) BNatSchG: It is furthermore prohibited:</p> <ol style="list-style-type: none"> 1. to gain possession or take custody of, have possession or custody of, handle or process animals or plants of specially protected species, (prohibitions on possession), <p>There are exceptions by law (as set out in Article 45 (1) BNatSchG, especially when specimen concerned was legally imported from third countries or legally bred in captivity in the EU.</p>
Question 3.	PROSECUTIONS
3.1.	<p>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.</p>

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.
Question 4.	DNA FORENSICS
4.1.	<p>Does your country routinely collect samples from rhinoceros parts and derivatives seized for forensic analysis?</p> <p><i>No</i></p> <p>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.</p> <p>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.</p>

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><i>No!</i></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>No such seizures occurred!</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><i>Yes!</i></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>In Germany, all currently held 38 rhinoceros horns were confiscated before 1990 by customs offices. All horns were marked by an engraved number (see German report to Notification No. 2017/080).</p> <p>The marking is based on administrative measures.</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><i>Yes!</i></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><i>Yes!</i></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>According to our checks all hunters who imported rhino horn trophies are still in possession of these trophies.</p> <p>Permits which allow the import of rhino horn trophies do include following sentence: "Import of this hunting trophy is for personal use only. The item shall remain in the property of the holder of this permit. It shall be presented to competent authorities upon their request". In addition horns are marked and have a chip or TAG number.</p> <p>Since 2016 up to now only six rhino trophies were imported.</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>