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Kuwait

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report provides important information on the laws and regulations governing food importation into the State of Kuwait.

Section I. Food Laws:

DISCLAIMER: The Office of Agricultural Affairs (OAA) in Dubai, UAE, has prepared this report for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in preparing the report, the information provided might be dated, as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before sales are finalized. Final import approval of any product is always subject to the rules and regulations of the importing country as interpreted at the time of product entry.

GCC-Wide Developments

The State of Kuwait is a member of the Gulf Cooperation Council (GCC) that includes Bahrain, Oman, Qatar, United Arab Emirates (UAE) and Saudi Arabia. With the exception of Saudi Arabia, the USDA's Office of Agricultural Affairs (OAA), Dubai, covers the rest of the countries collectively known as the GCC-5.

Food Standards: In 2008, Yemen became the newest member of the Gulf Standards Organization (GSO), bringing the number of GSO member countries to seven. GSO is responsible for developing food and non food standards in the GCC. The GSO food standards committee, which is chaired by Qatar, has been actively updating GCC food standards. Over the past few years, the committee has been working to harmonize existing standards within the guidelines of the Codex Alimentarius, ISO and other international organizations. However, in some cases, differences still exist between some of the GCC proposed new standards and existing international guidelines.

In theory, each GCC member should notify the WTO of any proposed new standard. However, typically, one or two of the member countries usually submit the notification. Interested parties who review these notifications should bear in mind that, while a notification may be submitted by a single GCC member, the proposed standard will eventually apply to all GCC member countries. Once a new standard is approved by the GSO food standards committee, each member country officially adopts the standard, thus making it a national standard as well as a GSO standard.

The first GSO shelf life and labeling standards were issued in the nineties. In 2007, the first review of both standards was completed and approved. The current standards brought the GCC into closer compliance with the guidelines of Codex Alimentarius and, for the most part, offer more flexible requirements for importing foods from foreign markets.

In 2011, another review of the standards was completed and notified by Bahrain to the WTO. The new draft standards with only limited changes to the existing standards are being studied by WTO member countries.

The GSO has created 3 subcommittees to follow-up on food related issues:

1. Bio-technology and organic food subcommittee that is chaired and hosted by the UAE.

In this regard, the GCC developed and approved the following 3 new standards in 2011:

- GSO 2141/2011; General Requirements for Genetically Modified Unprocessed Agricultural Products;
- GSO 2142/2011; General Requirements for Genetically Modified Food and Feed;
- GSO 2143/2011; General Requirements for Risk Assessment and Traceability for Genetically Modified Products.

The above standards are to be adopted by each GCC country, individually.

1. Labeling subcommittee that is chaired and hosted by Oman.
2. Additives subcommittee that is chaired and hosted by Saudi Arabia

The GSO also, when the need arises, forms working groups to address specific issues. For instance, a working group developed two Halal standards. The first standard outlines general Halal requirements while the other outlines requirements for approving foreign Islamic centers, certifications and Halal labeling.

Customs and Tariffs: In January 2003, the “GCC Unified Customs Law and Single Customs Tariff” (UCL) was released. The UCL established a unified customs tariff of five percent on nearly all processed food products. Under the UCL, some food products including live animals, fresh fruits and vegetables, some seafood, grains, flour, tea, sugar, spices and seeds for planting are exempt from tariffs. It also established a single entry point policy. In other words, a product entering any GCC member market would pay the appropriate duty only at the point of entry and would then be permitted duty free transit among GCC member countries. In practice, this policy is employed only with unopened containers transshipped between GCC markets. Partial shipments will be subject to the five percent import duty again in the country of destination. However, it is expected that all goods, even partial shipments from opened containers, will eventually receive single-entry treatment once customs procedures are fully unified within the next few years.

Food Import Procedures: In 2007, the GCC Food Safety Committee developed a “Guide for Food Import Procedures for the GCC Countries.” This guide was meant to unify the applied procedures for clearing food consignments, as well as to unify the required import certificates for different types of foods. The intent was to help facilitate the movement of food products within the GCC once customs unification is fully implemented. In 2008, the GCC member countries decided to postpone the application of the guide to further study it to ensure it fully complies with the guidelines of international organizations such as Codex Alimentarius, World Animal Health Organization and International Plant Protection Consortium. The guide is still being reviewed by GCC members.

