

## **National Appeal Procedures of Member Authorities of the Indian Ocean MOU**

For member Authorities of the Indian Ocean MOU, the particulars necessary to submit a National appeal are listed below:

- 1) Australia
- 2) Bangladesh
- 3) France
- 4) India
- 5) Islamic Republic of Iran
- 6) Kenya
- 7) Madagascar
- 8) Myanmar
- 9) Oman
- 10) Seychelles
- 11) South Africa
- 12) Sri Lanka

## National appeal procedure – Authority of AUSTRALIA



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Other – Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
Manager Ship Inspection and Registration Australian Maritime Safety Authority	Level 3, 82 Northborne Avenue, Braddon ACT 2612 GPO Box 2181, Canberra ACT 2601 <b>Tel:</b> + 61 2 6279 5944 <b>Fax:</b> +61 2 6279 5058 <b>Email:</b> psc@amsa.gov.au

Deadline for submission	Days
<b>Four weeks from the date of detention/deficiency</b>	<b>28</b>

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
<p>AMSA has two mutually supportive Appeals processes: AMSA Internal Review; and Australian Appeals Tribunal. Details of both these processes can be found on the PSC Form A and Form B.</p> <p>The Appeal must contain evidence supporting the challenge, noting that the PSC decision is made in relation to the condition of the vessel at the time of detention/deficiency.</p> <p>Further information can be obtained at: <a href="http://www.amsa.gov.au/vessels/ship-safety/port-state-control/">www.amsa.gov.au/vessels/ship-safety/port-state-control/</a></p>

## National appeal procedure – Authority of BANGLADESH



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Other – Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
The Director General Department Of Shipping	141-143, Motijheel C/A Dhaka-1000, Bangladesh. <a href="tel:+88029513305">Tel:+88029513305</a> Fax:+88029587301 Email:cns@dos.gov.bd

Deadline for submission	Days
Within	30

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
Nil

## National appeal procedure – Authority of FRANCE



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Other – Flag State may appeal	

The appeal shall be made to:	Address:
1. PSCO 2. Head of PSC Office 3. Bureau SM3 (Ministry)	13, rue de Marseille, BP 89 97822 Le Port La Reunion. France. Tel: + 262 262 42 98 44 Fax:+ 262 262 43 69 62 Email: <a href="mailto:csn.dm-soi@developpement-durable.gouv.fr">csn.dm-soi@developpement-durable.gouv.fr</a>

Deadline for submission	Days
	15

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
French	<input checked="" type="checkbox"/>	Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
<ul style="list-style-type: none"> <li>- First level of appeal is directly with PSCO who performed the inspection.</li> <li>- Second level of appeal with a deadline of 15 days is towards Head of PSC office (La Reunion) If PSCO is head of office, then appeal has to be presented to third level.</li> <li>-Third level of appeal is towards Port State Control Office (SM3) in the Ministry of Sustainable Development Tour Sequoia 92055 La DefenseCedex France (<a href="mailto:psc.france@developpement-durable.gouv.fr">psc.france@developpement-durable.gouv.fr</a>)</li> </ul>

**National appeal procedure – Authority of INDIA**



<b>The appeal shall be made by:</b>	<b>Tick</b>
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Other – Flag State may appeal	<input checked="" type="checkbox"/>

<b>The appeal shall be made to:</b>	<b>Address:</b>
The Chief Surveyor with Govt. of India	Directorate General of Shipping, Beta Building , 9th Floor, Kanjurmarg (East), Mumbai 400042. Tel: +91 2225752008 Fax: +91 2225752013 Email : cs-dgs@nic.in

<b>Deadline for submission</b>	<b>Days</b>
<b>From the Date of Detention</b>	<b>30</b>

<b>Language</b>	<b>Tick</b>	<b>Submitted by</b>	<b>Tick</b>
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	
Other:		E-Mail	

<b>Other relevant information</b> Not Applicable.
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## National Appeal Procedure – Authority of ISLAMIC REPUBLIC OF IRAN



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	
Master	<input checked="" type="checkbox"/>
Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
Mr. Hossain Abbas Nejad, Director General Maritime Affairs Directorate General.	PMO,NO.1, Shahidi, St.Haghani Exp'way, Vanak Sq., Tehran, Iran, Postal Code:1518663111 <a href="tel:+982184932173">Tel:+98 2184932173</a> - +98 2184932147 Fax:+98 2184932675 Email: <a href="mailto:pscdep@pmo.ir">pscdep@pmo.ir</a>

Deadline for submission	Days
From the time of receiving the PSC report	7

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
Refer Article 12 (provided below).

