

Country	
1. Member State:	AUSTRIA
General information	
2. Responsible authority for this report:	Federal Ministry of Agriculture, Forestry, Environment and Water Management Divison I/9 International Environmental Affairs Stubenbastei 5 1010 Vienna
3. Contributing agencies, organisations and other authorities:	Environment Agency Austria Spittelauer Laende 5 1090 Vienna
4. Reporting period	12 October 2014 – 31 August 2017

Parties to the Nagoya Protocol on Access and Benefit-sharing	
5. Is your country a Party to the Nagoya Protocol?	<input type="checkbox"/> Yes OR <input checked="" type="checkbox"/> No <p style="margin-left: 40px;">↳ <i>If selected, please indicate if there is any national process in place towards becoming a Party?</i></p> <p style="margin-left: 40px;">X Yes</p> <p style="margin-left: 40px;">Austria is a signatory to the Nagoya Protocol. The ratification process has been started but has not been finalized yet.</p> OR <input type="checkbox"/> No <p style="margin-left: 40px;">↳ <i>Please provide a summary of the main difficulties and challenges encountered for becoming a Party to the Nagoya Protocol: <Text entry></i></p>

Institutional structures and resources for the implementation of the Regulation

<p>6. Has your country designated one or more competent authorities as provided in Article 6?</p>	<p><input type="checkbox"/> Yes</p> <p>↳ Please identify the designated competent authority/ies¹: <Text entry></p> <p>↳ If selected, please fill in also section 7</p> <p>OR</p> <p><input checked="" type="checkbox"/> No</p> <p>Responsibilities are not yet clearly defined; clarification is in progress.</p> <p>↳ If selected, please move to section 8</p>
<p>7. Is (one of) the competent authority (authorities) in your country responsible for:</p> <p>- receiving due diligence declarations under Article 7(1) and 7(2)</p> <p>- transmitting information to the ABS Clearing House under Article 7(3)</p> <p>- carrying out checks on compliance in line with Article 9</p> <p>- recognition and verification of registered collections</p>	<p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is responsible for receiving due diligence declarations²: <Text entry></p> <p>↳ If no, please indicate which other institution is responsible for receiving due diligence declarations: <Text entry></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is responsible for transmitting information to ABS CH: <Text entry></p> <p>↳ If no, please indicate which other institution is responsible for transmitting information: <Text entry></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is responsible for carrying out checks: <Text entry></p> <p>↳ If no, please indicate which other institution is responsible for checking compliance: <Text entry></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ If yes and more than one competent authority established, please indicate which institution is</p>

¹ If more than one competent authority established, please number them in point 6.

² In all point 7, if the first option is selected, it is sufficient to refer to a number/(s) corresponding to the authority indicated under point 6

<p>- cooperation with third countries under Article 7(3)</p> <p>- implementation of complementary measures under Article 13 (awareness raising, training activities, guidance to users etc.)</p>	<p>responsible for recognition and verification of collections: <Text entry></p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for recognizing and verifying registered collections: <Text entry></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established</i>, please indicate which institution is responsible for cooperation with third countries: <Text entry></p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for the cooperation: <Text entry></p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p>↳ <i>If yes and more than one competent authority established</i>, please indicate which institution is responsible for implementation of complementary measures: <Text entry></p> <p>↳ <i>If no</i>, please indicate which other institution is responsible for implementation of complementary measures: <Text entry></p>
<p>8. Has your country designated any checkpoints beyond those envisaged in Article 7(1)–7(2) of the Regulation?</p>	<p>X No</p> <p>OR</p> <p><input type="checkbox"/> Yes</p> <p>↳ <i>Please provide information about the additional checkpoints:</i> <Text entry></p>
<p>9. Does your country have specific staff to administer functions directly related to the implementation of the Regulation?³</p>	<p>X Yes</p> <p><i>If selected</i>, please indicate how many (person-DAYS per year): 10</p> <p>Involved in enforcement of the Regulation (person-DAYS per year⁴): 5</p> <p>Involved in other activities (cooperation, awareness-raising, capacity-building, reporting) (person-DAYS per year): 20</p> <p>OR</p> <p><input type="checkbox"/> No</p> <p>↳ <i>Please provide a summary of the main difficulties and challenges encountered in assigning specific staff to administer functions related to the implementation of the Regulation:</i> <Text entry></p>

³ This information could be useful for the evaluation of the effectiveness of the Regulation under Article 16.

