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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: TUVALU** | | |
| **Obligation: Convention Article 25 (2)** | | |
| **CMR reporting year: 2016** | | **List relevant WCPFC Compliance Case Ref #s:**  1.       TV-CWS-001: CMM 2011-03  2.       TV-PAI-001  3.       TV-PAI-002  4.       TV-PAI-003  5.       TV-PAI-004 |
| **Date submitted: 8 Sep 17** | |
| **i) CCM to describe the steps that have been taken to commence the investigation** | | |
| Tuvalu has begun the investigation in to this reported allegation. A formal request has been sent to Observer provider Kiribati to obtain relevant observer data to support the investigation on the alleged violations. | | |
| **ii) CCM to describe the process that CCM will take to complete the investigation, within their relevant national processes and laws** | | |
| Request the relevant information from the relevant authority i.e. Observer provider and the vessel operator, MCS team will compile a case file containing all the relevant information needed to support the alleged violations and forward the case to our Legal officer for her perusal. If all the evidences are complete, the legal officer will draft a notice of violation (NOV) detailing the alleged violations and level of penalty to be imposed as in accordance with our Act. The case will be taken up to our AG’s office for a more detailed vetting and feedback. If they are satisfied with the evidences and penalty imposed, they will give consent to proceed with the rest of Fisheries process which is issuance of the NOV by the Director of Fisheries and the Company concerned will be notified and are given two options to settle the matter. First option is that they can settle the fine out of court through Administrative proceedings if they agree to the NOV and second option is to let the high court hearing decides. | | |
| **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)* | | |
| *Notify our Flag vessel master and company of the alleged violations against them and informed them that we will initiate an investigation against them. Gather enough relevant information from any concerned CCM or organization to support the investigation. Penalize the vessel accordingly if there is enough evidences to prove the vessel did engaged in IUU activities that violates WCPFC measures.* | | |
| **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* | | |
| It will depend on how soon we can receive the data from observer provider. Maybe towards middle of November 2017 if everything goes as planned. | | |
|  | **Anticipated end date for the Investigation:** | |
| **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)