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| ***On completion the Investigation Status Report should be submitted with draft Compliance Monitoring Report (dCMR) to the Secretariat – this is due 28 days prior to TCC.*** | | |
| **INVESTIGATION STATUS REPORT TEMPLATE[[1]](#footnote-1)** | | |
| In accordance with paragraph 8 of CMM 2015-07, where a CCM cannot complete an investigation prior to TCC, that CCM shall provide a Status Report to the Secretariat with the dCMR. TCC will consider the Status Report submitted by the CCM, and may suggest changes. Where the CCM agrees the Status Plan may be revised to reflect those suggestions. | | |
| **CCM: Republic of the Marshall Islands** | | |
| **Obligation: CMM 2015-01 14** | | |
| **CMR reporting year: 2016** | | **List relevant WCPFC Compliance Case Ref #s:**  **CN-FAI-196** |
| **Date submitted: August 30, 2017** | |
| **i) CCM to describe the steps that have been taken to commence the investigation** | | |
| **CCM (RMI) has initiated investigations on the alleged infringements concerning FAD set in Tuvalu waters. Agent of Vessel Operator has been notified of alleged FAD set violation.** | | |
| **ii) CCM to describe the process that CCM will take to complete the investigation, within their relevant national processes and laws** | | |
| **CCM (RMI) has reviewed the Observer’s report and data. Although Jin Hui 9 had the FAD Closure Exemption for 2016 in RMI waters, it has allegedly infringed on Tuvalu waters during FAD prohibition period during August and September of 2016. However, CCM (RMI) would require additional information from the Observer Provider to include** | | |
| **iii) CCM to describe, to the extent possible, actions proposed to be taken in relation to the alleged violation** *(including appropriate action in accordance with the relevant articles of the Convention)* | | |
| Although the Vessel is Chartered under RMI, Flag State (China) has the responsibility to ensure conformity with the laws of the Coastal State (Tuvalu) affected by the alleged infringements committed by the Vessel during FAD prohibition period in Tuvalu waters. Therefore, the matter should be referred to the Coastal State for appropriate actions. | | |
| **iv) CCM to set out an anticipated timeframe for the Investigation**  *CCMs are to provide a report of the progress of the investigation, including any action taken or proposed to be taken in relation to the alleged violation under the Status Report every year in its Annual Report Part II* | | |
| **Two weeks to communicate with Coastal State and inform Flag State of potential compliance issue with the Coastal State’s jurisdiction pertaining to FAD set alleged infringements in Tuvalu’s waters during FAD prohibition.** | | |
|  | **Anticipated end date for the Investigation:**  **September 12, 2017.** | |
| **Relevant excerpts for Investigation Status Report from CONSERVATION AND MANAGEMENT MEASURE FOR COMPLIANCE MONITORING SCHEME**  **Conservation and Management Measure 2015-07**  *Investigation Status Report*  8. Where a CCM cannot complete an investigation prior to TCC, that CCM shall provide a Status Report to the Secretariat with the dCMR, that:  (i) describes the steps that have been taken to commence the investigation;  (ii)  describes the process that CCM will take to complete the investigation, within their relevant national processes and laws;  (iii)  describes, to the extent possible, actions proposed to be taken in relation to the alleged violation;  (iv) sets out an anticipated timeframe in the Status Report  The CCM may work together with the Secretariat to draft the Status Report. This report shall be attached to that CCM’s comments to the dCMR.  9. TCC will consider the Status Report submitted by the CCM, and may suggest changes. Where the CCM agrees the Status Plan may be revised to reflect those suggestions.  10. Where TCC recognizes that an investigation of an alleged violation has commenced and is ongoing, as identified in a dCMR by a CCM, TCC shall assess that CCM as “Flag State Investigation” for that obligation.  11. That CCM shall provide a report of the progress of the investigation, including any action taken or proposed to be taken in relation to the alleged violation under the Status Report every year in its Annual Report Part II. Until the end of the anticipated timeframe in the plan that CCM shall remain assessed as “Flag State Investigation” against that particular obligation for that year.  *Conclusion of Capacity Development Plan or Status Report*  12. Notwithstanding paragraphs 5 - 7 and 6 - 11, where TCC does not consider that progress has been made against a Capacity Development Plan or a Status Report that CCM shall be assessed for that obligation in accordance with Annex I.  13. If a CCM notifies the Commission that its capacity needs have been met, or an investigation has been completed and any required action taken, the Capacity Development Plan or Status Report for that obligation shall be deemed to have terminated early and the CCM’s compliance with that obligation shall then be assessed in accordance with Annex I.  14. Once the timeframe in the Capacity Development Plan or Status Report has passed, that CCM’s compliance with that obligation shall then be assessed in accordance with Annex I.  --- | | |

1. Version 1 issued by WCPFC Secretariat 22 March 2017 –this template was prepared for use as a guideline by CCMs who may like to submit an Investigation Status Report with their draft Compliance Monitoring Report (dCMR). TCC12 recommended that information being provided in writing improves TCC’s ability to make informed assessments and the Secretariat was tasked with preparing a paper template so as to assist CCMs in providing required information for CMM 2015-07 paragraph 8. [↑](#footnote-ref-1)