Kuwait Developments

Kuwait adopted the revised GSO standards for labeling (GSO 9/2007) and shelf life (GSO 150/2007) in October 2008.

The Department of Standards and Metrology, Public Authority for Industry (PAI), in cooperation with other concerned departments, including the Kuwait Municipality (KUM), the Ministry of Public Health (MOPH), the Ministry of Commerce and Industry (MOCI), the Public Authority for Agricultural Affairs and Fish Resources (PAAFR), the Consumer Protection of the Ministry of Commerce, Customs, Chamber of Commerce and the Kuwait Institute for Scientific Research (KISR) constitute the “National Food Safety Committee” which is responsible for establishing local food safety regulations. The regulations become enforceable only after they have been officially announced via a ministerial decree published in the official gazette of Kuwait. Usually, a grace period of up to six months is granted from the date of issuance in the official gazette prior to enforcement of any new regulations.

The Food Safety Committee, which includes representatives of all the above agencies, may recommend a temporary ban on imports of food products from countries in which food health hazard has been identified.

Regulatory enforcement is divided between the KUM, MOPH and PAAFR. The Imported Food Department within KUM has responsibility for the initial inspection of imported food products, including verification of compliance with label requirements and collection of samples for laboratory analysis by either MOPH or KUM. In general, new-to-market products and products that have failed previous inspection are subject to thorough inspection. Laboratory tests typically take 1-4 weeks depending on the type of test, which, at times, can limit the remaining shelf life for perishable products once cleared.

Compliance disputes are handled by the Food Committee which is comprised of representatives from the KUM, MOPH, PAI, PAAFR, KISR and the Kuwait Chamber of Commerce and Industry. The committee determines the validity of a complaint and could order re-inspection if warranted. Trade contacts report that consignments with minor labeling infractions may be granted a one-time waiver provided the products are found to be completely safe for human consumption. Rejected shipments are allowed one month to be re-exported.

Section II. Labeling Requirements:

Food labels must include the following information in Arabic on the original label or primary packaging:

- Product and brand name
- Country of origin
- Ingredients, in descending order of proportion
- Additives, if any
- Origin of animal fat (e.g., beef fat), if applicable 1/
- Net content in metric units (volume in case of liquids)

- Production and expiry dates
- The name and address of the manufacturer, producer, distributor, importer, exporter or vendor shall be declared on the label
- Special storage, transportation and preparation instructions, if any.

1/ Animal fat should be sourced only from Halal slaughtered animals. Pork products and ingredients are banned in Kuwait.

Bilingual labels are permitted, provided one of the languages is Arabic (e.g. Arabic/English). Arabic language stickers are permitted in lieu of original Arabic or bilingual labels, provided the sticker: 1) Is extremely difficult to remove; 2) Includes all required label information; 3) Does not cover required information on the original label; and 4) Does not contradict information on the original label.

Production and expiry (P/E) dates must be engraved, embossed, printed or stamped directly onto the original label or primary packaging at the time of production, using indelible ink. These dates may be printed in English only, Arabic only or English/Arabic. These dates may not be printed on a sticker. U.S. bar coding is not permitted in lieu of P/E dates and a label may not contain more than one set of P/E dates. The dates must be printed in digit form (text is permitted only if the name of the month is written in full) in the following order, depending on the shelf-life of the product:

- Day/month/year for products with a shelf-life of 3 months or less
- Either Month/year or Day/month/year will be accepted for products with a shelf life longer than 3 months

Kuwait has also issued an explanatory local order asking exporters to refrain from printing the date of production and expiration as the same date a year apart. (i.e. production is Jan 10, 2008 and expiry is Jan 10, 2009). KUM stated that printing dates in such fashion means that the shelf life exceeds a single year. In this case dates should show (P: July 10, 2008; and E: is July 9, 2009)

Kuwait officials are willing to work with companies to ensure that food and agricultural imports are not unduly disrupted. For example, Kuwait offers a pre-approval program for food labels. Pre export approval can significantly speed import clearance, particularly for new to market and branded products. To facilitate entry, suppliers are strongly encouraged to work closely with their local importers to obtain pre-export approval for labels, particularly for new-to-market products, and to ensure that their products meet all local import regulations.

