



National Detention Appeal Procedures BS MOU Member States

Section 3.14 of the BS MOU states that “the owner or the operator of a ship will have the right of appeal against a detention decision to higher administrative Authority or to the court of competent jurisdiction, according to the law in each country. However, an appeal shall not cause the detention to be suspended”.

Owners or operators should be advised to use official national procedure according the national jurisdiction of the country where the detention order was issued, if they wish to appeal against a detention order.

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

Click on the member State for details.

[Bulgaria](#)

[Georgia](#)

[Romania](#)

[The Russian Federation](#)

[Turkey](#)

[Ukraine](#)

1 National appeal procedure BS 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.: (+359 700) 10 145 e-mail : hm_vn@marad.bg
Directorate "Maritime Administration Burgas"	Ul. "Kniaz A. Batenberg" 3 Tel.: (+359 700) 10 145 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.
The appeal must be submitted to the Executive director of the Executive Agency "Maritime administration" <u>through the regional directorate of the Executive agency "Maritime administration,</u> where the notice of detention was issued. 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 from the date of the acknowledgement of the notice of the detention. The appeal must be submitted trough the regional directorate of the Executive agency "Maritime administration", where the notice of the detention was issued. An appeal shall not cause the detention to be suspended.

2 National appeal procedure BS MoU member State Georgia



The appeal shall be made by:	
Owner (IMO Identification number)	X
ISM Operator (IMO Company number)	X
Master	X
Other : Any interested party submitted the power of attorney	X

The appeal shall be made to :	Address :
LEPL Maritime Transport Agency (MTA) of the Ministry of Economy and Sustainable Development of Georgia	50 Bako Str. Batumi, Georgia Tel: +995 422 274925/1111/1115 E-mail: info@mta.gov.ge www.mta.gov.ge
Or	
Ministry of Economy and Sustainable Development of Georgia	Tbilisi, #12, Chanturia str. Tel: +995 32 299 11 11; +995 32 299 1105 Fax: +995 32 292 1534 e-mail: ministry@economy.ge

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

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

Other relevant information.
If the owner, operator or official representative of the ship disagrees with an outcome of the decision taken by MTA or Ministry of Economy and Sustainable Development of Georgia, he has the right to appeal against the Notice of Detention. The appeal can be directly submitted to the court of Georgia in accordance with the art.22 of Administrative Procedure Code. The appeal must be submitted to the court, within the deadline of 30 days from the receiving of the official notification. The notice of detention should be appealed in the following courts: Batumi City Court - 30, Zubalashvili str. Batumi, post code: 6010 Tel. Number: +995(422) 279743; e.mail: Batumi@court.ge. - In the case of detention in Batumi Port Poti City Court - 3, D.Agashenebeli str. Poti, postal code: 4400; Tel. Number: +995 (493) 228237; e.mail: Poti@court.ge - In the case of detention in Poti Port and Kulevi Port. Due to the fact that the applicant is a foreign entity, in accordance with Georgian law, there must be submitted the power of attorney, duly translated and authenticated.

3 National appeal procedure BS MoU member State Romania



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

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

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.

The national legislation states:

- 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 No.811/2010 transposing EC Directive 2009/16/EC on PSC, as amended.
- The appeal procedure is governed by the Law 554/2004, namely:
Submitting the complaint to the General Director of the Romanian Naval Authority, address: Clădirea ANR, poarta nr. 1, 900900 Constanta Port, Romania, not later than 15 days, as the first action of the appeal;
- 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.

The appeal procedure does not lead to the suspension of the detention.

4 National appeal procedure BS MoU member State 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 :
1 st stage - Harbour Master Port of detention	See relevant information box
2 nd stage - Ministry of Transport of the RF	Fax: +7 499 495 0000 * 0559 E-mail: rusma@marinet.ru or psc@marinet.ru

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

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

Other relevant information.
Appeal against port State control actions in Russia should be directed by a ship master or a ship-owner in the first instance to a Harbour Master of the port of the detention (inspection) contact details of whom should be provided by the PSC officer conducted the inspection. Should the party not be satisfied with the outcome of the appeal, a 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. The Ministry of Transport will consider the appeal and make final decision on it. Fax : +7 499 495 0000 *0559 E-mail: psc@marinet.ru and rusma@marinet.ru

5 National appeal procedure BS MoU member State Turkey



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 :
Directorate General for Regulation of Maritime and Inland Waters	Hakkı Turaylıç Cad. No:5 Emek ANKARA Fax: +90 312 231 33 06 E-mail: psc@uab.gov.tr

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

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

Other relevant information.
According the provision of article 22 of Turkish National Regulation on PSC, appeal against to the detention should be done in one month from the date of detention. An appeal shall not cause the detention to be suspended.

6 National appeal procedure BS MoU member State Ukraine



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 :
State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine	14 Beresteiskyi Avenue, Kyiv, 01135, Ukraine Tel.: + 38 044 294 60 04 e-mail: psc.ua@marad.gov.ua

Deadline for submission	Days
From notification of release	
From notification of detention	5 working days
Other :	

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

Other relevant information.
An appeal against Port State Control actions in Ukraine should be submitted: To the State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine (14 Beresteiskyi Avenue, Kyiv, 01135) as the first instance by a master or owner or a shipowner. If a party wants to file an appeal for decision of the State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine (the first instance), appropriate master or owner or a shipowner should address an appeal to the Ministry for Development of Communities and Territories of Ukraine (14 Beresteiskyi Avenue, Kyiv, 01135, Ukraine) or to the court.