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) 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) 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:

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Pgs:</th>
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<tbody>
<tr>
<td>Flag/RO*</td>
<td>Port State</td>
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1. **Opinions:**
   - .1 Request Flag /RO, incl. opinion why detention not justified
   - .2 Statement port State, incl. opinion why detention is justified

2. **PSC Official Documents:**
   - .1 Inspection report form A & B, signed / unsigned
   - .2 Print-out inspection report from database
   - .3 Notification of detention for the Master
   - .4 Notification of detention of the ship to flag State and RO
   - .5 Notification of release of the ship
   - .6 Request for agreement to proceed to a repair yard (if appl.)
   - .7 Conditions of release from a detention to a repair yard (if appl.)
   - .8 Refusal of access (if appl.)

3. **Correspondence:**
   - .1 Ship owner – port State
   - .2 Ship owner – flag State
   - .3 Ship owner - recognized organization
   - .4 Ship owner - BS MOU Secretariat
   - .5 Flag State - port State
   - .6 Flag State - recognized organization
   - .7 Flag State - BS MOU Secretariat
   - .8 Recognized organization - port State
   - .9 Recognized organization – BS MOU Secretariat
   - .10 Other

4. **Correspondence:**
   - .1 Photographs
   - .2 Copies of ship drawings
   - .3 Sketches made by crew / PSCO*
   - .4 Copies of relevant certificates
   - .5 Logbook entries, maintenance records
   - .6 Purchase orders, incl. invoice / Service order, incl. reports*

* Delete what is not applicable