⁴ Note that this information can be provided in a aggregated format (average per year for the reporting period);

10. An estimate of external annual budget for implementation of the Regulation	An estimate for total external ⁵ annual budget for EU ABS Regulation implementation, including cooperation, awareness-raising, capacity-building, reporting: 20.000,- EUR
11. Additional information	<i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges encountered when establishing the institutional structure for the implementation of the Regulation: The biggest challenge is the complex competence structure in Austria. The responsibility with regard to nature protection, for example, lies within the nine provinces (regional governments), which have nine different nature protection laws.</i>

Legislative measures	
Penalties (Article 11)	
12. Has your country set up a penalty system as required by Article 11?	<input type="checkbox"/> Yes <i>↳ If selected, please fill in sections 13-15</i> OR <input checked="" type="checkbox"/> No <i>↳ If selected, please explain why not and provide a timetable for adoption of penalties: The responsibilities need to be clarified and defined before setting up the detailed implementation of this regulation.</i>
13. What are the types of penalties foreseen for infringements of Article 4 and 7 of the Regulation?	<input type="checkbox"/> Notice of remedial action <input type="checkbox"/> Administrative fines <input type="checkbox"/> Criminal sanctions <input type="checkbox"/> Others <i>↳ If selected, please specify: <Text entry></i>
14. What is the level of penalties established for breaches of the Regulation?	<Text entry> <i>Please provide examples for penalties applicable to offences that are considered to be severe, medium, and of lower importance.</i>
15. Additional information	<i>Please provide any additional relevant information, including – where relevant – a summary of the main challenges when putting penalty systems in place: <Text entry></i> <i>Please provide link(s) to the relevant legislation: <URL and website name></i>

⁵ Such as public procurement procedures, consultancies, studies, outsourced communication campaigns, etc.

Administrative measures put in place for implementation of the Regulation

Monitoring of user compliance (Article 7)

16. Has your country put in place measures to ensure that a request is made to all recipients of research funding involving utilisation of genetic resources and traditional knowledge associated with genetic resources, to declare that they exercise due diligence?	<input type="checkbox"/> Yes <i>↳ If selected, please fill in section 17 below</i> OR <input checked="" type="checkbox"/> No <i>↳ If selected, please explain why not and indicate if there is any other way of ensuring compliance with Article 7(1): The responsibilities need to be clarified and defined before setting up the detailed implementation of this regulation.</i>
17. How is the request under Article 7(1) made?	<input type="checkbox"/> By law or other legislative measures <i>↳ If selected, please provide reference to relevant legal provisions: <Text entry></i> OR/ AND <input type="checkbox"/> By direct requests to applicants for funding <i>↳ If selected, specify which organization is responsible for making the request: <Text entry></i> <i>↳ If selected, please indicate how many requests have been made so far: <Text entry></i> OR/ AND <input type="checkbox"/> By means of a website <i>↳ If selected, please provide URL and explain the reasons for the choice of that site: <Text entry></i> OR/ AND <input type="checkbox"/> By other means <i>↳ If selected, please specify: <Text entry></i>
18. Additional information	<i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties related to implementing a request referred to in Article 7(1): <Text entry></i>

Risk-based plan for checks on user compliance (Article 9(3)(a))

19. Has your country developed a plan as referred to in Article 9(3)(a)?	<input type="checkbox"/> Yes <i>↳ If selected, please fill in sections 20 to 22 below</i> OR <input checked="" type="checkbox"/> No <i>↳ Please explain why not and provide a timeline for when the plan is expected to be developed: The responsibilities need to be clarified and defined before setting up the detailed implementation of</i>
--	--

	this regulation.
20. What are the risk factors applied in the preparation of the plan and any other criteria considered in its development?	Please describe the risk factors: <Text entry> Please describe any other criteria: <Text entry>
21. Which period does the current plan cover? When and how often will the plan be revised?	<Text entry>
22. Additional information concerning development of the plans	<i>Please provide any additional relevant information, including – where relevant – a summary of the main difficulties and challenges when preparing the plan:</i> <Text entry> <i>Please provide link to the plan:</i> <URL and website name> <i>and/or</i> <Attachment>

Enforcement and compliance measures	
Monitoring of user compliance (Article 7) ⁶	
23. How many due diligence declarations have been received based on Article 7(1)?	none
24. How many due diligence declarations have been received based on Article 7(2)?	none
25. Number of checkpoint communiques transferred to the ABS Clearing House	none
26. Number of checkpoints communique transferred to the competent authority referred to in Article 13(2) of the Protocol for confidentiality reasons	none
27. Additional information	<i>Please provide a summary of the main difficulties related to monitoring of user compliance as per Article 7(1), if any:</i> <Text entry> <i>Please provide a summary of the main difficulties and challenges</i>

⁶ With regard to Questions 23 to 25, information needs to be provided for the current reporting period, while in the future it will need to be provided only if the DECLARE system was not used.

