



**TECHNICAL AND COMPLIANCE COMMITTEE**

**Twenty-First Regular Session**

**24 September to 30 September 2025**

**Pohnpei, Federated States of Micronesia (Hybrid)**

---

**MATTERS RELATED TO THE ISSUE OF CCFS CASES OLDER THAN 24 MONTHS**

---

**WCPFC-TCC21-2025-08**

**8 September 2025**

**Submitted by the Secretariat**

**Purpose**

1. This paper reports on progress to close out cases in the Compliance Case File System (CCFS) including for cases older than 24 months, and the use of the new case status of “INVESTIGATION NOT COMPLETED”. It also reports on the statute of limitations information provided by some CCMs.
2. All data presented in this paper reflects the status of cases as of 28 August 2025. At the time of issuing this paper, the Secretariat had completed its review of all case updates submitted by CCMs.

**Introduction**

3. In 2023, [TCC19](#) confirmed that cases in the CCFS older than 24 months should be systematically addressed by the Commission with no automatic close-out of old cases. CCMs needed to provide explanation as to why the case needs to be closed before completing the investigation, reaffirming flag CCMs’ obligations to act in response to alleged violations.<sup>1</sup>
4. In 2024, TCC20 recalled that CCMs (Commission Members) may close out cases older than 24 months due to: Legal limitations (e.g., statute of limitations), or Practical challenges (e.g., vessel flag changes, change of master or crew, vessel no longer operating, or individuals leaving the fishing industry), which hinder investigation and prosecution.
5. The Secretariat enhanced the CCFS to introduce a new case status that indicates a flag CCM cannot complete an investigation or take action on alleged violations, and the reason. A limited set of categories was introduced for this purpose, based on advice to TCC on reasons previously given by

---

<sup>1</sup> [WCPFC20-REV01 Summary Report](#), paragraphs 45 – 48: The Commission, at WCPFC20, adopted the following recommendations from TCC19 :

- the Commission requests CCMs provide the Secretariat with information on the domestic statute of limitations, the allowable period to bring a prosecution, for various types of cases: fisheries offences and criminal offences.
- the issue of cases older than 24 months in the CCFS be addressed by the Commission in a systematic way, not through automatic close-out of old cases, but with CCMs providing explanation as to why the case needs to be closed before completing the investigation, noting the requirement for flag CCMs to take action in response to alleged violations.
- it consider ways in which to rationalize and streamline data flows so that only genuine cases were included in the CCFS.

CCMs for incomplete case files. This new status and supporting categories are recognised in the below TCC20 recommendations to the Commission.

6. At WCPFC21, the Commission agreed that flag CCMs should provide information justifying the closing out of a case in the Compliance Case File System, which would be verified by the Secretariat and tasks the Secretariat to report to TCC21 on closed out cases.<sup>2</sup>

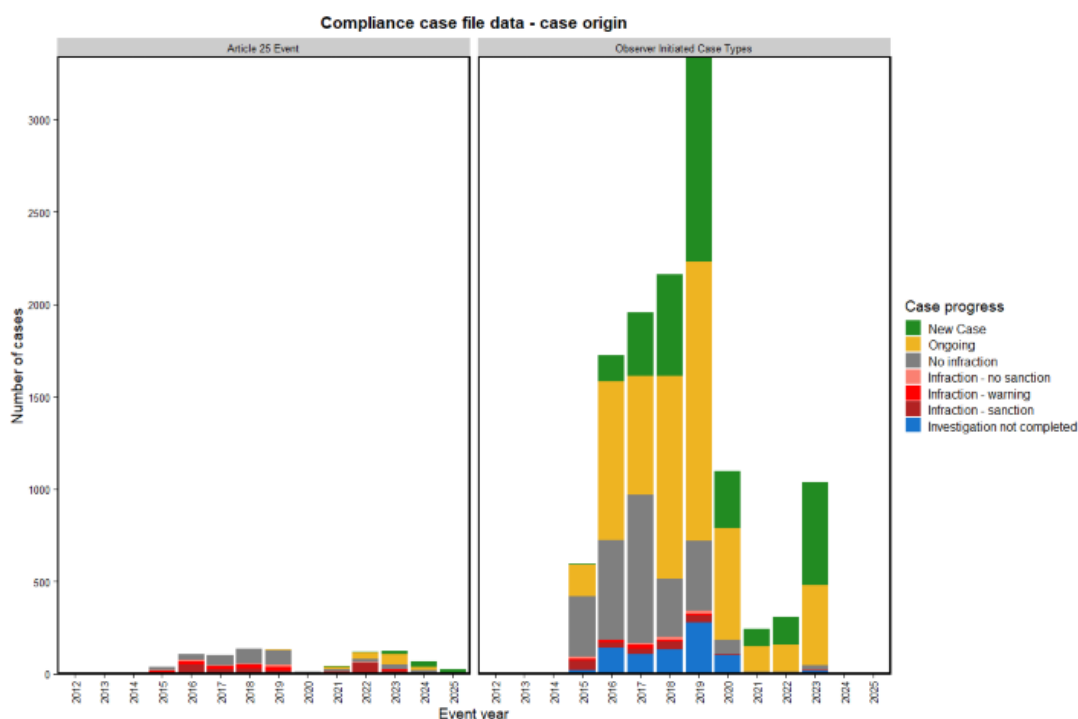
#### Overview of all CCFS cases and their status

