

National appeal procedure Paris MoU member States

When deficiencies are found which render the ship unsafe to proceed to sea or that pose an unreasonable risk to safety, health or the environment, the ship may be detained.

The PSCO will issue a notice of detention to the master.

The PSCO will inform the master that the ship's owner/operator has the right of appeal. Appeal notice details can be found on the reverse side of the notice of the detention form and are different in each of the Paris MoU member States.

For Paris MoU member States the particulars necessary to submit a National appeal are listed below:

Click on the member State for details.

Belgium
Bulgaria
Canada
Croatia
Cyprus
Denmark
Estonia
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Latvia
Lithuania
Malta
The Netherlands
Norway
Poland
Portugal
Romania
Russian Federation
Slovenia
Spain
Sweden
United Kingdom of Great Britain and Northern Ireland

1. National appeal procedure Paris MoU member State Belgium.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other:	

The appeal shall be made to:	Address:
Appeal against the decision on account of the Belgian Shipping Act :	
Maritime Board of Investigation. Voorzitter van de Onderzoeksraad voor de Scheepvaart.	Griffie onderzoeksraad Hof van Beroep Waalse Kaai 37, 2000 Antwerpen, Belgium.
Appeal against the decision on account of the Prevention of Pollution from Ships Act :	
Staatssecretaris voor Mobiliteit	Koningsstraat 180 1000 Brussels, Belgium.

Deadline for submission	Days
From notification of release	
From notification of detention	14
Other	

Language	Submitted by
English	X Letter
	Fax
Other:	Other:

Other relevant information.
<p>The appeal shall be made within 14 days after the detention and shall be motivated <u>in writing</u>.</p>

2. National appeal procedure Paris MoU member State Bulgaria.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other: Each party with an interest.	X

The appeal shall be made to:	Address:
Directorate "Maritime administration Varna"	Varna 9000 Bul. "Primorski" 5 Tel. + 359 52 / 684 922 e-mail: hm_vn@marad.bg
Directorate "Maritime administration Burgas"	Ul. "Kniaz A. Batenberg" 3 Tel. +359 56 / 875 775 e-mail: hm_bs@marad.bg

Deadline for submission	Days
From notification of release	
From notification of detention	14
Other:	

Language		Submitted by	
English	X	Letter	X
Bulgarian	X	Fax	
Other:		Other:	

Other relevant information.	
<p>The appeal must be submitted to the Executive director of the Executive agency "Maritime administration" through the regional directorate of the Executive agency "Maritime administration", where the notice of the detention was issued.</p> <p>The decision for detention may be appealed directly to the court in accordance with the Administrative procedure Code of the Republic of Bulgaria, Article 148. The appeal must be submitted to the Regional Administrative court within the deadline of 14 days from the date of the acknowledgement of the notice of the detention. The appeal must be submitted through the regional directorate of the Executive agency "Maritime administration", where the notice of the detention was issued.</p> <p>An appeal shall not cause the detention to be suspended.</p>	

3. National appeal procedure Paris MoU member State Canada.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other	

The appeal shall be made to:	Address:
National Vice-Chair.	Marine Safety Transport Canada AMS Place de Ville, Tower "C". 11th floor, 330 Sparks Street Ottawa Ontario K 1A 0N8 Canada Fax: (613) 993-8196

Deadline for submission	Days
From notification of release	
From notification of detention	30
Other:	

Language		Submitted by	
English	X	Letter	X
French	X	Fax	X
Other:		Other:	

Other relevant information.	
<p>The authorized representative of a vessel that is detained under section 222 of the Act may, within 30 days after the day on which notice of the detention order was served, apply to the Board's National Vice-Chair for a review of the order.</p> <p>The National Vice-Chair shall assign the review to a Vice-Chair of the Board.</p> <p>The Vice-Chair may confirm, rescind or vary the detention order and shall notify the Authorized representative of the Vice-Chairs' s decision.</p>	

4. National appeal procedure Paris MoU member State Croatia.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other: Party referred to in detention order	X

The appeal shall be made to:	Address:
See other relevant information box	See other relevant information box

Deadline for submission	Days
From notification of release	
From notification of detention	15
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other: pending inspection department	

Other relevant information.	
<p>In accordance with the Maritime Code, article 178. and Regulation on Maritime Safety Inspection, article 62. paragraph 6 and 7</p> <p>The appeal is to be submitted <u>through the inspection department in charge for a particular vessel.</u> The appeal against Detention Order does not suspend its execution. The party is informed on this right on every Administrative Order (Detention form).</p> <p>An independent body within the Minister's cabinet deals, at the second level, with all appeals received in the Ministry.</p> <p>After the secondary ruling, the unsatisfied party has the right to initiate the legal procedure at the Court.</p> <p>Note: Such procedure is in accordance with the general Law on Administrative Procedure of the Republic of Croatia.</p>	

5. National appeal procedure Paris MoU member State Cyprus.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other: Representative in Cyprus	X

The appeal shall be made to:	Address:
See other relevant information box	See other relevant information box

Deadline for submission	Days
From notification of release	
From notification of detention	
Other: 48 hours of working days after notification of detent.	X

