

## **Paris MoU Detention Review Panel Procedure**

Section 3.12 of the Paris MoU text states that; “the owner or the operator of a ship or his representative in the State concerned will have a right of appeal against a detention decision taken by the Authority of that State. An appeal will not cause the detention to be suspended. The Authority will properly inform the master of a ship of the right of appeal”.

Owners or operators are advised to use the official national procedure if they wish to appeal against a detention order. The National appeal procedures for Paris MoU member States are listed in the document called: National appeal procedure Paris MoU member States. This document is published on the Paris MoU public website.

In case an owner or operator declines to use the National appeal procedure but still wishes to complain about a detention decision, such a complaint should be sent to the flag State or the recognized organization (if authorized to act for the flag State).

The flag State or Recognized Organization may then ask the port State to reconsider its decision to detain the ship.

In such cases the port State should investigate the decision and inform the flag State or the R.O. of the outcome. If the port State agrees to reverse its decision it should also inform the Paris MOU database manager and the Paris MoU Secretariat.

### **Submission of a case for review:**

1. If the flag State or the recognized organization disagrees with the outcome of the investigation as mentioned above, a request for review may be sent to the Paris MoU Secretariat. This request can only be submitted by the flag State or the R.O., within 120 days from the date of release of the vessel from detention. Such a request should be accompanied by all information relevant to the detention in electronic format (submission by E-mail to: [secretariat@parismou.org](mailto:secretariat@parismou.org) ) and in the English language. The submission form (hereunder) is to be used.
2. The Secretariat will set up a “Review Panel” comprising of itself and 4 MOU Authorities requested on a rotating basis, excluding the port- and flag States involved if applicable.
3. The Review Panel will consider the procedural and technical aspects of the inspection based on the information provided by the flag State and/or the recognized organization and the port State. The details of correspondence are kept as an internal matter.
4. The Secretariat will prepare a summary of the opinions of the Review Panel within 30 days of accepting the request and will inform the flag State or the recognized organization, as appropriate, the port State and the MOU Advisory Board.
5. If the views of the Review Panel support the flag State or recognized organization’s complaint, the port State will be requested to reconsider its decision again.
6. The findings of the Review Panel are not binding but may provide justification for the port State to amend its inspection data already inserted in the database and to inform the database manager and the Secretariat accordingly. The secretariat will inform the flag State or recognized organization, as appropriate on the action (not) taken by the port State.

Documents submitted for review:

		<b>Submitted by:</b>		<b>Pgs.:</b>
		Flag / R.O.*	port State	
<b>1</b>	<b><u>Opinions:</u></b>			
.1	Request Flag / R.O. *, incl. opinion why detention not justified	<input type="checkbox"/>		..
.2	Statement port State, incl opinion why detention is justified		<input type="checkbox"/>	..
<b>2</b>	<b><u>PSC official documents:</u></b>			
.1	Inspection report form A & B, signed / unsigned*	<input type="checkbox"/>	<input type="checkbox"/>	..
.2	Print-out inspection report from database	<input type="checkbox"/>	<input type="checkbox"/>	..
.3	Notification of detention for the Master	<input type="checkbox"/>	<input type="checkbox"/>	..
.4	Notification of detention of the ship to flag State and R.O.	<input type="checkbox"/>	<input type="checkbox"/>	..
.5	Notification of release of the ship	<input type="checkbox"/>	<input type="checkbox"/>	..
.6	Request for agreement to proceed to a repair yard (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
.7	Conditions of release from a detention to a repair yard (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
.8	Refusal of access (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
<b>3</b>	<b><u>Correspondence:</u></b>			
.1	Ship owner – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.2	Ship owner – flag State	<input type="checkbox"/>	<input type="checkbox"/>	..
.3	Ship owner – recognized organization	<input type="checkbox"/>	<input type="checkbox"/>	..
.4	Ship owner – PMOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.5	Flag State – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.6	Flag State - recognized organization	<input type="checkbox"/>	<input type="checkbox"/>	..
.7	Flag State – PMOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.8	recognized organization – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.9	recognized organization – PMOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.10	Other	<input type="checkbox"/>	<input type="checkbox"/>	..
<b>4</b>	<b><u>Supporting documents / evidence:</u></b>			
.1	Photographs	<input type="checkbox"/>	<input type="checkbox"/>	..
.2	Copies of ship drawings	<input type="checkbox"/>	<input type="checkbox"/>	..
.3	Sketches made by crew / PSCO*	<input type="checkbox"/>	<input type="checkbox"/>	..
.4	Copies of relevant certificates	<input type="checkbox"/>	<input type="checkbox"/>	..
.5	Logbook entries, maintenance records	<input type="checkbox"/>	<input type="checkbox"/>	..
.6	Purchase orders, incl. invoice / Service order, incl. reports*	<input type="checkbox"/>	<input type="checkbox"/>	..
..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..
..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..
..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..
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..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..
..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..

\* Delete what is not applicable