

DECLARATION BY JUDGE GROS

[*Translation*]

The Court has pointed out that it is always free to base its decision on certain grounds rather than others (para. 40). From the variousmissible grounds for contesting its jurisdiction, in the present phase, the Court has chosen the question of the reservation made by Greece on acceding to the General Act; I voted in favour of the operative paragraph, but for reasons different from those given in the Judgment (excepting paras. 104-107 on the Brussels Communiqué of 31 May 1975).

By the effect of Article 57 of the Statute I could, in principle, make known my own reasons, but the particular character of the present Judgment appears to forbid this in my view. It is generally recognized that judges' individual opinions, whether separate or dissenting, should be written in correlation to the actual contents of the Judgment, and not deal with any topics extraneous to the decision and its reasoning. It so happens that, whereas my opinion is based on another reasoning, explaining it would involve reference to instruments and grounds not dealt with in the Judgment; this would be doubly unfortunate inasmuch as the Court seems to view the resumption of the case through fresh proceedings as a possibility (para. 108). Any comment on my part, then, would be deprived of judicial character, since it would touch upon matters with which the Court has decided not to deal.

(*Signed*) A. GROS.
