ship. Soon the sweeping ruling was added that secondary legislation implementing citizenship in general was worthy of broad interpretation and the narrow understanding of restrictions of the freedom of citizens was fed in.

Relatively speaking, the freedom of establishment was held back in this regard, at least to some extent. The Court seemed to embark on a new course in terms of broad interpretation with the 'very broad' notion of establishment after Maastricht – this being one of the lesser well known aspects of *Gebhard, 1995* – but the interpretive evolution stopped there. The 'very broad' notion did not morph into a broad freedom of establishment in general, nor was it backed up by a narrow understanding of restrictions. It is possible though that the corresponding developments in the free movement of services cover the freedom of establishment, too, since the two freedoms are strongly entwined. Yet no clear evidence has emerged in this regard.

Possibly, the above pattern of evolution, which is now established clearly for the freedoms of workers, services, and Union citizens, is a mere technicality at risk of being over-interpreted. But a broader point should stick: 'broad notions' sometimes herald a more general expansive approach. Hence, scholars and practitioners should be alert when the Court sorts a seemingly innocent broad notion.

III Coordination

In contrast to the frequent, manifold, and relatively complex occurrences of broad and restrictive interpretation, interpretation on the basis of 'mere coordination' is quite straightforward. Again, the details of the formula and its 'spin' can be studied in the relevant chapter, but certain points deserve to be mentioned here. Although other instruments also coordinate national law within the free movement of persons and services, 'mere coordination' is employed as an interpretive formula, as an argument with a certain impact in decisions, only in social security. In the coordination of social security 'mere coordination', however, performed a surprising and noteworthy volte-face. Initially, under the reign of Regulation 3, the idea that the national social security systems were 'merely coordinated' served as a justification for the Court to allow migrant workers to retain certain advantages. With the advent of the successor, Regulation 1408/71, which remained coordinative save in certain clearly circumscribed situations, the function of 'mere coordination' changed. In the subsequent decisions applying Regulation 1408/71 'mere coordination' served as an excuse for certain *dis*advantages migrant workers suffered. This reversal becomes very clear in *Cabras, 1990*, in particular when the case is contrasted to *Keller, 1971* and *Mancuso, 1973*. The formula's volte-face is truly remarkable given that *both* Regulations 3 and 1408/71 rested on the idea of coordination rather than harmonization of na-

tional social security system. The little case-law we have so far under the new Regulation 883/2004 shows no sign of such a spectacular turn.

What is furthermore interesting with 'mere coordination' – apart from its frequent application and power which can be verified in the relevant chapter of this book – is the way the formula was uprooted and became abstract. Originally, the roots of the formula of 'mere coordination' in certain decisions was quite clear, but the Court in the mid-1980s detached it from these origins and turned it into an abstract concept for which soon an almost random assembly of decisions was referenced. This is probably just one case of many in which the Court's referencing practice lacks clarity. Often the Court merely refers back to the latest case(s) in which an interpretive formula was applied. Apart from that it is worth noting that this abstraction of 'mere coordination' occurred largely in parallel with the volte-face described above. For both, *Pinna, 1986* can be identified as a turning point. However, to suspect a causal connection between the two developments – implying that the abstraction was made in order to conceal the volte-face – would probably stretch things too far. There are some natural limits to the consistency and interpretability of the Court's case-law. Perhaps the volte-face and abstraction of 'mere coordination' are just signs of the fact that *Pinna, 1986* is a leading case, in more than one regard.

IV Fundamentality

The interpretive formula designating Union citizenship as the 'fundamental status' is by nature relatively young. Yet the idea of treating some notions as fundamental whereas others remain something less than fundamental is as old as the 'broad' formulas and the formula of coordination. Hence, the 'fundamental status' can be seen to rely on two traditions in the Court's case-law. On the one hand, there is a hierarchical, structural tradition in case-law which has notably come to fruition with the *fundamental* rights and, of course, the *fundamental* freedoms. On the other hand, the case-law also includes a status tradition, at least from an informal perspective. Thus, Union citizenship – the 'fundamental status' – was preceded informally in case-law by the notion of the Community national. The establishment of the tradition of the Community national in case-law goes back to the push and drive of the parties to cases and the referring courts. Detailed evidence of the two traditions – 'fundamental' and 'status' – is included in the chapter on 'fundamental'.

While the 'fundamental status' is obviously kin to the 'broad' formulas – it having supplemented the application of broad interpretation to the freedom of Union citizens (see above) – the 'fundamental status' has a clear dimension of its own. Despite its short period of existence, it has acquired an almost eerie power. When the 'fundamental status' is mentioned in a decision, it usually spins it and, further, the result turns out almost consistently in favour of the Union citizen