



TECHNICAL AND COMPLIANCE COMMITTEE
Thirteenth Regular Session
27 September – 3 October 2017
Pohnpei, Federated States of Micronesia

Additional information received post 12 September 2017 related to dCMR

WCPFC-TCC13-2017-dCMR-AddInfo_MH
25 September 2017

Marshall Islands

Investigation status report related to CMM 2014-01 paragraph 14 for alleged infringements detected in 2015

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 TEMPLATE¹

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 2014-01 14

CMR reporting year: 2015

**List relevant WCPFC Compliance Case Ref #s:
Lojet [2015-08-07 to 2015-09-17]: MH-FAI-006**

Date submitted: September 25, 2017

i) CCM to describe the steps that have been taken to commence the investigation

On September 25, 2017, Flag State has reviewed the Observer reports regarding the alleged infringements on FAD sets during FAD Closure period by the Vessel, Lojet.

ii) CCM to describe the process that CCM will take to complete the investigation, within their relevant national processes and laws

Flag State has initiated its investigations on the vessel pertaining to whale shark interaction during FAD closure period in the High Seas. However, Flag State will require additional time to complete its full investigation based on information by the Observer via Observer reports (GEN-3 Form, PS-3 Form, Journal Entries, Logsheets) to verify whether the Vessel has violated laws and regulations of the Flag State, in accordance with internal procedures.

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)

At this stage, Flag State will require additional time to review the Observer's report as the reports were submitted late by the Observer Provider and will require the opportunity for the Flag State to complete its full investigation.

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

Flag State will require an additional month to complete its full investigations.

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**Anticipated end date for the Investigation:
November 30, 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.

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Obligation: CMM 2014-01 14

CMR reporting year: 2015

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Lojet [2015-08-07 to 2015-09-17]: MH-FAI-007**

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Flag State has initiated its investigations on the vessel pertaining to whale shark interaction during FAD closure period in Kiribati Waters. However, Flag State will require additional time to complete its full investigation based on information by the Observer via Observer reports (GEN-3 Form, PS-3 Form, Journal Entries, Logsheets) to verify whether the Vessel has violated laws and regulations of the Flag State, in accordance with internal procedures.

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Obligation: CMM 2014-01 14

CMR reporting year: 2015

**List relevant WCPFC Compliance Case Ref #s:
Lojet [2015-08-07 to 2015-09-17]: MH-FAI-003**

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Obligation: CMM 2014-01 14

CMR reporting year: 2015

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