

1987 January 30

[A LOIZOU LORIS STYLIANIDES PIKIS KOURRIS JJ]

ANDREAS SOFOKLIDES & CO LTD ,

*Appellants-Applicants,*

v

1 THE MINISTER OF COMMERCE AND INDUSTRY.

2 THE REPUBLIC OF CYPRUS THROUGH  
THE ATTORNEY-GENERAL,

*Respondents*

*(Revisional Jurisdiction  
Appeal No 607)*

*The Imports (Regulation) Law 49/62—Section 2(1)—The grounds upon which an Order may be made thereunder need not refer to the protection of identical products, but of products of the same category—Thus an Order which refers to «cheese» for the protection of «halloumi» is not ultra vires the law*

5 The sole issue in this appeal is whether the Order made by the Minister of Commerce and Industry by virtue of the provisions of section 2(1) of Law 49/62 as amended by section 2(1) of Law 7/67, whereby cheese was one of the commodities the importation of which was subjected to the requirement of an import licence is ultra vires the Law

10 Counsel for the appellants argued that it is ultra vires, because the Order was made for the protection of «halloumi» and not of «cheese» whilst under the statutory provision the restriction imposed should have been necessitated for the protection of identical products

15 Held, dismissing the appeal, that «halloumi» is a variety of «chesse» and the grounds upon which an Order under the said section may be made are wide enough and need not refer to the protection of identical products, but of products of the same category

*Appeal dismissed  
No Order as to costs*

## 20 Appeal.

25 Appeal against the judgment of a Judge of the Supreme Court of Cyprus (Savvides, J) given on the 11th July, 1986 (Revisional Jurisdiction Case No 570/84)\* whereby appellants recourse against the refusal of the respondents to grant to them a licence to import into Cyprus 17 tons of Edam cheese was dismissed

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\*Reported in (1986) 3 C.L.R. 1302

*P. Angelides*, for the appellants.

*St. Ioannidou* (Mrs.), for the respondents.

*Cur. adv. vult.*

A. LOIZOU J. read the following judgment of the Court. The sole issue in this appeal is whether the Order made by the Minister of Commerce and Industry (hereinafter to be referred to as the Minister), by virtue of the provisions of Section 2 subsection 1 of the Imports (Regulation) Law 1962 (Law No. 49 of 1962) as amended by Section 2 of Law No. 7 of 1967, is ultra vires the Law. The said Section empowers the Minister by Order published in the official Gazette of the Republic to restrict and regulate the importation of the goods specified in such Order whenever it becomes necessary in the public interest to restrict and regulate the importation of goods for the encouragement of local production and industry, the improvement of the balance of trade, compliance with international obligations or the development of the economy of the Republic. The Order under which the sub judice decision was taken was published in Supplement No. III, part I of the official Gazette of the Republic dated the 20th January, 1983, under Notification No. 7. In its opening paragraph there are reproduced in the said Order all the grounds contained in the aforesaid Section upon which such Order could be made. Under item 0.4.04, of the first schedule thereof, cheese is one of the commodities the importation of which was subjected to the requirement of an import licence.

Learned counsel for the appellant has argued to-day that the said Order, in so far as it refers to cheese, in which the appellants were directly interested, is ultra vires because the item referred to in paragraph 10 of the notice of opposition filed on behalf of the respondents in respect of which the protection from competition was made was «halloumi» and not «cheese».

In our judgment «halloumi» is well known to be a variety of cheese traditionally prepared in Cyprus. Or to give a wider description of it, it is a dairy product in the category of cheese. He argued that the restrictions imposed under the aforesaid statutory provisions should have been necessitated for the protection of identical products.

We do not subscribe to this argument as in the first place «halloumi» is for all intents and purposes a variety of cheese and in the second place the grounds upon which an Order under the said

Section may be made are wide enough and need not refer to the protection of identical products but of products of the same category. The Order therefore made by virtue of the said Section is not in our judgment *ultra vires*.

- 5 The appeal is therefore dismissed but in the circumstances there will be no order as to costs.

*Appeal dismissed with  
no order as to costs.*