

# TOKYO MOU

## DETENTION REVIEW PANEL

Section 3.15 of the Memorandum states that “The company of a ship or its representative will have a right of appeal against a detention taken by the Authority of the port State. Initiation of the appeal process will not by itself cause the detention to be suspended. The port State control officer should properly inform the master of the right of appeal.”

The shipmaster should be advised to use the official national procedure if they wish to appeal against a detention order. (*The basic appeal procedures of the Tokyo MOU member Authorities are provided [here](#) .*)

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If an owner or operator declines to use the official procedure but still wishes to complain about a detention decision, such a complaint should be sent to the flag State or the recognized organization (acting on behalf of the flag State).

The flag State or the 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 recognized organization of the outcome. If the port State agrees to reverse its decision it should also inform the Secretariat and the APCIS Manager.

### Submission of a case for review

If the flag State or the recognized organization disagrees with the outcome, a request for review may be sent to the Secretariat ([secretariat@tokyo-mou.org](mailto:secretariat@tokyo-mou.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 (E-mail) and in the English language.

The Secretariat will set up a “Detention Review Panel” (hereafter referred to as the “Panel”) 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.

The Panel 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 Panel members will return their opinions in electronic format.

The Secretariat will prepare a final summary of the opinions of the Panel and will inform the flag State or the recognized organization, as appropriate. The detail of correspondence between the Panel and the port State will be kept as an internal matter.

**If the views of the Panel support the flag State or the recognized organization's complaint, the port State will be requested to reconsider its decision again.**

**The findings of the Panel are not binding but may provide justification for the port State to amend its inspection data already inserted in the APCIS and to inform the Secretariat and the APCIS Manager accordingly. The recommendation of the Panel 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.**

**(Note: The Tokyo MOU Detention Review Panel will become operational as from 1 January 2005.)**

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Contact [secretariat@tokyo-mou.org](mailto:secretariat@tokyo-mou.org) with question regarding this site.  
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