

**Comments by the Russian delegation
with respect to the invoked paragraph 15 of section 1
of the Annex to the 1994 Agreement**

General approach

In our view, paragraph 15 of section 1 of the Annex to the 1994 Agreement impose that the Council considers any application on exploitation whether special procedures are adopted by the Authority or not within two years.

The decision to approve or to disapprove an application should be met in strict accordance with the Convention (inter alia, the principle of non-discrimination). However, relevant provisions of the Convention do not thoroughly cover all aspects of activities in the Area, specifically preservation of the marine environment.

Following that understanding the Russian side considers it appropriate to start exploitation of mineral resources in the Area only after finalisation of Exploitation Regulations as a comprehensive document.

Answers to specific questions

1. The Council should take a decision on the application in accordance with relevant rules of the Convention, as well as with relevant norms of the Authority, if any.

Convention does not mention a possibility to postpone a pending application. However, this issue, including certain conditions, as well the process of consideration, may be regulated by a specific decision of the Authority.

2. This question is closely related with the previous one.

The procedure for consideration, if elaborated by the Council, can regulate many aspects, including but not limited to the implementation of article 145 of the Convention.

According to the Russian side, one of the possible options could be a decision by consensus to postpone exploitation. In this case the decision needs to indicate a clear procedure to lift such temporary postponement and to guide (current) contractors.

The role of the Council as the executive organ is to (dis)approve plans of work and the function of the LTC is to provide recommendations on (dis)approval of plans of work.

3. Option of a provisional approval is expressly provided for in the Convention.

Approval of a plan of work, whether provisional or not, means a substantive decision by the Council.

Conclusion of a contract follows the approval and does not require a separate decision. The purpose of the conclusion is to formally establish relations between the Authority and the contractor.

Conclusion

It is high time for the Council to elaborate an approach in accordance with the invoked rule of the 1994 Agreement.

We are open to discuss all options with respect to possible applications on exploitation activities and to elaborate guidance for the contractors.