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

Other relevant information.
<p><u>NOTICE TO THE MASTER AS TO THE RIGHT TO OBJECT AND TO FILE A HIERARCHICAL RECOURSE</u></p> <p>The decision of a surveyor (Port State Control Officer) to prohibit the sailing of a ship, pursuant to the provisions of Merchant Shipping Law on Port State Control (Law 95(I)/2011) of Republic of Cyprus, may be challenged by an objection brought forward before the Director by the operator of the ship, or his representative in Cyprus.</p> <p>The objection shall be exercised in writing within a deadline of 48 hours of working days as from the time of the delivery of the notification of the prohibition of sailing to the master in accordance with the provisions of Article 22(2).</p> <p>Any objection submitted shall not suspend the execution of the decision.</p> <p>The Director shall examine the objection and shall, after having heard the interested parties or having given them the opportunity to express their views in writing, issue a decision on it, pursuant to the subsection that follows, the latest within 48 hours of working days</p> <p>The Director may decide:</p> <ul style="list-style-type: none"> to confirm the challenged decision. to declare the challenged decision null and void to amend the challenged decision to issue a new decision in substitution for the challenged decision <p>and shall communicate the decision he issues to the person filing the objection, as well as to the master of the ship concerned</p> <p>The operator of the ship or his representative in Cyprus may challenge by a hierarchical recourse to the Minister, any of the following decisions, concerning the ship and having been issued under this Law:</p> <p style="text-align: right;">(Continue next page)</p>

5. National appeal procedure Paris MoU member State Cyprus (continued)



Other relevant information.	
<p>A hierarchical recourse before the Minister shall be exercised in writing within a deadline of 5 days from the service, of the notification of the challenged decision to the master of the ship. The hierarchical recourse shall not suspend the execution of the decision.</p> <p>The Minister shall examine the recourse and shall, after having heard the interested parties or having given them the opportunity to express their views in writing, issue a decision on it, pursuant to the subsection that follows, the latest within a deadline of 10 days.</p> <p><u>The Minister may decide:</u></p> <ul style="list-style-type: none"> to confirm the challenged decision. to declare the challenged decision null and void to amend the challenged decision to issue a new decision in substitution for the challenged decision. <p>and shall communicate the decision he issues pursuant to this sub-section, to the person filing the recourse, as well as to the master.</p> <p>3. In all cases and notwithstanding the <i>right to object before the DMS Director</i> and /or the <i>right to file an hierarchical recourse before the Minister</i> (as described above), it is recalled that any administrative decision taken by the Competent Authority and /or any Port State Control Officer under Law 95(I)/2011 and in particular a decision imposing a prohibition of sailing (detention) and /or a prohibition of entry into a port of the Republic of Cyprus (refusal of access order) may be challenged for annulment under judicial review before the Supreme Court of Cyprus on a recourse made within seventy-five days in accordance with the provisions of Article 146 of the Constitution of the Republic of Cyprus . 1</p> <p>1 Article 146 of the Cyprus Constitution provides as follows :</p> <p>“ 1. The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person.</p> <p>2. Such a recourse may be made by a person whose any existing legitimate interest, which he has either as a person or by virtue of being a member of a Community, is adversely and directly affected by such decision or act or omission.</p> <p>3. Such a recourse shall be made within seventy-five days of the date when the decision or act was published or, if not published and in the case of an omission, when it came to the knowledge of the person making the recourse.</p> <p>4. Upon such a recourse the Court may, by its decision-</p> <ul style="list-style-type: none"> (a) confirm, either in whole or in part, such decision or act or omission; or (b) declare, either in whole or in part, such decision or act to be null and void and of no effect whatsoever; or (c) declare that such omission, either in whole or in part, ought not to have been made and that whatever has been omitted should have been performed. <p>5. Any decision given under paragraph 4 of this Article shall be binding on all courts and all organs or authorities in the Republic and shall be given effect to and acted upon by the organ or authority or person concerned.</p> <p>6. Any person aggrieved by any decision or act declared to be void under paragraph 4 of this Article or by any omission declared thereunder that it ought not to have been made shall be entitled, if his claim is not met to his satisfaction by the organ, authority or person concerned, to institute legal proceedings in a court for the recovery of damages or for being granted other remedy and to recover just and equitable damages to be assessed by the court or to be granted such other just and equitable remedy as such court is empowered to grant. ”</p>	

6. National appeal procedure Paris MoU member State Denmark.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other	

The appeal shall be made to:	Address:
Detention is in accordance with the Act of the Safety at Sea.	
Danish Shipping Tribunal	Danish Appeals Boards Authority, Toldboden 2, DK-8800 Viborg
Detention is in accordance with the Act on Protection of the Marine Environment:	
Danish Shipping Tribunal	Danish Appeals Boards Authority, Toldboden 2, DK-8800 Viborg

Deadline for submission	Days
From notification of release	
From notification of detention	28
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	
		e-mail: anke@naevneneshus.dk	

