

## **Appeal procedure in Med MoU member States**

<b>Albania</b>	<p>The shipowner has the right to appeal the Detention Order in accordance with Article 10 of the Decision of the Council of Ministers No. 13, dated 11.01.2017, "On the Approval of the Regulation on Port State Control in the Republic of Albania".</p> <p>The appeal shall be submitted to the First Instance Administrative Court having jurisdiction over the city of the port where the ship has been detained.</p> <p>The submission of an appeal against the Detention Order does not suspend its execution.</p> <p>The party concerned is informed of this right in each Administrative Order (Detention Form).</p> <p>An unsatisfied party has the right to initiate legal proceedings before the competent court.</p> <p>Note: This procedure is carried out in accordance with the general Law on Administrative Procedure of the Republic of Albania.</p>
<b>Algeria</b>	<p>Appeal against the decision of detention on account of the Algerian Maritime Code shall be made by the owner or master concerned through the consular office of the flag state.</p> <p>The appeal shall be made within 10 days after the date of detention and writing to the president of central safety commission by letter or telefax.</p> <p>The appeal against this detention order does not suspend its execution.</p> <p><b>Address:</b></p> <p>Ministère des Transports, Direction de la Marine Marchande</p>
<b>Croatia</b>	<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 through the inspection department in charge for a particular vessel within fifteen days from the order of detention. The appeal against Detention Order does not suspend its execution.</p> <p>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 within the Court.</p> <p>Note: Such procedure is in accordance with the general Law on Administrative Procedure of the Republic of Croatia.</p>
<b>Cyprus</b>	<p>The decision of a surveyor to prohibit the sail of a ship pursuant to the provisions of Law 95(I)2011 as amended, may be challenged by objection brought forward before the Director of the Department of Merchant Shipping by the owner, or the operator of the ship, or his representative in Cyprus.</p> <p>The right to object 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 sail to the master. Any objection submitted shall not suspend the execution of the decision. 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 subsection (4), the latest within 48 hours of working days. The Director may decide</p> <ul style="list-style-type: none"><li>• to confirm the challenged decision.</li></ul>

## **Appeal procedure in Med MoU member States**

- to declare the challenged decision null and void
- to amend the challenged decision
- to issue a new decision in substitution for the challenged decision

and shall communicate the decision he issues to the person filing the objection, as well as the master of the ship involved, if he is not the person making the objection. The operator of the ship or his representative, may challenge by a hierarchical recourse to the Shipping Deputy Minister to the President, any of the following decisions, concerning the ship and having been issued under Law 95(I)2011 as amended:

- a surveyor's decision for a prohibition of sailing (detention),
- a decision of the Competent Authority for the prohibition of access to a port of the Republic Cyprus (refusal of access order),
- a decision of the Director, issued as stated above

A hierarchical recourse before the Deputy 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. The Deputy 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 the latest within a deadline of 10 days.

The Deputy Minister may decide:

- 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.

and shall communicate the decision he issues, to the person filing the recourse, as well as the master of the ship involved if he is not the one making the objection.

### **Egypt**

Appeal against the decision of detention on account of Port State Control Act may made by any person who has been directly affected in his interests by this decision. An appeal shall not cause the detention to be suspended.

Appeal shall be made to the Minister of Transport, through the chairman of the Egyptian Authority For Maritime safety.

The appeal shall be made within 6 weeks after the date of the detention and shall be written in Arabic or English language by letter, telegraph or telex.

The detention shall not be released until, according to the professional judgment of the Port State Control-officer, all the deficiencies have been given for the reimbursement of the costs.

Time:.....Date:.....

Master of M/V:

Name:

Signature:

M/V Stamp:

## **Appeal procedure in Med MoU member States**

<b>France</b>	The appeal shall be made by	Owner (IMO Identification number), or ISM Operator (IMO Company number), or Other: MLC Shipowner
	Deadline for submission	15 Days from notification of detention
	Language	French, or English
	Submitted by	Letter, or Fax, or E-mail
	The appeal shall be made to	See other relevant information below
<b><u>Other relevant information</u></b>		
Article 41-12 of Decree of 30th August 1984 as amended on the safety of life at sea, pollution prevention, safety, security, and social certification of ships states:		
<ul style="list-style-type: none"><li>• Any appeal against a decision taken by a PSCO to detain a vessel must be addressed to the head of the relevant PSC office. Contact: address of PSC office on the inspection report form's header.</li><li>• Any appeal against a decision taken by the head of a PSC office to detain a vessel must be addressed to the Minister in charge of the Sea. Contact: Direction générale des affaires maritimes, de la pêche et de l'aquaculture Service des flottes et marins Sous-direction de la sécurité et de la transition écologique des navires Bureau STEN3 psc.france@developpement-durable.gouv.fr Tour Séquoia 92055 La Défense Cedex</li><li>• Any appeal against a refusal of access decision must be addressed to the Minister in charge of the Sea. Contact: see above</li></ul>		
The appeal must be lodged by the owner, the ISM operator of the vessel, the MLC shipowner or their respective representatives, within fifteen days from the date of the notification of the decision.		
The appeal does not suspend the detention or the refusal of access.		
In the event of disagreement regarding the conclusions of the appeal, the applicant may appeal to the Administrative Court of law.		

