Relating to commentary 2 to conclusion 5 our understanding is that manifest misuse of a treaty by one State, and reaction to such misapplication by other States should not be confused with interpretation of a treaty by subsequent practice of a State, met with tacit consent of another State.

With regard to commentaries 5, 6 and 7 to conclusion 5 we stress that the practice of competent State bodies is relevant for interpretation purposes only as long as such body is acting on behalf of a State. If a higher organ establishes that the competent body was not authorized to act on State's behalf, its practice loses significance for interpretation purposes.

As far as commentaries 13-16 to conclusion 5 are concerned, we note the secondary nature of decisions, reports and other documentation of international organizations. Their value for identification of subsequent practice and agreements of States depend on accuracy of information, measure to exclude unsubstantiated, selective or hasty generalizations.

Our reading of commentaries 18 through 20 to this conclusion is based on the understanding that State practice comprises actions or inaction, attributed to a State in international relations. For "social changes" to be regarded as State practice, they must be articulated as State position in international relations. In case where "social changes" lead to changes in national legislation or its application, we should be referring to implementation measures taken by a State under a treaty.

Regarding commentaries 14, 15, 16, 17, 18, 22 to conclusion 6 we recall that a treaty can only be applied in international relations; it can't be directly applicable to internal relations. States take measure to implement their obligations under a treaty, by *inter alia* transformation of international norms into acts of national legislation.

The same observations relate to commentaries 33 and 34 to conclusion 7, commentaries 13-17, 19 and 20 to conclusion 8, and commentaries 3-5 to conclusion 9, which elaborate not on subsequent agreements and subsequent practice of States[i5T0Q73(b)-u(n)-3(t 37)-5(rhtr)-4(e)r(f)-377(o)-3(n)-3( )0Q[in)-5(t)4

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Concerning commentary 14 to conclusion 7, we are of opinion that the question whether the purpose of the rule limits the discretion of State in its application should be answered in positive. We support this approach and assume that the purpose of a rule is one of key elements of its interpretation and, therefore, of establishing its precise content.

Commentaries 32-34 to conclusion 11 bring an example of a decision which in our opinion can be hardly seen as consensual, given manifest objection of one State.

Concerning paragraph 1 of conclusion 1 it should be noted, that nowadays it's not an easy task to clearly distinguish between the conference of Parties and an organ of an organization. The most vivid example here is the General Assembly of the United Nations, which under Article 7 of the UN Charter is one of the main bodies of the UN, while under Article 10 is competent to discuss any matter under the Charter. In our view, it would be more expedient to focus on criteria of "conference of Parties" for interpretation purposes. Most pertinent criteria are, in our understanding, the plenary nature of the meeting and clear reference to relevant mandate in a treaty concerned.

In paragraph 3 of conclusion 11 we deem it useful to distinguish between two categories of decisions of international organization. The first should encompass decisions, the procedure of adoption of which is irrelevant for interpretation purposes. The second category should include decisions, whose form and procedure of adoption should be considered for interpretation purposes. Thus, we have difficulties agreeing with the statement that the positions of States voting against a decision adopted by majority vote are not relevant. The only exception could be a scenario whereby the treaty itself explicitly provides for its interpretation by non-consensual decisions. In such scenario the "objector" has explicitly agreed to majority interpretation in advance. This conclusion is supported by commentary 38 to this conclusion which, for legal certainty, would be better placed in conclusion itself, and by commentary 25 to conclusion 12.

We understand that paragraph 2 of conclusion 12 relates to application of a constituent instrument of an international organization by the Member States and – within established mandates and procedures – by the organs of the organization. Comments 12, 32 and especially 36 to conclusion 12 support such understanding.

Regarding conclusion 13 and commentaries thereto we proceed from the presumption that neither resolutions and other documents, nor oral pronouncements of the bodies, comprised of experts acting in their personal capacities, represent subsequent agreements or subsequent practice by States for interpretation purposes. Only the positions taken by States regarding such

documents/pronouncements are relevant for interpretation. The only exception would be the direct explicit reference in a treaty to the right of expert treaty bodies to interpret such a treaty.

Furthermore, as far as conclusion 13 is concerned, we remain to be convinced of "added value" of its paragraph 4, the gist of which is adequately reflected in paragraphs 1 to 3. We assume that decisions of treaty bodies are auxiliary means for identification and systematization of State practice, while, as confirmed by commentary 25, only decisions taken within treaty bodies' mandates have any significance.

commentary to conclusion 15. Like the Commission, we assume that once an objection is made, it remains valid until manifestly and openly withdrawn.

Conclusion 16 could benefit from an indicative list of criteria of “relevant” (interested) States. Certain effort to that effect has been made in paragraph 5 of the commentary.