Other relevant information.
<p>In Denmark a special Shipping Tribunal has been established in accordance with the Danish Act on Safety at Sea. The Tribunal can consider complaints against different decisions made by the Danish Maritime Authority, including the detention of a ship.</p> <p>The Tribunal consists of a chairman appointed by the Danish Minister of Economic and Business Affairs and a number of expert members. The chairman must be a High Court Judge and the members are nominated by the ship-owners' and the seafarers' organisations.</p> <p>Decisions made by the Danish Shipping Tribunal may be brought before a court of law. The relevant link for more information: http://www.dma.dk/AboutUs/Sider/TheShippingTribunal.aspx</p>

7. National appeal procedure Paris MoU member State Estonia.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other: Representative owner	X

The appeal shall be made to:	Address:
Estonian Maritime Administration	Maritime Safety Division Lume 9 10416 Tallinn Estonia.
	Fax: +372 6 205 706 E-mail: mot@vta.ee

Deadline for submission	Days
From notification of release	
From notification of detention	30
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

Other relevant information.	
<p>Appeal against the decision on account of the Estonian Maritime Safety Act shall be made by the owner or its representative concerned and shall be made to the Maritime Safety Division of Estonian Maritime Administration.</p> <p>The appeal shall be made within 30 days after the detention.</p> <p>If the decision of the Maritime Administration does not satisfy a ship-owner or the representative thereof, he has the right to file a complaint to an administrative court.</p>	

8. National appeal procedure Paris MoU member State Finland.



The appeal shall be made by:	
Owner (IMO Identification number)	
ISM Operator (IMO Company number)	
Master	
Other: Party of interest	X

The appeal shall be made to:	Address:
Maritime Sector of the Finnish Transport Safety Agency	Postal address: P.O.Box 320 00101 Helsinki, Finland.
	Visiting Address: Kumpulantie 9, 00520 Helsinki Telephone: + 358 20 618 500 Fax: + 358 20 618 5095

Deadline for submission	Days
From notification of release	
From notification of detention	14*
Other: * see other relevant Information.	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

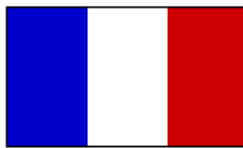
Other relevant information.	
<p>Authority considering claims for rectification A party may file a claim for rectification of this decision to the Finnish Transport Safety Agency.</p> <p>Time limitation The claim for rectification shall be lodged within 30 days of being served with the notice of the decision, not including the date of service. The claim for rectification shall, however, be made within 14 days of the date on which the shipmaster or the shipowner has received notification of an order of detention referred to in section 14 or 14b, or a decision on refusing access to a port referred to in 14c to 14h of the Ship Safety Control Act (370/1995). If the time given ends on a Saturday, Sunday, Independence Day, May 1st, Christmas Eve or Midsummer's Eve, the demand may be lodged on the next working day.</p> <p>If the decision is sent by mail as a regular letter, the addressee is deemed to have received service in seven days from the sending of the letter, unless otherwise proven. However, an authority is deemed to have received service of a decision on the date of arrival of the letter. If the decision has been sent in electronic form, the service of the decision is considered effected when the addressee or his/her proxy has retrieved the document from the server designated by the Finnish Transport Safety Agency. Otherwise the date of service is indicated by the certificate of service or acknowledgement of receipt. In the case of a proxy service, service is deemed to have been effected on the third day after the date indicated on the certificate of service, unless otherwise proven. (Continue next page)</p>	

8. National appeal procedure Paris MoU member State Finland. (continued)



Other relevant information	
<p>Form and contents of the document</p> <p>The claim for rectification shall be lodged in writing. The claim document shall indicate:</p> <ol style="list-style-type: none">1) the name and domicile of the party (or organisation) lodging the claim;2) the decision being challenged, the amendments demanded and the grounds on which the claim for rectification is based; and3) the postal address and telephone number where notices relating to the case can be served. <p>If the right of action of the party lodging the claim is exercised by a legal representative, proxy or other party involved in drafting the document, the said person's name and domicile should also be indicated.</p> <p>The document shall be signed by the party lodging the claim or his/her legal representative or by a legal representative of the party.</p> <p>Provisions on electronic signatures are given in Act 617/2009.</p> <p>Appendices to the claim</p> <p>Appended to the claim document shall be:</p> <ol style="list-style-type: none">1) the decision challenged, the original or a copy;2) a certificate of the date of service of the notice or other document showing the date the appeal period began;3) the proxy's power of attorney; and4) the documents to which the party refers in support of his/her claim, unless already delivered to the Finnish Transport Safety Agency. <p>Delivering the claim</p> <p>The claim for rectification shall be lodged at the Registrar's Office of the Finnish Transport Safety Agency within the time limit. The claim shall arrive at the Registrar's Office not later than 4.15 p.m. on the last day of the permitted time period. The claim may be lodged in person or sent by post or messenger. Delivery by post or by electronic means takes place at the party's own risk. Provisions on electronic services are given in the Act on Electronic Services and Communication in the Public Sector (13/2003).</p> <p style="text-align: center;">E-mail: kirjaamo@trafi.fi</p> <p>APPEAL CONCERNING THE CHARGE COLLECTED FOR THE DECISION</p> <p>If the person liable to pay finds that an error has been made when imposing the charge for this decision, he or she may file a claim for rectification to the Finnish Transport Safety Agency within six months of the imposing of the charge. In making the claim for rectification the instructions above shall be followed, as applicable.</p>	

9. National appeal procedure Paris MoU member State France.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

The appeal shall be made to:	Address:
Chief of safety vessel centre.	Pending port of call within France.
	See relevant information box.