## **Appeal procedure in Med MoU member States**

<b>Israel</b>	<p>Appeal against the detention decision shall be made by the owner or operator or master of a ship or his representative in Israel to the Head of the Senior Inspectorate Division. The appeal against the detention order does not suspend its execution.</p> <p><b>Contact:</b></p> <p>Mr. Asher Kadosh Head of the Senior Inspectorate Division Administration of Shipping and Ports Israeli Ministry of Transport</p> <p><b>Address:</b></p> <p>Haifa District Government Center Yitzhak Rabin building B 15A Pal-Yam Street Box 806, Haifa 31999 Israel</p> <p><b>Tel:</b> +972 4 8632080 <b>Fax:</b> +972 4 8632118 <b>Email:</b> <a href="mailto:kadosha@mot.gov.il">kadosha@mot.gov.il</a></p>
<b>Lebanon</b>	<ol style="list-style-type: none"><li>1. Appeal against the decision of detention on account of the Port State Control Act may be made by any person who has been directly affected in his interests by this decision.</li><li>2. An appeal shall not cause the detention to be suspended.</li><li>3. Appeal shall be made to the Minister of Public Works &amp; Transport, through the Head of Directorate General of Land and Maritime Transport.</li><li>4. The appeal shall be made within 6 weeks of the date of the detention and shall be written in Arabic or English language by letter, telegraph or telex.</li></ol>
<b>Malta</b>	<p>In accordance with Regulation 12 of the Merchant Shipping (Port State Control) Regulations, 2004, the owner or the operator of a ship or his representative in Malta shall have a right of appeal against a decision of detention or stoppage of operation or refusal of access taken by the competent authority.</p> <p>Regulation 12 states that:</p> <p>12. (1) Subject to the provisions of this regulation, the owner or the operator of a ship or his representative in Malta shall have a right of appeal against a decision for detention or stoppage of operation or refusal of access taken by the competent authority.</p> <p>(2) The competent authority shall properly inform the master of a ship referred to in sub-regulation (1) hereof, of the right of appeal.</p> <p>(3) An appeal shall not cause the detention or stoppage of operation or refusal of access to be suspended.</p> <p>(4) 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>(5) An appeal for the purpose of sub-regulation (4) hereof shall be filed within twenty days of the service of the 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 Executive Director who shall reply thereto within ten days of notification.</p>

## **Appeal procedure in Med MoU member States**

	<p>(6) If the owner or the operator of a ship or his representative in Malta shows to the satisfaction of the Court that:</p> <p>(a) the matter did not constitute a valid basis for the relevant inspector's opinion, and</p> <p>(b) 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>(7) The burden of satisfying the Court as to the matters specified in sub-regulation 6 hereof, shall lie with the owner or the operator of a ship or his representative in Malta, as the case may be.</p> <p>(8) 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 in the refusal of access order that appears to it to be relevant as to whether the ship was or was not liable to be detained or refused access.</p> <p>(9) 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>(10) 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>
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<b>Morocco</b>	<p>In accordance with the Maritime Code of 31 March 1919 as amended, the captain or the owner shall have the right of appeal before the Merchant Director against a decision of detention of his ship taken by the Port state Control officer.</p> <p>The appeal shall be made in writing (in Arabic, French or English) within a deadline of 15 days from the delivery of the notification of the detention,</p> <p>The appeal does not suspend the detention decision.</p> <p><b>Address:</b></p> <p>Merchant Marine Directorate, Boulevard Felix Houphouet BOIGNY, Casablanca – Morocco</p> <p><b>Fax:</b> + 212 522 273 340</p> <p><b>Email:</b> <a href="mailto:dnm@dmm.gov.ma">dnm@dmm.gov.ma</a> <a href="mailto:admarine@iam.net.ma">admarine@iam.net.ma</a></p>
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<b>Tunisia</b>	<p>The appeal against the decision of detention on account of the Tunisian Maritime Authority shall be made by the master or the owner concerned through the Merchant Marine and Ports Office (Fleet and Maritime Safety Directorate)</p> <p><b>Address:</b> The Merchant Marine and Ports Office</p> <p><b>Fleet and Maritime Safety Directorate</b></p> <p>2060 La Goulette, Tunisie</p> <p><b>Tel:</b> +216 71 735 300 +216 96 893 324</p> <p><b>Fax:</b> +216 71 735 812</p> <p><b>Email:</b> <a href="http://www.ommp.nat.tn">www.ommp.nat.tn</a> <a href="mailto:h.benayed@ommp.nat.tn">h.benayed@ommp.nat.tn</a></p>
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## **Appeal procedure in Med MoU member States**

### **Türkiye**

1. Appeal against the detention decision shall be made by the owner or the operator of a ship or his representative in Türkiye and shall be made to Ministry of Transport and Infrastructure. The appeal against the detention order does not suspend its execution.

#### **Address:**

T.C. Ulaştırma ve Altyapı Bakanlığı  
Denizcilik Genel Müdürlüğü  
Hakkı Turaylıç Cad. No:5 Emek, Çankaya, Ankara, TÜRKİYE

**Fax:** +903122313306

**Email:** psc@uab.gov.tr

ro.didgm@uab.gov.tr

2. The appeal shall be made within 30 days after the date of detention and shall be in writing to the Ministry by letter.