7. Progress in closing cases can be seen at a high level by reviewing the status of all CCFS cases. To keep the focus on the overall outcome of reporting to TCC21 on case closures and their justification, only higher-level data has been presented. A more detailed breakdown on the scope and status of cases, particularly those originating from ROP observer data, is provided in the TCC21 supplementary paper to the Annual Report on the Regional Observer Programme ([TCC21-2025-RP02 suppl](#)).
8. As of 28 August 2025, there were 13,122 cases in CCFS from 2012 – 2025 that are either:
  - a. **open** and require further action by the flag CCM (8,791) - i.e. cases with a status of
    - i. NEW CASE (3,081), or
    - ii. INVESTIGATION IN PROGRESS (5,710), or
  - b. **closed** with no further action by the flag CCM (4,603) - i.e. cases with a status of
    - i. INVESTIGATION COMPLETED with subcategories for each Infraction level (3,519), or
    - ii. INVESTIGATION NOT COMPLETED with sub-categories for the reason why the case could not be fully investigated through to its conclusion (812).
9. **Figure 1** shows the above information with the year representing when the event occurred and the origin of the case as either generated from data collected through the Regional Observer Programme (ROP) or from Article 25(2) requests for investigation.
10. The CCFS is periodically updated with new cases derived from ROP data, according to procedures established by the Secretariat and the SPC-OFP, who oversee the management of WCPFC scientific data holdings.
11. In the past, the frequency of updates was primarily constrained by the frequency with which the SPC-OFP could provide ROP data to the Secretariat; but more recently the primary constraint has become the availability, within the Secretariat, of IT professionals capable of loading this data and of Compliance staff to review and check draft cases created from the ROP data. This can lead to delays between the “event year” of an observer-initiated case and the date of notification for that case. For the last couple of years, an update has occurred every three to six months. The current work of the ROP-IWG on streamlining the process for cases derived from ROP data to be provided to the Commission is aimed at supporting more frequent updates of CCFS based on ROP data. (Refer to [WCPFC-TCC21-2025-17B](#))

---

<sup>2</sup> [WCPFC21 Summary Report](#), paragraphs 279 and 287

**Figure 1. Total cases by year for Article 25(2) Events (left) and Cases based on ROP observer collected data (right), showing the case progress and if completed the outcome of the investigation**



12. **Figure 1** shows that Article 25(2) cases are more routinely investigated and closed. In contrast, there is a significant difference in the scale of cases originating from observer collected ROP data. Most remain open (green and yellow) with fewer closures, especially since 2020. This figure also shows the emerging use of the INVESTIGATION NOT COMPLETED (blue) status, introduced in 2024. As expected, this status is more evident in cases for events over 24 months old. The Secretariat understands several CCMs are yet to consider the applicability of this new status for their old cases.
13. **Tables 1 – 3** provide more detail, showing the specific numbers of cases for each case status by year, and confirming the extent of case closure for each year.

**Table 1: The breakdown in case numbers by year, for the Article 25(2) cases and the case progress**

Case progress	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
New Case	0	0	0	0	0	0	0	0	0	5	4	20	32	17
Ongoing	0	0	0	0	0	1	2	2	1	13	33	52	19	5
No infraction	0	0	1	15	31	55	79	77	4	12	19	27	15	1
Infraction - no sanction	0	0	0	8	10	3	7	14	0	2	2	0	0	0
Infraction - warning	0	0	0	7	18	19	19	23	0	2	3	10	0	0
Infraction - sanction	2	8	3	8	50	25	29	16	7	9	58	16	4	1
Investigation not completed	0	0	0	0	0	0	1	0	0	0	0	0	0	0

**Table 2: The breakdown in case numbers by year, for the observer-initiated cases and the case progress, excluding cetaceans and whale sharks (CWS) and other pre-notification (PAI) cases**