Deadline for submission	Days
From notification of release	
From notification of detention	15
Other:	15

Language		Submitted by	
English	X	Letter	X
French	X	Fax	X
Other:		Other:	

Other relevant information.	
<p><u>Appeal procedure</u></p> <p>According to French regulations; article 41-12 decree n° 84-810 of 30th August 1984:</p> <ul style="list-style-type: none"> - an appeal procedure on a PSC Officer's decision is raised to chief of safety vessel centre corresponding; - an appeal procedure on chief of safety vessel centre's decision is raised to ministry in charge of the sea; - an appeal procedure concerning a banning decision is directly raised to ministry in charge of the sea. <p>The address of the office in charge of appeal procedure raised to ministry in charge of the sea is:</p> <p style="padding-left: 40px;">Ministère de l'Environnement, de l'Energie et de la Mer Direction générale des infrastructures, des transports et de la mer Direction des Affaires Maritimes Sous-direction de la sécurité maritime Bureau du contrôle des navires au titre de l'État du port DGITM – DAM –SM3 Tour Séquoia 92055 La Défense Cedex – Paris</p> <p>telephone +33 1 40 81 39 87 telefax +33 1 40 81 39 86 e-mail psc.france@developpement-durable.gouv.fr</p>	

10. National appeal procedure Paris MoU member State Germany.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other: Flag State	

The appeal shall be made to:	Address:
BG Verkehr.	Ottenser Hauptstr. 54, 22765 Hamburg, Germany

Deadline for submission	Days
From notification of release	
From notification of detention	
Other: See relevant information box.	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

Other relevant information.	
<p>A written appeal against the detention order may be lodged within one month of notification date. Such appeal should be addressed to the: BG Verkehr, Ottenser Hauptstr. 54, 22765 Hamburg, Germany. Fax +49 40 36137295 Email: psc@bg-verkehr.de In accordance with the provisions of Section 80(2)(4) of the Code of Administrative Procedure, any such appeal will not suspend the detention.</p>	

11. National appeal procedure Paris MoU member State Greece.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other	

The appeal shall be made to:	Address:
Ministry of Maritime Affairs and Insular Policy-Safety of Navigation Directorate	Akti Vasiliadi Gate E2 Port Piraeus 185 10 Greece.
	Fax: +30 213 1371561-2-3

Deadline for submission	Days
From notification of release	
From notification of detention	30
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other: dan@hcg.gr dan.d@hcg.gr	

Other relevant information.	
<p>1. According to the provisions of Article 20 of the Presidential Decree 16/2011 (A'36) the owner / operator* has the right of appeal against a detention, in accordance with the provisions of Article 45 of the Hellenic Code of Maritime Law.</p> <p>The latter provides that the owner / operator* has the right of appeal to the Minister of Citizen's Protection within 30 days from the date of detention.</p> <p>2. Following the decision of the Minister the owner / operator* always keeps the right to address himself to an Administrative Court for further appeal on his case.</p>	

* Or his representative.

12. National appeal procedure Paris MoU member State Iceland.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other	

The appeal shall be made to:	Address:
Ministry of the Interior	Sölvhólsgrata 7
	101 Reykjavík
	Iceland

Deadline for submission	Days
From notification of release	
From notification of detention	
Other: (3 months)	90

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

Other relevant information.	
<ol style="list-style-type: none"> 1. The official appeal procedures in Iceland are in Article 20 of Regulation No 816/2011, as amended. The master of a ship is informed of the right of appeal on the bottom of the Notice of Detention. 2. Such an appeal should be addressed to the Ministry of the Interior. Appeals should be launched within 3 months of the Detention Notice. 	

13. National appeal procedure Paris MoU member State Ireland.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other	

The appeal shall be made to:	Address:
Pending port of detention.	
See relevant information box	

Deadline for submission	Days
From notification of release	
From notification of detention	7
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	
Other:		Other:	

Other relevant information.	
<ol style="list-style-type: none"> 1. The owner/operator of a ship, or his or her representative in the State, may appeal against a detention decision taken by the Competent Authority but the lodging of such an appeal shall not cause the detention to be suspended. 2. An appeal under this Regulation shall lie to the judge of the Circuit Court <u>in whose Circuit the port in which the ship is detained is located</u> and shall be made within 7 days of the commencement of the detention. 3. On hearing an appeal under paragraph (1), the Court may confirm or vary the detention or allow the appeal. 4. A decision of the Circuit Court on an appeal under paragraph (1) shall be final, save that, by leave of the Court, an appeal from its decision shall lie to the High Court on a specified question of law. 	

14. National appeal procedure Paris MoU member State Italy.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other: Owner representative	X

The appeal shall be made to:	Address:
Tribunale Amministrativo Regionale (TAR)	Competent Regional Court (See relevant
through a local lawyer	info box)

Deadline for submission	Days
From notification of release	
From notification of detention	60
Other: extension + 30 within European countries area + 90 within extraeuropean countries area	

Language		Submitted by	
Italian	X	Letter	
		Fax	
Other:		Other:	

2.