All special food products, such as diet covered under Kuwait Standard (KS) KS 874/2004 (GS 1058/2002), health (and infant foods (KS 877/1997, 696/1995 and 878/1997) and artificial sweeteners KS 1176/1999 (GS 995/1998) must be pre-registered with the Nutrition Unit of the Ministry of Public Health. Labels for these products must contain detailed information about ingredients (e.g., vitamins, minerals, supplements, food colors, preservatives, etc.), nutritive value per 100 grams, health warnings if any, and instructions for proper use and storage. The U.S. nutritional panel is permitted.

Products shipped in bulk or institutional-sized containers must comply with all label requirements, as required by GSO standards for labeling and shelf life. Also, newly adopted standard clearly identify products that are exempt from carrying dates of production and expiry such as fresh fruits, as well as products that are exempt from carrying only expiry dates, such as spices and salt.

Copies of Shelf life and Labeling Standards for food products are available at the OAA office upon request at atodubai@state.gov.

Section III. Packaging and Container Regulations:

General requirements for packaged special foods are covered under KS 859/1997 (GS 654/1996), KS 1034/1998 (GS 839/97), KS 170/1984 and KS 1028 (GS 1024/2000). Boxing for fresh fruits and vegetables is regulated under KS 65/1992 (GS 124/1990).

Section IV. Food Additives Regulations:

In general, local regulations governing the use of food additives are based on Codex Alimentarius standards. According to

trade contacts, rarely is a U.S. food product rejected by Kuwaiti officials due to the unauthorized use of an additive.

Color additives are regulated under KS 214/1999 (GS 23/1998). Under this standard, the common name and index number of all food color additives contained in a product must be noted on the product label. European "E" numbers are permitted.

Other food additives such as preservatives, flavorings, antioxidants, emulsifiers and others are regulated under KS 147/1994, which is identical to the Codex Alimentarius standard. Sweeteners allowed for use in food products are listed in KS 1176/1999 (GS 995/1198).

The GCC countries through the GSO are currently updating their food additive regulations. This new project will consolidate all Codex standards addressing all types of food additives (colors, sweeteners, emulsifiers, etc.) into one GSO standard.

Section V. Pesticides and Other Contaminants:

Local regulations governing pesticide and other contaminant residue levels are based on Codex Alimentarius standards. Specifically, KS 514/1994 regulates pesticide and other contaminant residues in food products. MRL-s for pesticides in agricultural and food products are determined in KS Part I 720/1995 (GS 382/1994) and Part II KS 721/1995 (GS 383/94).

The GSO has also issued several standards addressing acceptable limits of aflatoxin and other toxics, radiation and irradiation in food products. In the absence of a GSO standard, Codex Alimentarius standards are used as references. Food products meeting U.S. residue standards will most likely meet future GCC standards. It is very rare that U.S. origin products are rejected due to pesticide or other contaminant residue.

Section VI. Other Regulations and Requirements:

All food products must be accompanied by a health certificate issued by the appropriate government agency in the country of origin, attesting to the product's fitness for human consumption. Meat and poultry products must be Halal slaughtered. Halal slaughter certificates accompanying meat and poultry shipments are required to be notarized by the Kuwaiti Embassy in the country of origin. If not available, notarization from any of GCC or other Arab countries will suffice. A shipment will be rejected if salmonella is detected in more than 20 percent of the tested samples of imported poultry.

The importation of alcoholic beverages and pork, and food products containing alcohol or pork, is prohibited. In addition, it is prohibited to import a product with a label containing a picture of alcohol or pork, or a recipe requiring these products even though the imported product is free of these ingredients. Since late 2000, importation of non-alcoholic beverages has been permitted provided that the alcohol level does not exceed 0.05 percent.

The importation of irradiated food products is permitted, but the product's label must clearly indicate that the product has been irradiated. KS 1171/1999 (GS 988/1998) determines the maximum irradiation levels permitted in different food products.