Case progress	2015	2016	2017	2018	2019	2020	2021	2022	2023
New Case	3	0	9	4	174	52	1	19	132
Ongoing	132	40	48	48	222	82	22	34	112
No infraction	254	229	603	43	191	14	1	2	11
Infraction - no sanction	0	0	0	0	1	0	0	2	0
Infraction - warning	1	0	1	1	2	0	0	0	0
Infraction - sanction	44	4	16	36	5	1	0	0	0
Investigation not completed	9	0	3	8	60	24	3	0	2

**Table 3: The breakdown in case numbers by year for the Cetacean and Whale Shark (CWS) and Pre-notification (PAI) cases**

Case progress	2016	2017	2018	2019	2020	2021	2022	2023
New Case	144	333	547	931	256	94	132	421
Ongoing	794	581	1,018	1,241	501	109	102	313
No infraction	284	188	234	178	60	4	6	16
Infraction - no sanction	2	9	17	13	0	0	0	0
Infraction - warning	9	16	5	7	0	0	0	1
Infraction - sanction	19	6	4	24	1	0	0	1
Investigation not completed	137	105	122	211	76	5	4	12

## Report on cases closed

14. **Tables 1 – 3** show the number of cases that remain open with no justification for closure. All except one case with INVESTIGATION NOT COMPLETED status originated from observer collected ROP data. The effect of the Cetacean and Whale Shark (CWS) and Pre-notification (PAI) case types on case closure is apparent, reflecting the more general scientific focus for ROP data standards for these case types. The ROP-IWG is working to fix issues with CWS and similar cases, improve how observer reports move into CCFS, and create a standard process for using ROP data in CCFS to address CCM concerns about delays.<sup>3</sup>

<sup>3</sup> [TCC20 Outcomes](#), paras 16 & 50, [WCPFC-TCC21-2025-17](#) Update on ROP-IWG, [WCPFC-SC21-2025/ST-WP-10](#) Update on ROP-IWG Taskings and Proposed Changes to ROP Minimum Standard Data Fields

15. Collectively, the tables demonstrate consistent progress in progressing Article 25(2) cases to closure. By comparison, for cases originating from ROP data, proportionately there are less cases moving from open to closed particularly for events since 2020. As the cases have not been closed, they have aged, with cases since around mid-2022 now more than 24 months old.

**Table 4: The number of observer-initiated cases and the number of ROP observer reports received (value in parenthesis)**

Status	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
New Case	3 (0)	144 (45)	344 (65)	552 (78)	1108 (162)	309 (54)	95 (2)	152 (7)	556 (16)	0	0
Investigation in Progress	170 (3)	858 (146)	642 (103)	1099 (217)	1511 (284)	603 (126)	137 (23)	143 (14)	435 (14)	0	0
No infraction	325 (113)	538 (319)	804 (297)	311 (286)	380 (224)	79 (79)	5 (3)	8 (7)	27 (20)	0	0
Infraction - no sanction	13 (13)	2 (2)	9 (9)	18 (18)	15 (15)	0	0	2 (2)	0	0	0
Infraction - warning	12 (12)	11 (11)	22 (21)	9 (9)	11 (10)	0	0	0	1 (1)	0	0
Infraction - sanction	49 (49)	33 (33)	26 (26)	44 (44)	38 (35)	2 (2)	0	0	1 (1)	0	0
Investigation not completed	22 (3)	140 (36)	109 (30)	131 (24)	277 (66)	103 (20)	8 (1)	4 (1)	17 (1)	0	0

16. **Table 4** shows the number of cases originating from ROP data. The figures represent the number of observer reports received at that case status. Most observer reports were provided for cases related to events in 2019. However, overall few ROP observer reports have been received by flag CCMs to support investigations. In most cases, less than 20% of cases have been supported by observer information during the NEW CASE and INVESTIGATION IN PROGRESS stages.
17. For a case originating from ROP data, and where an observer report has not been received or if the observer provider has not provided information in an alternative form to support the flag CCM's investigation, the case cannot be closed. This is reflected in **Table 4** where the number of completed cases ("No infraction" or one of the three "Infraction" categories) aligns closely with the number of observer reports received. Minor differences in three (3) instances may be data entry errors or specific circumstances.
18. In some cases, observer reports were received but the case was still given an INVESTIGATION NOT COMPLETED status. This may occur where the flag CCM took no further action on the information provided, where the observer report did not cover all of the case files for a particular event or trip, or where the observer report was supplied too late to allow for progress.
19. CCMs should note that the Secretariat anticipates the release of new cases from collected ROP data in the next few weeks. This is expected to include data related to 2024 trips, and there may also be ROP data for prior years.