The complaints shall be made by:	
Flag	X
Class	X
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other: Owner representative	X

Complaints can be addressed to:	Ministry of Infrastructure and Transport,
Ministry of Infrastructure and Transport,	Viale dell'Arte 16 – 0144- ROME
Italian Coastguard Headquarters,	FAX: +39 06 59084630
Safety of Navigation Department.	E-mail: italy.psc@mit.gov.it ;
	segreteria.reparto6@mit.gov.it

(Continue next page)

National appeal procedure Paris MoU member State Italy (Continued).



Deadline for submission	Days
From notification of release	
From notification of detention	30
Other	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	
		e-mail	

Other relevant information.	
<p>1. <u>Official appeal procedure in case of a PSC detention:</u> The right of appeal is foreseen by article 25 of the National Decree n. 53 dated 24.03.2011 transposing EC Directive 2009/16 on Port State Control. This appeal procedure falls entirely under the responsibility of the jurisdictional authority.</p> <p>By means of the notice of detention the master is informed, in writing, that the ship owner of the detained vessel or his representative in Italy can appeal against the detention order. He is also informed that the appeal has to be addressed to the Tribunale Amministrativo Regionale (TAR) within 60 days from the date of acknowledgement of the notice of detention. This time limit is increased of 30 or 90 extra days whether the complainant is located in another European country or outside Europe respectively.</p> <p>The decision of the above regional court can be appealed at the Consiglio di Stato within 60 days from the date of the acknowledgement of TAR decision.</p> <p>2. <u>Mechanism for handling complaints on PSC inspections.</u> Complaints concerning PSC inspections carried out in Italian ports are considered and replied by the Italian Coastguard – safety of navigation department.</p> <p>All interested parties (ship owner, classification society, flag State, etc.) can address their complaint to the to the main office in Rome within 30 days from the date of the acknowledgement of the PSC inspection and/ or detention. See address box above.</p>	

15. National appeal procedure Paris MoU member State Latvia.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

The appeal shall be made to:	Address:
The director of Maritime Administration of Latvia.	Trijādības iela 5, Rīga, LV-1048, Latvia
	Phone: +371 67062101 Fax: +371 67860082

Deadline for submission	Days
From notification of release	
From notification of detention	30
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	
Other:		Other:	

Other relevant information.	
<p>The shipowner, ISM operator or master (as their representative) may contest the Maritime Safety Inspectorate's decision regarding the detention of the ship. Contest must be submitted in writing to the director of the Maritime Administration of Latvia within one month from the notification of detention.</p> <p>Address: Maritime Administration of Latvia Trijādības iela 5, Rīga, LV-1048, Latvia Phone: +371 67062101 Fax: +371 67860082</p> <p>Decision made by the director of the Maritime Administration of Latvia can be appealed to the Administrative District Court (Baldones iela 1A, Rīga, LV-1007, Latvia) in accordance with the procedure prescribed by the Administrative Procedure Law.</p>	

16. National appeal procedure Paris MoU member State Lithuania.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

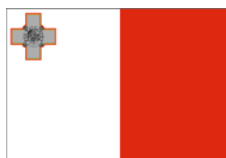
The appeal shall be made to:	Address:
The Director of Lithuanian Maritime Safety Administration.	J. Janonio str. 24 Klaipeda LT 92251 Lithuania. Fax. +370 46 469 600 e-mail msa@msa.lt

Deadline for submission	Days
From notification of release	
From notification of detention	14
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	
Other:		Other:	

Other relevant information.
<p>1. Appeal against the ship detention shall be made by the ship's Master or ship owner / operator to the Director of Lithuanian Maritime Safety Administration.</p> <p>2. The appeal shall be lodged in writing within fourteen (14) days after the ship detention.</p> <p>3. Following the decisions of director of Lithuanian Maritime Safety Administration the ship-owner/operator may appeal against to an Administrative Court in accordance with the procedure set out by the Law on Administrative Proceedings.</p>

17. National appeal procedure Paris MoU member State Malta.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other	

The appeal shall be made to:	Address:
Court of Appeal (Inferior Jurisdiction).	Registry, Courts of Justice, Republic Street, Valletta

Deadline for submission	Days
From notification of release	
From notification of detention	20
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	
Other:		Other:	

Other relevant information.
<p>An appeal against a decision for detention or stoppage of operation or refusal of access may be made by means of an application before the Court of Appeal (Inferior Jurisdiction).</p> <p>An appeal for this purpose shall be filed within twenty days of the service of order of detention or stoppage of operation or the day of refusal of access, as the case may be, and shall be served on the Authority for Transport in Malta who shall reply thereto within ten days of notification.</p> <p>If the owner or the operator of a ship or his representative in Malta shows to the satisfaction of the Court that: the matter did not constitute a valid basis for the relevant inspector's opinion, and there were no reasonable grounds for the inspector to form that opinion, the Court may award the owner such compensation in respect of any actual loss suffered by him in consequence of the detention or stoppage of operation or refusal of access as it deems fit.</p> <p>The burden of satisfying the Court as to these matters, shall lie with the owner or the operator or his representative in Malta, as the case may be.</p> <p>The Court shall also have regard, in coming to its decision, to any matters not specified in the order of detention or stoppage of operation or refusal of access Order that appears to it to be relevant as to whether the ship was not liable to be detained or refused access.</p> <p>Where the Court decides, that the matter did not constitute a valid basis for the inspector's opinion, it shall either cancel the order of detention or refusal of access or shall affirm the order with such modifications as it may in the circumstances deem fit.</p> <p>The Court shall include in its findings whether there was or not a valid basis for the order of detention or refusal of access.</p>

