



## **BS MOU Detention Review Board Procedure**

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 BSIS Manager and the BS MOU Secretariat.

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

- 1 If the flag State or the recognized organization disagrees with the outcome, a request for review may be sent to the Secretariat ([secretariat@bsmou.org](mailto:secretariat@bsmou.org)) within 90 days from the date of release of the detention. Such a request should be accompanied by all information relevant to the detention in electronic format (submission by E-mail to: [secretariat@bsmou.org](mailto:secretariat@bsmou.org)) and in the English language. The submission form (hereunder) is to be used.
- 2 The Secretariat will set up a “Detention Review Board” (hereafter referred to as the “Review Board”) comprising of 3 Authorities chosen by alphabetical order, excluding the port and flag State (if applicable). The Secretariat will also inform the port State of the request for review and invite the port State to submit relevant information.
- 3 The Review Board 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 Board members will return their opinions in electronic format.
- 4 The Secretariat will prepare a final summary of the opinions of the Review Board and will inform the flag State or the recognized organization, as appropriate. The detail of correspondence between the Board and the port State will be kept as an internal matter.
- 5 If the views of the Review Board support the flag State or the recognized organization’s complaint, the port State will be requested to reconsider its decision again.
- 6 The findings of the Review Board are not binding but may provide justification for the port State to amend its inspection data already inserted in the BSIS and to inform the Secretariat and the BSIS Manager accordingly. The recommendation of the Review Board could not be used as a ground for claiming a financial compensation. The Secretariat will inform the flag State or the 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/RO*	Port State	

<b>1</b>	<b>Opinions :</b>			
.1	Request Flag /RO, 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>PSC Official Documents :</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 RO	<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>Correspondence :</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 - BS MOU 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 - BS MOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.8	Recognized organization - port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.9	Recognized organization – BS MOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.10	Other	<input type="checkbox"/>	<input type="checkbox"/>	..

<b>4</b>	<b>Correspondence :</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"/>	..
..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..
..	.....	<input type="checkbox"/>	<input type="checkbox"/>	..

\* Delete what is not applicable