#### Justification for case closure using Investigation Not Completed

20. There are five categories that define the reason for an INVESTIGATION NOT COMPLETED status:
- Crew/master changed
  - Vessel or owner/operator no longer exists
  - Date of event exceed national statute of limitations
  - Vessel changed flag and unable to proceed with new flag CCM

- Other (only used in exceptional circumstances – to date, where the ROP provider could not locate the observer report.)

21. These categories are intended to provide a structured basis for closing cases, while supporting flag CCMs to take responsible action to ensure alleged violations are fully investigated and completed.

**Table 5** below provides a breakdown of the reasons the status of INVESTIGATION NOT COMPLETED has been applied as reflected in **Tables 1 – 4** above.

**Table 5: Count of reasons for Investigation Not Completed status**

Investigation Not Completed	No. of cases with this reason
Crew/master changed	390
Vessel or owner/operator no longer exists	274
Date of event exceed national statute of limitations	129
Vessel changed flag and unable to proceed with new flag CCM	18
Other	1
<b>Total</b>	<b>812</b>

22. **Tables 5 – 6**, respectively, reflect the numbers of cases for each of the five reasons for case closure as INVESTIGATION NOT COMPLETED and the reasons for each case type.
23. The most common reasons are: crew/master changed, vessel or owner/operator no longer exists, and the date of event exceeds national statute of limitations. The Secretariat has noted a case that has exceeded a CCM's statute of limitations is often also associated with a statement that the crew/master has changed or that the vessel or owner/operator no longer exists.

**Table 6: Reasons provided for cases where the investigation is not completed by case type**

All cases		
Case type	Reason for no resolution	Total
VMS	Vessel changed flag and unable to progress with new flag state	1
FAI	Crew/master changed	4
	Vessel changed flag and unable to progress with new flag state	4
	Vessel or owner / operator no longer exists	7
OAI	Crew/master changed	19
	Vessel or owner / operator no longer exists	11
SHK	Date of event exceeds national statute of limitations	2
	Crew/master changed	7
	Vessel or owner / operator no longer exists	4
POL	Date of event exceeds national statute of limitations	2
	Crew/master changed	52
	Vessel changed flag and unable to progress with new flag state	2
	Vessel or owner / operator no longer exists	25
CWS	Date of event exceeds national statute of limitations	7
	Crew/master changed	93
	Vessel changed flag and unable to progress with new flag state	3
	Vessel or owner / operator no longer exists	69
PAI	Date of event exceeds national statute of limitations	118
	Other	1
	Crew/master changed	215
	Vessel changed flag and unable to progress with new flag state	8
	Vessel or owner / operator no longer exists	158

#### CCM information on Statute of Limitations

24. In response to an outcome of TCC19, the following CCMs provided the Secretariat with information on their respective domestic statute of limitations as they applied to fisheries-related offenses: Australia, Canada, European Union - Spain, Japan, Republic of Korea, Republic of the Marshall Islands, New Zealand, Papua New Guinea, Philippines, Chinese Taipei, and the United States. A more detailed summary of the information provided by each of these CCMs is in **Annex 1**.

25. CCM submissions highlight a range of domestic legal timeframes for initiating proceedings, both administrative and criminal:

- **No limit:** Papua New Guinea.
- **1 year:** Philippines (1 year minor, 8–12 years serious, 20 years treason).
- **1–2 years:** Marshall Islands and New Zealand (1 year for lower-penalty cases, 2 years for higher). Australia (1 year for minor, 2 years for certain violations; no limit for serious). Spain (1 year minor, 2 years serious, 3 years very serious).
- **3 years:** Japan (lesser offenses), Chinese Taipei (administrative; 10 years for criminal).
- **5 years:** Canada (summary convictions; none for indictable), United States (civil and criminal), Republic of Korea (most offenses; 7–25 years for more serious).

26. The variation in legal timeframes across CCMs reinforces the importance of:

- Timely access to evidence - For CCMs with short statutes of limitations (as little as one year), even modest delays in receiving ROP data or other information necessary to support an investigation can prevent legal action from being taken.
- Inconsistent legal timeframes create uneven enforcement risk – The same infringement may be prosecuted by one flag CCM, but another is more time sensitive and cannot progress the same type of infringement despite strong evidence, undermining deterrence and consistency across WCPFC.
- Early data sharing supports responsible flag CCM duties – Mechanisms to support rapid, standardised access to information enables all CCMs to investigate and prosecute within their statutory periods, strengthening compliance credibility.