18. National appeal procedure Paris MoU member State The Netherlands.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other:	

The appeal shall be made to:	Address:
Minister van Infrastructuur en Waterstaat c/o Inspecteur Generaal Inspectie Leef- omgeving en Transport Juridische zaken	P.O. Box 16191 2500 BD Den Haag, The Netherlands.

Deadline for submission	Days
From notification of release	
From notification of detention	42
Other:	

Language		Submitted by	
English	X	Letter	X
(Or) Dutch	X	Fax	X
Other:		Other:	

Other relevant information.	
<p>In case of detention on account of the Port State Control Act or the Wet Voorkoming Verontreiniging door Schepen (Pollution Prevention Act) appeal can be made by any party interested to the Minister of Infrastructure and the Environment.</p> <p>The Inspector-General shall send the appeal without delay to the Minister of Infrastructure and the Environment.</p> <p>Appeals have to be duly signed and at least comprise the following information:</p> <ol style="list-style-type: none"> Name, address and interest of appellant; Date of appeal; Date of detention and details of case against which the appeal is directed; Reasoning for lodging the appeal against the decision. <p>An appeal shall not cause the detention to be suspended.</p> <p>The detention shall not be lifted until, according to the professional judgement of the officer of the Netherlands Shipping Inspectorate, all the deficiencies have been rectified and until full payment has been made or an authorized payment guarantee has been given for the reimbursement of the costs (if applicable).</p>	

19. National appeal procedure Paris MoU member State Norway.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other	

The appeal shall be made to:	Address:
Norwegian Maritime Authority	Smedasundet 50 A, Po Box 2222, N - 5509 Haugesund, Norway.

Deadline for submission	Days
From notification of release	
From notification of detention	21
Other: See text box relevant information	

Language		Submitted by	
English	X	Letter	X
		Fax	
Other:		E-mail post@sdir.no	X

Other relevant information.	
<p>According to Act of 16 February 2007 No. 09 relating to Ship Safety and Security and February 1967 relating to Public administration, decisions concerning detention can be appealed. The appeal shall be addressed directly to the Norwegian Maritime Authority.</p> <p>The time limit for lodging an appeal shall be three weeks from the date on which notification of the administrative decision has reached the party concerned. If notification is made by public announcement, the time limit for an appeal shall run from the date on which the administrative decision was first published.</p>	

20. National appeal procedure Paris MoU member State Poland.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other	

The appeal shall be made to:	Address:
MINISTRY OF MARITIME ECONOMY AND INLAND NAVIGATION Maritime Economy Department	Nowy Świat 6/12 00-400 Warszawa POLAND
through the Director of Maritime Office having jurisdiction over the port of detention	
See relevant information box	

Deadline for submission	Days
From notification of release	
From notification of detention	14
Other:	

Language		Submitted by	
Polish	X	Letter	X
		Fax	
Other:		Other:	

Other relevant information.

The right of appeal is foreseen by article 53.3 of the Act of 18 August 2011 on Maritime Safety, as amended, which transposes EC Directive 2009/16 on port State control. The appeal procedure in general is established in the Code of Administrative Procedures. According to the provisions of the abovementioned Code and Act on Maritime Safety the appeal against the detention may be made, in writing, by the owner or the master of the vessel **through the relevant Director of Maritime Office**, within 14 days of the receipt of the document containing the Notice of Detention.

The relevant Director of Maritime Office is:

- Director of Maritime Office in Gdynia (address: ul. Chrzanowskiego 10, 81-338 Gdynia, Poland) for the port of Gdynia and port of Gdansk;
- Director of Maritime Office in Szczecin (address: Pl. Batorego 4, 70-207 Szczecin, Poland) for the port of Swinoujscie, port of Szczecin and port of Police;
- Director of Maritime Office in Slupsk (address: Al. Sienkiewicza 18, 76-200 Slupsk, Poland) for the port of Darlowo, port of Ustka and port of Kolobrzeg.

Director of Maritime Office shall send the appeal without delay to the **MINISTRY OF MARITIME ECONOMY AND INLAND NAVIGATION, Maritime Economy Department** (address: **Nowy Świat 6/1200-400 Warszawa POLAND**) who is obliged to consider the appeal within 30 days.

An appeal does not cause the detention to be suspended.

