sions such as that a specific interpretation is not easy to apply in practice and subject to extra-legal factors. Rather, it combines methods and substantive law to reach more solid conclusions.

What distinguishes this book most clearly from the above works, though, is an element that seems to be foreign to those works, partly because of the three points identified above, namely that the broad/restrictive interpretation they identify might constitute an interpretive *formula*, a formula that evolves over the years, one that exercises a certain function within decisions and exerts a certain power – ‚spin' – that is of interest. It is in these regards that this book breaks fresh academic ground. This, in turn, again generates practical value. The book enables practitioners representing natural persons in the internal market to predict more accurately whether certain notions in persons and services will be interpreted broadly or restrictively by the courts, to name just one formula examined in this book. Thus, ideally, the book, owing to its depth, should allow lawyers to strengthen their cases and bind the Court to its own logic. Underlying the approach of this book is obviously the belief that it matters what the Court writes in its decisions. The idea that the grounds of a judgment constitute merely *ex post* justification for majoritarianism or for other unmentioned 'exogenous' factors is too simple. Moreover, a Court that speaks to several hundreds of millions of people does not mention passages, formulas, and even single words by accident. Formulas do not just slip in. We have to take every word the Court writes seriously.

VII What this book is not

Why is there so little discussion of academic writings in this book, in particular in the part on 'the case-law'? Why are there not more footnotes quoting scholarship to underpin a statement made in the text? The terseness in terms of footnotes and quoting is owed to the rigorously scientific approach applied in this book.[20] The body investigated is not academia's publications, but a certain, clearly delineated body of case-law established by the Court of Justice – see the description above. This large body of case-law is the data the book uses and relies on. Consequently, this book can only make reliable statements with regard to this case-law, and not with regard to academic writings. A full investigation of academic writings – and in order to live up to scientific rigour it would necessarily have to be full – would be a different project, one that would for instance investigate the evolution of interpretive formulas or their reception in academic writing. Hence, this book uses academic writings for one purpose only, namely

20 Note also that in-text citations rather than footnotes are used for references to case-law.

to show that the study it undertakes has not been done before and to justify why it should be done. This is done above.[21]

21 When a legislative act is mentioned in this book the publication in the Official Journal is not cited. Citing the details of legislative acts would have overburdened the text. Some acts, like Regulation 1408/71, were changed repeatedly. Hence, the official publication would have to be cited over and over again, in particular when during one and the same year one version was applicable in one judgment, while another was applicable in another judgment. The version relevant in a specific judgment can easily be found out by looking up the case in the official database and verifying it in the text of the judgment. It is usually mentioned right at the beginning of the judgment.

B The case-law

This first part of the book is about the case-law only. It contains a thick, roughly chronological description of the case-law in free movement of persons and services. The second part on 'the evolution of interpretive formulas' then traces how certain interpretive formulas have developed in this body of case-law.

I The 1960s

The famous *Van Gend en Loos, 1963* and *Costa v. ENEL, 1964* overshadowed everything the Court delivered up to the 1970s. However, in the shadow of direct effect and primacy other less obvious developments took place. *Costa v. ENEL, 1964* did not just establish the primacy of Community law, but also instilled article 53 Treaty with direct effect, thus precluding a member state from adopting new measures hindering predominantly the establishment of nationals of other member states (p. 596). In 1969, the Court handed down the first judgment in free movement of workers, *Ugliola, 1969*. In that judgment the Court found that the time period completed in the military service of one member state had to be taken into account on an equal basis in another member state when seniority in an undertaking was determined (paras 6 and 7).

By the time the Court had handed down these two judgments, however, it had already decided more than twenty cases in social security. This social security case-law had begun with *Hoekstra, 1964* in which the Court gave the concept of a worker within the sense of both Regulation 3 concerning social security of migrant workers, i. e. a wage-earner or an assimilated worker, and articles 48 and 51 of the Treaty a Community meaning. It thus removed the term 'worker' from the grasp of the member states. The term 'worker' covered persons who were subject to social security under the various national systems. More specifically, a 'worker' was a person who had been employed and could be employed again and was subject to voluntary continued insurance for workers, regardless of any temporary residence abroad. In the second judgment in social security, *Nonnenmacher, 1964*, the ECJ ruled that the principle that the law of the state of employment was mandatorily applicable pursuant to article 12 Regulation no. 3 did not preclude the state of residence from applying its own law simultaneously, when it afforded additional protection to the migrant worker (para. 1b). The next case was *Kalsbeek, 1964*. In this case the Court first clarified that 'legislation' under Regulation 3 included present and future legislation; the Regulation was applicable regardless of whether a member state had notified the amendment of an act. The Court then dealt for the first time with the aggregation of insurance periods. It decided that the apportionment in article 28(1)(b) Regulation 3 need not have been applied if periods had not previously been aggregated pursuant to article 27 in order to acquire, retain or recover a right to benefits,