	<i>in relation to implementation of Article 7(2), if any: <Text entry></i>
Checks on users (Article 9)	
28. How many checks have been carried out during the reporting period?	no checks carried out
29. What types of checks were carried out?	<input type="checkbox"/> Examination of documents provided upon request <input type="checkbox"/> On-site visits <input type="checkbox"/> Inspections <input type="checkbox"/> Other ↳ <i>Please specify: <Text entry></i>
30. Were all the checks carried out in line with the plan developed based on Article 9(3)(a)?	<input type="checkbox"/> Yes OR <input type="checkbox"/> No ↳ <i>Please specify what were the reasons/triggers for carrying out the other checks: <Text entry></i>
31. In how many situations the checks were initiated due to substantiated concerns as referred to in Article 9(3)(b)?	<Text entry>
32. In how many cases were shortcomings identified?	<Text entry>
33. Additional information	<i>Please provide a summary of the main types of shortcomings identified: <Text entry></i> <i>Please provide a summary of the main difficulties and challenges in relation to checks: <Text entry></i>
Penalties (Article 11) no penalties imposed	
34. Penalties imposed during the reporting period	<i>Please specify if your country imposed any penalties</i> <input type="checkbox"/> Notice of remedial action ↳ <i>If selected, please specify how many: <Text entry></i> <input type="checkbox"/> Fines ↳ <i>If selected, please specify how many: <Text entry></i> <input type="checkbox"/> Criminal sanctions ↳ <i>If selected, please specify how many: <Text entry></i> <input type="checkbox"/> Others ↳ <i>If selected, please specify how many: <Text entry></i>
35. If penalties were applied during the reporting period, which types of infringements were penalised?	Infringement of duties stemming from: <input type="checkbox"/> Article 4 – due diligence <input type="checkbox"/> Article 7 – duty to file due diligence declaration <input type="checkbox"/> Other

	⌞ <i>Please specify:</i> <Text entry>
36. Additional information:	<i>Please provide a summary of the main difficulties and challenges concerning enforcement measures (if any):</i> <Text entry>
Register of collections (Article 5)	
37. Are you aware of any interest by institutions in your country to become a registered collection?	<p>X Yes</p> <p>⌞ <i>Please indicate how many collections expressed their interest: The Natural History Museum Vienna seems to be interested</i></p> <p>OR</p> <p><input type="checkbox"/> No</p>
38. Number of applications received	<Text entry>
39. Number of verifications carried out	<Text entry>
40. Additional information	<i>Please provide any additional information, including on what might explain the level of interest in becoming a registered collection:</i> <Text entry>

Cooperation and complementary measures	
Cooperation (Article 12)	
41. Has your country ⁷ cooperated with competent authorities or other relevant organizations in other EU Member States?	<p><input checked="" type="checkbox"/> Yes</p> <p style="margin-left: 20px;">↳ Please specify countries with which the cooperation was undertaken: several</p> <p style="margin-left: 20px;">↳ Please provide examples of such cooperation: Discussions on how to deal with a certain request</p> <p>OR</p> <p><input type="checkbox"/> No</p>
42. Has your country cooperated with (third countries') competent national authorities referred to in Article 13(2) of the Protocol?	<p><input checked="" type="checkbox"/> Yes</p> <p style="margin-left: 20px;">↳ Please specify the countries with which the cooperation was undertaken: several</p> <p style="margin-left: 20px;">↳ Please specify areas of cooperation: Mostly questions on how to get access in Austria</p> <p>Was the cooperation related to any identified shortcomings?</p> <p><input type="checkbox"/> Yes OR <input type="checkbox"/> No</p> <p style="margin-left: 20px;">↳ If yes, please specify the shortcomings: <Text entry></p> <p>OR</p> <p><input type="checkbox"/> No</p>
Complementary measures (Article 13)	
43. Has your country carried out any training and awareness-raising activities to assist the stakeholders and interested parties in building understanding of their obligations arising from the EU ABS Regulation and relevant provisions of the Protocol and the Convention? ⁸	<p><input checked="" type="checkbox"/> Yes</p> <p style="margin-left: 20px;">↳ Please specify type and number of activities carried out: Two workshops as well as presentations at several occasions:</p> <p style="margin-left: 20px;">↳ Please estimate the number of users that participated in the activities carried out or that received other assistance (e.g. in the form of responses to requests for clarification etc.): 150</p> <p>OR</p> <p><input type="checkbox"/> No</p>

⁷ When reference to “country” is made in this part, it shall be understood as covering activities carried out by the authorities, or carried out on their behalf;

⁸ See also response to question 54 from the Nagoya Protocol reporting format

<p>44. Has your country organized any activities addressed specifically to academic, university and non-commercial researchers, and small and medium enterprises?</p>	<p>X Yes see above</p> <p>↳ Please specify type and number of activities carried out:</p> <p>Training sessions: <Text entry></p> <p>Workshops: <Text entry></p> <p>Conferences: <Text entry></p> <p>Others: <Text entry></p> <p>↳ Please estimate number of users that participated in the activities carried out/ that received assistance: <Text entry></p> <p>OR</p> <p><input type="checkbox"/> No</p>
<p>45. Have any complaints been received from users in relation to implementation of the EU ABS Regulation?</p>	<p>X Yes</p> <p>↳ Please summarise the nature of complaints received: Some Austrian users criticize the administrative burden as well as costs and cannot see any advantages.</p> <p>OR</p> <p><input type="checkbox"/> No</p>

Submission addresses:

This form should be completed and sent **by email** to ENV-F3-NAGOYA-ABS@ec.europa.eu