21. National appeal procedure Paris MoU member State Portugal.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other: Flag State / R.O.	X

The appeal shall be made to:	Address:
Diretor-Geral de Recursos Naturais, Segurança e Serviços Marítimos	DGRM Avenida de Brasília, 1449-030 Lisboa, Portugal

Deadline for submission	Days
From notification of release	
From notification of detention	10
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other: E-mail	

Other relevant information.	
<p>1. The Flag State/RO and Company/Operator may appeal to the Diretor-Geral de Recursos Naturais, Segurança e Serviços Marítimos against the grounds of detention. This appeal will not cause the detention to be suspended. The burden of proof lies with the appealing entity.</p> <p>2. A formal appeal against the administrative decision of detention may be presented to the maritime court of Lisbon, without suspension of the detention (article 38th of decree-law nº.61/2012 of March the 14th).</p> <p>All Inspections involving the detention will be taxed. The detention will not be lifted until full payment has been made or a sufficient guarantee has been given.</p>	

22. National appeal procedure Paris MoU member State Romania.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	
Other: Ship's official representative	X

The appeal shall be made to:	Address:
General Director of the Romanian Naval Authority. See relevant information box	Cladirea ANR, poarta nr.1, 900900 Constanta Port, Romania
	See relevant information box

Deadline for submission	Days
From notification of release	
From notification of detention	30
Other: 6 months, see relevant information box	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

Other relevant information.	
<p>After the detention of a vessel, RNA (PSCO) shall inform the Master of that vessel about his right of appeal against the Notice of Detention.</p> <p>The national legislation states:</p> <p>1. In case of detention on account of a Port State Control inspection, the Owner, the Operator or the ship's official representative in Romania has, as compensation, the right of appeal, as foreseen in art.20 of the government decision of 04/08/2010 transposing EC Directive 2009/16/EC on Port State Control, as amended.</p> <p>2. The appeal procedure is governed by the Law 554/2004, namely: submitting the complaint to the General Director of the Romanian Naval Authority, address: Cladirea ANR, poarta nr.1, 900900 Constanta Port, Romania, not later than 30 days, as the first action of the appeal ;</p> <p>- If the result of the decision taken by RNA is still not satisfactory, the Owner, the Operator or the ship's official representative in Romania has the right of appeal against the Notice of Detention to Constanta Court of Appeal not later than 6 months from the issuing date of the Notice of Detention.</p> <p>3. The appeal procedure does not lead to the suspension of the detention</p>	

23. National appeal procedure Paris MoU member State The Russian Federation.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other: Flag, RO	X

The appeal shall be made to:	Address:
1st stage - Harbour Master Port of detention	See relevant information box
2nd stage - Ministry of Transport of the RF	Fax: +7 499 495 0000 * 0559 E-mail: rusma@mintrans.ru and psc@marinet.ru

Deadline for submission	Days
From notification of release	
From notification of detention	30

Language		Submitted by	
English	X	Letter	X
Russian	X	Fax	X
Other:		E-mail	X

Other relevant information.
<p>Appeals against port State control actions in Russia should be directed by a ship master or a ship-owner <u>in the first instance to a Harbour Master of the port of the detention (inspection)</u> contact details of whom should be provided by the PSC officer conducted the inspection.</p> <p>Should the party not be satisfied with the outcome of the appeal, the ship flag State or Recognized Organization should forward the appeal in writing to the Ministry of Transport of the Russian Federation to a fax +7 499 495 0000*0559 or via diplomatic channels.</p> <p>The Ministry of Transport will consider the appeal and make final decision on it.</p> <p>Fax: +7 499 495 0000 * 0559 E-mail: psc@marinet.ru and rusma@mintrans.ru</p>

24. National appeal procedure Paris MoU member State Slovenia.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other:	

The appeal shall be made to:	Address:
Ministry of infrastructure Slovenian Maritime Administration Maritime Inspection Division	Kidričeva 46 6000 Koper Slovenia
	Fax: +386 5 66 32 145

Deadline for submission	Days
From notification of release	
From notification of detention	15
Other:	

Language	Submitted by
	Letter X
Slovenian X	Fax X
Other:	Other:

Other relevant information.
<p>1. In accordance with the Maritime Code, Article 198., and the General Administrative Procedure Act each party is allowed to submit the appeal against the inspector's decision within the deadline of 15 day. The party is informed on this right on every administrative decision. Any such appeal shall not suspend the execution of decision.</p> <p>2. The appeal shall be addressed to the Ministry of Infrastructure and lodged in writing or orally with the Slovenian Maritime Administration, Maritime Inspection Division.</p> <p>3. In accordance with the General Administrative Procedure Act the appeal shall be in Slovenian language.</p> <p>4. After the ruling of the Ministry of Infrastructure, the unsatisfied party has the right to lodge an application with the Administrative Court.</p>

25. National appeal procedure Paris MoU member State Spain.



The appeal shall be made by:	
ISM Operator (IMO Company number)	X
Master	X
Other	

The appeal shall be made to:	Address:
Director General de la Marina Mercante	C/Ruiz de Alarcón 1, 20871, Madrid, Spain.

