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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: FSM** | | |
| **Obligation:** | | |
| **CMR reporting year: 2016** | | **List relevant WCPFC Compliance Case Ref #s:**  FM-SHK-005  FM-SHK-006  FM-CWS-007  FM-CWS-008  FM-CWS-009 |
| **Date submitted: September 07 2017** | |
| **i) CCM to describe the steps that have been taken to commence the investigation** | | |
| **FM-SHK-005** – Requested and received observer report from observer provider. Internal review of case undertaken, and investigation ongoing. However, delays in progress due to human resourcing limitations.  **FM-SHK-006** – Requested and received observer report from observer provider. Internal review of case undertaken, and investigation ongoing. However, delays in progress due to human resourcing limitations.  **FM-CWS-007** – Requested and received observer report from observer provider. Internal review of case undertaken, and investigation ongoing. However, delays in progress due to human resourcing limitations.  **FM-CWS-008** – Requested and received observer report from observer provider. Internal review of case undertaken, and investigation ongoing. However, delays in progress due to human resourcing limitations.  **We have taken steps by requesting to PNAO MRAG providing observer reports for FSM flag vessels and gathering all the foreign flag vessels that FSM observers had reported and underwent internal review and investigation process but, due to limited staffing within NORMA to spend 100% of his/her time in these cases because of priority core staff duties had made that delay in this process. Capacity Assistance Requested.** | | |
| **ii) CCM to describe the process that CCM will take to complete the investigation, within their relevant national processes and laws** | | |
| **FM-SHK-005** – Investigation will continue until a determination can be made in relation to FSM Title 24 and Shark Bill. If warranted, case will be forwarded for Department of Justice action.  **FM-SHK-006** - Investigation will continue until a determination can be made in relation to FSM Title 24 and Shark Bill. If warranted, case will be forwarded for Department of Justice action.  **FM-CWS-007 -** Investigation will continue until a determination can be made in relation to FSM Title 24. If warranted, case will be forwarded for Department of Justice action.  **FM-CWS-008 -** Investigation will continue until a determination can be made in relation to FSM Title 24. If warranted, case will be forwarded for Department of Justice action.  **FM-CWS-009 -** Investigation will continue until a determination can be made in relation to FSM Title 24. If warranted, case will be forwarded for Department of Justice action.  **NORMA will continue carrying out our due diligences part in reviewing and investigating these cases and if any serious cases that warrants our department of Justice action, we will refer the case to them to investigate further and prosecute in accordance to FSM Title 24 and the FSM Shark Bill.** | | |
| **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)* | | |
| **FM-SHK-005** – Investigation outcomes will determine further actions, if violations are determined.  **FM-SHK-006** – Investigation outcomes will determine further actions, if violations are determined.  **FM-CWS-007**– Investigation outcomes will determine further actions, if violations are determined.  **FM-CWS-008**– Investigation outcomes will determine further actions, if violations are determined.  **FM-CWS-009** – Investigation outcomes will determine further actions, if violations are determined.  **NORMA will continue conduct and carry out our diligences part in reviewing and investigating these cases and if any serious cases that warrants our department of Justice action, we will refer the case to them to investigate further and prosecute in accordance to FSM Title 18,19 and 24.** | | |
| **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* | | |
| **FM-SHK-005** – Investigation process is ongoing, estimated timeframe for completion is 3months.  **FM-SHK-006** – Investigation process is ongoing, estimated timeframe for completion is 3months.  **FM-CWS-007** – Investigation process is ongoing, estimated timeframe for completion is 3months.  **FM-CWS-008** – Investigation process is ongoing, estimated timeframe for completion is 3months.  **FM-CWS-009** – Investigation process is ongoing, estimated timeframe for completion is 3months.  FSM will not guarantee the time frame to fully complete all these cases due to the process at the Department of Justice on how they carry out their prosecution process. FSM will try to complete as much as we can on our case and report back to the commission during the Commission meeting in December. | | |
|  | **Anticipated end date for the Investigation:**  **Refer to responses under iv) above.** | |
| **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)