## Iranian National Regulations Port State Control Review Panel

### Article 12 – Review Panel

12.1 After completing the inspection and submitting a copy of the reports to the Master, the PSCO should inform the Master of the right to complain about the inspection results in case of observing deficiencies or detention of the vessel, and provide the contact information of the relevant authority, mentioned on Inspection Form A.

12.2 The Organization should acknowledge the receipt of a complaint about PSC inspection results to the sender, convene a review panel to consider the inspection reports and complaints, and inform the sender within 30 working days of the decision(s) of the panel.

12.3 The review panel should be composed of relevant officials of the Organization, including the Director General of Maritime Affairs<sup>1</sup> (as the Chairman), Head of Port State Control Department<sup>2</sup> (as the Vice-Chairman and member), the PSC Expert in Charge of the Organization Headquarters (as the Secretary), and two PSC Experts in Charge from PSC offices in Iranian ports, selected per case.

12.4 After considering the inspection report, complaint(s), explanations provided by the inspecting officer in person, and other pertinent evidence, the review panel may confirm or reject the inspection results, or change some decisions made in regard to the vessel.

**Note I:** The review panel may seek technical advice from other relevant departments of the Organization or classification societies, except the one related to the vessel concerned.

**Note II:** The PSCO responsible for the inspection being considered may only attend the review panel meeting in order to defend or explain about the inspection report.

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1. **Mr. Hossain Abbas Nejad**

Tel: +98 21 84932141

Fax: +98 21 84932675

E-mail: [pscdep@pmo.ir](mailto:pscdep@pmo.ir)

2. **Mr. Morteza Norouzi**

Tel: +98 21 84932173

Fax: +98 21 84932675

E-mail: [pscdep@pmo.ir](mailto:pscdep@pmo.ir)

## National appeal procedure – Authority of KENYA



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Flag State may appeal	<input checked="" type="checkbox"/>

<b>The appeal shall be made to:</b> The Director General Kenya Maritime Authority	<b>Address:</b> P.O. Box 95076-80104 White House, Moi Avenue, Mombasa, Kenya <b>Tel:</b> +254 (0) 412318398, +254 20 2381203/4 <b>Fax:</b> +254 (0) 412318397, +254 202381202 <b>Email:</b> <a href="mailto:info@kma.go.ke">info@kma.go.ke</a>
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Deadline for submission	Days
Four weeks from the date of detention/deficiency	28

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

<b>Other relevant information</b>  Nil
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## National appeal procedure – Authority of Madagascar



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Flag State may appeal	

The appeal shall be made to:	Address:
The Director General	Route des Hydrocarbures Alarobia Ivandry BP 581 Antananarivo 101 – Madagascar Tel:261321125819 – 00261321125769 Fax: Email: <a href="mailto:hubert@apmf.mg">hubert@apmf.mg</a> / <a href="mailto:rajeanch@yahoo.fr">rajeanch@yahoo.fr</a> ; <a href="mailto:Johanne@apmf.mg">Johanne@apmf.mg</a> ; <a href="mailto:anjaharivelo@gmail.com">anjaharivelo@gmail.com</a>

Deadline for submission	Days
Within	15

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
French	<input checked="" type="checkbox"/>	Fax	
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information

## National procedure – Authority of Myanmar



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
The Director General Department of Marine Administration	No-363/421, Corner of Merchant & Theinbyu Road, Botataung Township, Yangon, Myanmar P.O.Box: 194 <b>Tel:</b> +95 1 397640 <b>Fax:</b> +95 1 397641 <b>Email:</b> <a href="mailto:dma.myan@gmail.com">dma.myan@gmail.com</a> <a href="mailto:d-nd@myanmar.com.mm">d-nd@myanmar.com.mm</a>

Deadline for submission	Days
Within	14

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
Myanmar	<input checked="" type="checkbox"/>	Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
<p>First level of appeal can be made directly to the PSCO who has performed the inspection.</p> <p>Second level of appeal may be made within 14 days towards the Director General of the Department of Marine Administration.</p>

## National appeal procedure – Authority of OMAN



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
The Minister	Sultanate of Oman, Muscat, P.O Box: 684 Postal Code:100 <b>Tel:</b> +96824685901 <b>Fax:</b> +96824685909 <b>Email:</b> Rashid@motc.gov.om

Deadline for submission	Days
	10

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
Arabic	<input checked="" type="checkbox"/>	Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
Nil