## Conclusion

27. Overall, the information provided on case closure shows that most cases (67%) originating from ROP data remain open, with many potentially unable to be progressed further given their age and relevant CCM statute of limitations, in addition to other factors such as crew/master changes or the vessel or owner/operator no longer in existence.

These findings reinforce the need for CCFS closure mechanisms to consider both domestic legal limits and practical barriers to enforcement, emphasising the importance of:

- a. Completing the work of the ROP-IWG to streamline the reporting of ROP data in the CCFS;
- b. Completing the work of the ROP-IWG to refine and enhance ROP data fields to better support the use of ROP data in supporting the monitoring of implementation of CMMs; and
- c. Identifying and planning work that will allow progress on other impediments to the delays in cases being notified in CCFS and being progressed to completion by flag CCMs.



## Recommendations

28. TCC21 is invited to:

- a. **Review** the outcomes to date on the implementation and use of the INVESTIGATION NOT COMPLETED case status in the CCFS, as a way to manage cases that cannot be progressed to their normal completion;
- b. **Endorse** the prioritisation of the ROP-IWG's work to streamline the reporting of ROP data in the CCFS to reduce delays in case notification, improve the provision of supporting documentation (including from CCMs Observer Programmes) and to improve the quality of data collection indicating potential issues; and
- c. **Consider** any additional tasks needed to address other issues affecting the flag CCM's ability to expedite progress on case files within statutory timeframes and to fully meet their responsibilities as flag CCMs.

## ANNEX 1

CCM / Jurisdiction	Summary of Statute of Limitations Information Provided by CCMs
Australia	Under the Crimes Act 1914, serious offenses (those punishable by imprisonment >6 months or significant fines) may be prosecuted at any time. For other offenses, the limitation is generally 1 year. Specific provisions under the Fisheries Management Act 1991 allow for prosecution within 2 years for certain offenses (e.g., §95(2), §95(5)). Some offenses (e.g., use of foreign boats for commercial fishing) carry no limitation for commencement of proceedings
Canada	Canada distinguishes between summary conviction offenses, which are subject to a 5-year statute of limitations, and indictable offenses, for which there is no limitation period. This dual-track approach under the Fisheries Act allows discretion depending on offense severity.
Chinese Taipei	Applies a 3-year statute of limitations for administrative penalties, counted from the date of offense or consequence (under the Administrative Penalty Act). For criminal fisheries offenses, such as those under the Distant Water Fisheries Act, the statute of limitations is 10 years, aligned with offenses punishable by up to three years' imprisonment.
Japan	For fisheries crimes with a maximum penalty of less than five years of imprisonment or a fine, the statute of limitations is 3 years. This includes violations like unauthorized fishing on the high seas or logbook falsification.
Marshall Islands	Under the Fisheries Enforcement Act, judicial proceedings must be initiated within 2 years from the date of the offense. This time frame applies irrespective of whether the offense occurred inside or outside the fishery waters, provided jurisdictional requirements are met.
New Zealand	The Fisheries Act 1996 establishes a 1-year limitation for offenses with fines less than NZD 10,000 and a 2-year limitation for fines greater than NZD 10,000. The Criminal Procedure Act 2011 also applies broader limitations ranging from 6 months to 5 years, depending on the category and seriousness of the offense.
Papua New Guinea	There is no statute of limitations for fisheries offenses under the Fisheries Management Act 1998. While general limitations under other PNG laws (e.g., District Courts Act, Frauds & Limitations Act) set a 6-month limit for other matters, these do not apply to fisheries cases.
Philippines	Under Act No. 3326, limitation periods depend on the prescribed penalty: 1 year for minor offenses, 4 years if punishable by imprisonment of more than 1 month but less than 2 years, 8 years if punishable by imprisonment of 2 to less than 6 years, 12 years if punishable by imprisonment of 6 years or more and 20 years for treason. The period starts from the commission or discovery of the offense.
Republic of Korea	Limitation periods vary based on offense severity: 5 years for most fisheries offenses (e.g., unlicensed fishing, IUU activities), up to 25 years for offenses punishable by death. Ranges also include 7, 10, and 15 years for other categories.
Spain (EU)	Fisheries violations are treated as administrative infractions under Ley 3/2001: 3 years for very serious, 2 years for serious, and 1 year for minor infractions. These apply both to initiating proceedings and enforcing sanctions.
United States	For civil proceedings related to fisheries violations, the statute of limitations is 5 years from the date of the claim (28 U.S. Code § 2462). For criminal offenses (non-capital), the limit is also 5 years from the date of the offense (18 U.S. Code § 3282).