for the loss or suspension of the right to cash benefits; the decision on this matter is for the national authorities, provided that it applies without regard to nationality and that those facts are not described in such a way that they lead in fact to discrimination against nationals of the other Member States.

3. *The reply given to the second question applies also and to the same extent to cases in which the worker concerned is a national of the Member State to which the competent institution belongs.*

JUDGMENT OF THE COURT

(Second Chamber)

of 4 July 1978

in Case 5/78 (reference for a preliminary ruling made by the Finanzgericht Münster): Milchfutter GmbH & Co. KG v. Hauptzollamt Gronau (1)

(Language of the Case: German)

(Provisional translation; the definitive translation will be published in the Reports of Cases Before the Court)

In Case 5/78: reference to the Court under Article 177 of the EEC Treaty by the Finanzgericht (Finance Court) Münster for a preliminary ruling in the proceedings pending before that court between Milchfutter GmbH & Co. KG, Diepholz, and Hauptzollamt (Principal Customs Office) Gronau — on the interpretation of certain provisions of a Council Regulation concerning the calculation of levies on milk and milk products and a Regulation of the Commission concerning the method for determining the lactose content of compound feedingstuffs imported from third countries, in relation to the amount of the monetary compensatory amounts charged on compound feedingstuffs — the Court (Second Chamber), composed of M. Sørensen, President of Chamber, P. Pescatore and Lord Mackenzie Stuart, Judges; F. Capotorti, Advocate General; A. Van Houtte, Registrar, gave a judgment on 4 July 1978, the operative part of which is as follows:

1. *The method of calculating the 'milk product' content which results from the application of Article 11 (1) of Council Regulation (EEC) No 823/68 of 28 June 1968 determining the groups of products and the special provisions for calculating levies on milk and milk products is decisive with regard to the amount of the monetary compensatory amounts which must be charged on compound feedingstuffs coming under subheadings 23.07 B I a) 3 or 23.07 B I a) 4 of the Common Customs Tariff which were imported from the Netherlands into the Federal Republic of Germany during the period from January to March 1975.*

2. *Within the context of the system of monetary compensatory amounts, the classification for customs purposes made by the exporting Member State of the European Communities was not binding upon the importing Member State at the time of the dispute.*

(1) OJ No C 27, 2. 2. 1978.