Deadline for submission	Days
From notification of release	
From notification of detention	1 month
Other	

Language		Submitted by	
Spanish	X	Letter	X
		Fax	
Other:		Other:	

<p>1. Against the detention final decision, which does not end the administrative proceedings, an appeal may be submitted, within one month, to the Director General de la Marina Mercante, according to article 121 and alike of the Spanish Law (Ley 39/2015 del Procedimiento Administrativo Común de las Administraciones Públicas) to the following official address:</p> <p>Dirección General de la Marina Mercante, C/Ruiz de Alarcón 1, 20871 - Madrid, Spain</p> <p>Articles 15 and 121 of the Ley 39/2015 require the appeal to be presented in Spanish.</p> <p>2. Against the decision of the administrative appeal indicated above, which end the administrative proceedings according to article 114 of Law 39/2015, a new appeal may be submitted to the Spanish Administrative Courts, according to article 46 and alike of Spanish Law 29/1998, within two months in case of formal resolution or six months in case of administrative silence.</p>	

26. National appeal procedure Paris MoU member State Sweden.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	
Other	

The appeal shall be made to:	Address:
The Administrative Court in Linköping	
See relevant information box	

Deadline for submission	Days
From notification of release	
From notification of detention	21
Other	

Language	Submitted by
English	Letter X
	Fax
Other:	Other:

Other relevant information.
<p>Decisions regarding detentions may be appealed. The appeal shall be in writing, and you shall state which decision you are appealing and what you wish to change.</p> <p>The appeal shall be made to The Administrative Court in Linköping but sent to;</p> <p style="padding-left: 40px;">The Swedish Transport Agency, Maritime Department, SE-601 73 Norrköping, Sweden.</p> <p>The appeal shall reach the Swedish Transport Agency within 3 weeks after you were informed about the decision.</p> <p>The ruling of the administrative court can be appealed to an administrative court of appeal and later to the Supreme administrative court. Both of these courts must first grant a leave to appeal before they reconsider a case.</p> <p>Information on how to appeal the ruling of the administrative court is always provided with the ruling.</p>

27. National appeal procedure Paris MoU member State The United Kingdom of Great Britain and Northern Ireland.



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	
Master	X
Other	

The appeal shall be made to:	Address:
MCA office issuing the detention order.	See relevant information box.

Deadline for submission	Days
From notification of release	
From notification of detention	21
Other:	

Language		Submitted by	
English	X	Letter	X
		Fax	X
Other:		Other:	

Other relevant information.	
<p>Summary</p> <p>UK legislation provides for appeal and compensation for a master or owner against the issue of a notice of detention or refusal of access. The appeal is referred to an independent arbitrator for decision.</p> <p>The Maritime and Coastguard Agency (MCA) also operates a separate administrative procedure to investigate complaints on any aspect of service provided by the MCA. The complaint may be referred to an independent adjudicator if necessary.</p> <p>Appeal and compensation – detention under Port State Control</p> <p>A guidance note on appeal procedure is issued at the time of detention.</p> <p>A master or owner of a ship may appeal within 21 days against a notice of detention which has been served on the ground that the ship is dangerously unsafe or fails to comply with UK Merchant Shipping Acts. The right of appeal is contained in the Merchant Shipping Act 1995 and Merchant Shipping (Port State Control) Regulations 2011. The appeal does not suspend the detention.</p> <p align="right">(Continue next page)</p>	

27. National appeal procedure Paris MoU member State The United Kingdom of Great Britain and Northern Ireland. (Continued)



Other relevant information.

A single arbitrator is appointed by agreement between the parties, or if agreement cannot be reached by a Judge of the High Court. The arbitrator, who must meet qualification criteria specified in the Act, is required to decide whether there was or was not a valid basis for the detention, but may take account of matters not specified in the detention notice if considered relevant to the detention. The burden of satisfying the arbitrator that there were no reasonable grounds for detention lies with the owner.

If the arbitrator decides that there was not a valid basis for the inspector's opinion he must either cancel the detention or confirm it with a modification. Otherwise he must confirm it.

In claiming compensation for an invalid detention the owner must satisfy the arbitrator that any matter did not constitute a valid basis for the inspector's opinion and there were no reasonable grounds for the inspector to form that opinion. If satisfied the arbitrator will award the owner compensation for loss arising from detention of the ship as he thinks fit.

There is normally no appeal against the decision of the arbitrator. However if the Master or owner is concerned that the law was clearly incorrectly applied or the arbitration conducted unfairly he may take legal advice on whether the High Court would overturn the decision on those grounds.

A notice of appeal should be sent to **the MCA office issuing the detention order.**

Complaint procedure

The MCA has a complaints procedure that is published on our external website (www.dft.gov.uk/mca) if you are not satisfied with the service that you have received, which may include inspection and detention.

If you are not satisfied with the service from the MCA please get in touch with the person or section that you have been dealing with. They will be keen to put the matter right if they can. Contact details are available on the MCA website.

If you remain unsatisfied, you should write, including full details of previous correspondence, to our Chief Executive who will make sure that your complaint is thoroughly investigated. The MCA aims to provide a full response within ten working days.

If you feel that your complaint has not been handled properly, you can ask us to refer the matter to an Independent Complaints Assessor appointed by the Department for Transport. The role of the Assessor is to assess the manner in which the complainant's case or request has been handled and also the way in which a complaint has been dealt with.

Alternatively you can write to your Member of Parliament about your complaint, and ask him or her to refer it to the Parliamentary and Health Services Ombudsman.