



**TECHNICAL AND COMPLIANCE COMMITTEE**  
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**SUMMARY OF INVESTIGATIONS OF ALLEGED VIOLATIONS THAT MAY BE RELEVANT  
TO dCMRS**

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WCPFC-TCC12-2016-10D\_rev1<sup>1</sup>  
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**Paper prepared by the Secretariat**

**Purpose**

1. This paper provides a summary of the status of investigations of alleged violations that may be relevant to the draft Compliance Monitoring Report (dCMR) based on information as at 7 September 2016. The summary also indicates where CCMs have provided submissions related to Investigation Status Underway (CMM 2015-07 paragraphs 8 -11) as part of their replies to this year's dCMR.

**Background**

2. In accordance with CMM 2015-07, CCMs may provide in replies to dCMRs a Status Report for investigations that were not able to be completed prior to TCC.
3. CMM 2015-07 paragraph 8 says:  
*"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; and*  
*(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."*
4. CMM 2015-07 paragraph 24 also says:  
*"24. Upon receipt of its dCMR, each CCM may, where appropriate, reply to the Executive Director no later than 28 days prior to TCC each year to:*  
*(i) provide additional information, clarifications, amendments or corrections to information contained in its dCMR;*  
*(ii) identify any particular difficulties with respect to implementation of any obligations; or*

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<sup>1</sup> Include minor edits

*(iii) identify technical assistance or capacity building needed to assist the CCM with implementation of any obligations.”*

5. In respect of Investigation Status Reports, Circular No.:2016/42 in announcing availability online for each CCM of their dCMR at the end of July also included a Quick Guide on how to submit Investigation Status Report online, with CCM’s dCMR response. The Secretariat throughout August also reached out to CCMs drawing attention to this aspect of the dCMR and offering assistance, if needed.

### **Summary of status of investigations of alleged violations that may be relevant to dCMRs**

6. In April 2016, the Secretariat launched its Compliance Case File online system to assist with tracking individual alleged violations that may be relevant to the Compliance Monitoring Scheme, from their initial notification through to the end of the investigation. Four lists have been published to date:

- a. **Article 25-2 Compliance Cases:** Contain any alleged infringements (other than ROP observer reported incidents listed below) in which a flag State investigation has been requested, in accordance with Article 25(2) of the Convention. For 2015, these request for flag State investigation were identified in aerial surveillance, HSBI, port inspection, VMS, Secretariat or other reports.
- b. **FAD Sets Alleged infringements:** Contain alleged infringements, related to setting on FADs during the FAD closure period, identified in ROP observer reports.
- c. **Observer Obstruction Alleged Infringements:** Contain alleged infringements, related to observer obstruction, identified in ROP observer reports.
- d. **Shark Catch Alleged Infringements:** Contain alleged infringements, related to shark finning or prohibition to retain silky shark or oceanic white-tip sharks identified in ROP observer reports.

For observer-data based alleged violations, flag CCMs are provided with details sufficient to commence their investigations eg to identify the vessel, the trip start and end dates, if relevant the fishing area, the CMM paragraph related to the alleged violation and observer programme that supplied the observer. Presently these lists are viewable by the relevant flag CCM and the Secretariat. The Secretariat is working on IT solutions to enable other relevant CCMs, such as the notifying CCM and relevant coastal CCMs to review these lists – a report on progress will be provided to TCC.

7. A summary of the status of investigations by responsible flag CCMs of alleged violations relevant to this year’s dCMR as contained in the Compliance Case File online system is provided in Table 1. This is based on information as at 7<sup>th</sup> September 2016, and should be considered provisional. The list provided in Table 1 includes an indication where at least one CCM has included some sort of response within the part of the dCMR template that was titled “Investigation Status Report”.
8. Authorised CCM users may view summaries of the status of the investigations in the ‘Secretariat Explanation’ column of dCMR in either:
  - a. the full draft Compliance Monitoring Report on the Intranet and filtering the “summary of issue” column to show options that contain the terms “alleged incident/s of possible non-compliance”; or

- b. reviewing the full dCMR MS Excel export, which can be filtered, filtering the “summary of issue” column to show options that contain the term “alleged incident/s of possible non-compliance”.
9. Copies of Investigation Status Reports are viewable by authorized CCMs through the secure side of the wcpfc website have been posted on the secure site of the website on 7 September 2016 as WCPFC-TCC12-2016-dCMR01-ISR.