Local food safety inspectors randomly check food products already in the market. In addition to visually inspecting labels, samples are taken and analyzed to ensure that product ingredients match those listed on the label. These inspections are conducted without the knowledge of the importer. If a discrepancy is found, the importer is informed and the product is removed from the market and destroyed at the importer's expense. Rejected food shipment may be exported within 1 (one) month from the rejection date. If the infraction is severe (e.g. traces of pork are found) or an importer has been found to have intentionally altered or falsified a product's label, the product may be banned from import for a specified period of time, usually six to twelve months.

Section VII. Other Specific Standards:

No special requirements exist regulating the import of food samples. Samples destined for food shows and other types of promotional events are exempt from local label and shelf-life regulations. However, a health certificate and an invoice noting that the product is not for sale and is of no commercial value must accompany such shipments.

Section VIII. Copyright and/or Trademark Laws:

The first Kuwaiti copyright law was passed in 1999, and Kuwait has been a member of the World Intellectual Property

Organization (WIPO) since 1998. Copyright holders are also permitted to collect civil damages from violators.

Kuwait's new patent and trademark legislation took effect on January 14, 2001, making Kuwait compliant with the WTO agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Brand registration is recommended to protect both the importer and foreign supplier against parallel imports and copycat labels. The trademarks section of the Ministry of Commerce and Industry (MOCI) is responsible for product registration, which usually can be completed within a short period of time.

Commercial Law 36/1964 and Commercial Law 68/1980 regulate agency agreements

Section IX. Import Procedures:

Shuwaikh port in Kuwait City and Shuaiba port, about 25 miles south of the city, are the primary entry points for imported food products. Both ports have state-of-the-art equipment. Many fresh and chilled products are imported via Kuwait International Airport, located a short distance from Kuwait City. Fresh produce originating from nearby Middle Eastern countries is imported in refrigerated trucks via land entry points on the Saudi Arabia border.

While it can require as little as 2-3 days to clear a consignment through customs, health clearance can take 7-10 days, due to laboratory testing and for some products it may take two to four weeks. Kuwait employs a rigorous sampling regime that requires frequent testing and a "test and hold" clearance procedure pending the results of tests. Fresh products, however, are usually cleared within 24 hours of arrival. Once customs clearance is obtained, an importer may elect to store a consignment under bond, pending health clearance.

The following documents are required for food imports:

- Commercial invoice
- Packing list
- Bill of Lading
- Health certificate
- Halal slaughter certificate (for meat and meat products) /1
- Certificate of Origin

1/ Halal slaughter certificates accompanying meat and poultry shipments are required to be notarized by the Kuwaiti Embassy in the country of origin. If not available, notarization from any of GCC or other Arab countries' Embassies will suffice.

OAA Dubai understands that the Embassy may seek a prior legalization by the Arab American Chamber of Commerce; however, food control officials in Kuwait do not require this additional legalization. OAA Dubai understands that some importers may seek to have additional documents legalized as legalization is perceived as a means of reducing possible issues at the time of clearance. Any decision to legalize documents beyond the minimum requirements of food authorities in Kuwait is a commercial decision between exporter and importer.

A consignment rejected because it is unfit for human consumption must be re-exported (but not to another GCC country), or destroyed by local authorities, normally within one month from rejection.

As noted earlier, an importer may appeal the rejection of a shipment to a special committee comprised of representatives from various government ministries. If after additional testing, the consignment is again rejected, the appeal is closed. If, however, the consignment is determined fit for human consumption, a third round of tests will be conducted to verify the results. If the results are unchanged, the shipment is released. If the results are negative, the shipment is rejected and the appeal is closed. An importer may store a consignment in his warehouse under bond, pending the outcome of an appeal.

Live animals and plants, feedstuffs and horticultural products such as seeds for planting are inspected at the port of entry by the PAAFR, which decides if quarantine is warranted. Feedstuff samples are routinely analyzed at a specialized PAAFR laboratory.

Appendix I. Government Regulatory Agency Contacts:

Name/Address

Field of Specialty

(1) GOVERNMENT

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regulations

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Deputy Director General for Municipal Services
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Head of food safety committee

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Food import regulations

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Appendix II. Other Import Specialist Contacts:

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Director General

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