## National appeal procedure – Authority of SEYCHELLES



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Other – Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
Captain Joachim Valmont Chief Executive Officer	Seychelles Maritime Safety Authority, 2 <sup>nd</sup> Floor Trinity House, Victoria, Mahe, Seychelles.
	Tel: +248 4224866
	Fax: +248 4224829
	Email: ceo@smsa.sc

Deadline for submission	Days
14 days from the date of detention / deficiency	14

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	
Other:		E-Mail	<input checked="" type="checkbox"/>

### Other relevant information

#### Official Appeal Procedure in case of a PSC detention

1. Appeal against the decision of detention of the vessel shall be made in the written form by the owner or the master to the Director General of the Seychelles Maritime Safety Administration.
2. The appeal shall be lodged in writing within fourteen (14) days after the detention of the ship.
3. An appeal lodged as per Article 2 **shall not suspend** the execution of the decision.
4. The Director General 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

5. The Director General may decide:
  - 1) to confirm the challenged decision;
  - 2) to declare the challenged decision null and void;
  - 3) to amend the challenged decision;
  - 4) 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 to the master of the ship concerned.
6. Following the decisions of Director General of SMSA the ship-owner/operator may appeal to the Minister in writing with in a deadline of 5 days from the service of notification of the challenged decision to the Master of the Ship.
7. 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, the latest within a deadline of 10 days.
8. The Minister may decide:
  - 1) to confirm the challenged decision;
  - 2) to declare the challenged decision null and void;
  - 3) to amend the challenged decision;
  - 4) to issue a new decision in substitution for the challenged decision and communicate the decision he issues pursuant to this sub-section, to the person filing the recourse, as well as to the master.
9. Following the decisions of Director General of SMSA the ship-owner/operator may appeal to an Administrative Court in accordance with the procedure set out by the Law on Administrative Proceedings in Seychelles.

**National appeal procedure – Authority of REPUBLIC OF SOUTH AFRICA**



<b>The appeal shall be made by:</b>	<b>Tick</b>
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Other – Flag State may appeal	<input checked="" type="checkbox"/>

<b>The appeal shall be made to:</b>	<b>Address:</b>
<b>Captain Vernon Keller,</b>	22nd Floor, 2 Long Street,
Deputy Chief Operations Officer	Cape Town 8001
South African Maritime Safety Authority	Republic of South Africa
[SAMSA]	<b>Tel:</b> +27 21 421 6170; +27 21 66 225 8868
	<b>Fax:</b> +27 21 419 0730
	<b>Email:</b> : <a href="mailto:vkeller@samsa.org.za">vkeller@samsa.org.za</a>

<b>Deadline for submission</b>	<b>Days</b>
Two weeks from the date of detention/deficiency	<b>15</b>

<b>Language</b>	<b>Tick</b>	<b>Submitted by</b>	<b>Tick</b>
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

<b>Other relevant information</b>
<p>The appeal must contain evidence supporting the challenge, noting that the PSCI decision is made in relation to the condition of the vessel at the time of detention/deficiency.</p> <p>Appeal to be submitted within a deadline of 15 days to the Executive Head : Centre for Ships</p>

## National appeal procedure – Authority of Sri Lanka



The appeal shall be made by:	Tick
Owner (IMO Identification number)	<input checked="" type="checkbox"/>
ISM Operator (IMO Company number)	<input checked="" type="checkbox"/>
Master	<input checked="" type="checkbox"/>
Flag State may appeal	<input checked="" type="checkbox"/>

The appeal shall be made to:	Address:
1 <sup>st</sup> Level : PSCO	Merchant Shipping Secretariat, Ministry of Ports & Shipping, 1st Floor, Bristol Building, 43-89, York Street, Colombo 01, Sri Lanka. Tel: 0094112435127 Email : <a href="mailto:dgms@slt.net.lk">dgms@slt.net.lk</a>
2 <sup>nd</sup> Level : Director General of Merchant Shipping	

Deadline for submission	Days
Within	15

Language	Tick	Submitted by	Tick
English	<input checked="" type="checkbox"/>	Letter	<input checked="" type="checkbox"/>
		Fax	<input checked="" type="checkbox"/>
Other:		E-Mail	<input checked="" type="checkbox"/>

Other relevant information
<p>First level of appeal is directly with PSCO who performed the inspection.</p> <p>Second level of appeal with a deadline of 15 days is towards the Director General of Merchant Shipping.</p>