**Recommendation**

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| 10. TCC12 is invited to note the paper |
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**Table 1: Summary of Investigation Status in Compliance Case File online system for full draft CMR covering 2015 activities as at 7<sup>th</sup> September 2016 (\*\* = at least one CCM provided a ISR response in their dCMR reply)**

| <b>CMM paragraph</b>  | <b>Topic</b>   | <b>CMR section<sup>2</sup></b> | <b>Count of applicable flag CCMs</b> | <b>Count of alleged violations that may be relevant to dCMR</b> | <b>Flag CCM Investigation Completed</b> <i>Note review of evidence may or may not suggest finding of a violation.</i> | <b>Flag CCM notified of alleged violation and/or investigation by flag CCM underway</b> | <b>ISR response in dCMR reply?</b> |
|---|--|--------------------------------|--------------------------------------|---|---|---|------------------------------------|
| Various [2004-03 02, 2009-06 34, 2009-06 35 a(iii), a(iv), 2010-02 02, 2012-07 02, 2013-05 01, 2013-05 02, 2013-10 04, 2013 10 17, Art 24 (1) ] | Article 25(2) Report of outcome of an investigation conducted, at the request of another Member of its vessels alleged violation of the Convention or CMMs. Summary to be provided in Part | all                            | 6                                    | 35  | 31  | 4   | **                                 |
| CMM 2007-01 14 (vii)  | CCMs to ensure vessel operators comply with the Guidelines for the Rights and Responsibilities of Vessel Operators, Captains and Crew  | v                              | 12                                   | 113   | 16  | 97  | **                                 |
| CMM 2014-01 14  | Purse seine 3 months FAD closure (July, August, September 2015)  | iv                             | 8                                    | 115   | 102   | 13  | **                                 |

<sup>2</sup> CMM 2015-07 paragraph 3: (i) catch and effort limits for target species; (ii) catch and effort reporting for target species; (iii) reporting including with respect to implementation of measures for non-target species; (iv) spatial and temporal closures, and restrictions on the use of fish aggregating devices; (v) authorizations to fish and the Record of Fishing Vessels, observer, VMS coverage, transshipment and the High Seas Boarding and Inspection Scheme; (vi) provision of scientific data through the Part 1 Annual Report (and its addendum) and the Scientific Data to be provided to the Commission; and (vii) submission of the Part II Annual Report, including compliance with the obligations in paragraph 36, and compliance with other Commission reporting deadlines.

| <b>CMM paragraph</b> | <b>Topic</b>  | <b>CMR section<sup>2</sup></b> | <b>Count of applicable flag CCMs</b> | <b>Count of alleged violations that may be relevant to dCMR</b> | <b>Flag CCM Investigation Completed</b> <i>Note review of evidence may or may not suggest finding of a violation.</i> | <b>Flag CCM notified of alleged violation and/or investigation by flag CCM underway</b> | <b>ISR response in dCMR reply?</b> |
|----------------------|---|--------------------------------|--------------------------------------|---|---|---|------------------------------------|
| CMM 2014-01 16       | Purse Seine 4 <sup>th</sup> month FAD closure (October 2015)  | iv                             | 3                                    | 12  | 9   | 3   | **                                 |
| CMM 2010-07 09       | Take measures to prohibit their vessels from retaining, transshipping, landing or trading in any fins harvested in contravention of this CMM  | i                              | 3                                    | 19  | 14  | 5   | **                                 |
| CMM 2011-04 01       | Prohibit vessels from retaining on board, transshipping, storing or landing any oceanic whitetip sharks, in whole or in part                  | i                              | 4                                    | 4   | 1   | 3   | **                                 |
| CMM 2013-08 01       | Prohibit vessels from retaining on board, transshipping, storing or landing any silky sharks, in whole or in part (applied after 1 July 2014) | i                              | 11                                   | 79  | 19  | 60  | **                                 |