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Kuwait

Food and Agricultural Import Regulations and Standards

Country Report

2004

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Kuwait enforces food shelf life standards on 44 food products, recognizes manufacturer- defined self-life for all other food products, requires Arabic or English/Arabic language labels, and accepts stickers as labels. On September 1, 2003, Kuwait implemented the GCC Unified Customs Law, imposing a flat 5-percent import duty on practically all processed food products while leaving exempt from duty live animals, fresh fruits and fresh vegetables, seafood, grains, flours, tea, sugar, spices and seeds for planting. In late December 2003, Kuwait imposed temporary bans on U.S. live ruminants and U.S. beef products after BSE was confirmed in a dairy cow in Washington State.

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KUWAIT: FOOD IMPORT REGULATIONS

Last Updated: August 22, 2004 (Section 1, Para 11 added; Section 9 Appendix C revised)

DISCLAIMER: This report has been prepared by the Agricultural Trade Office of the USDA/Foreign Agricultural Service in Dubai, UAE for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this 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 the sale conditions are finalized. FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.

1. GENERAL FOOD LAWS

Kuwait is a member of the Gulf Cooperation Council (GCC), which also includes Bahrain, Oman, Qatar, the United Arab Emirates and Saudi Arabia. GCC member states are working hard to harmonize food import standards, including label and shelf-life regulations.

A significant step towards regulatory harmonization came with the issuance of Gulf Standard (GS) 150/1993, Part I, under which a number of regional food shelf-life standards were established.

On January 5, 1997, Kuwait's Ministry of Commerce and Industry issued Ministerial Decree (MD) 146/1996, recognizing GCC shelf-life standards for 44 out of the 75 products covered under GS 150/1993, Part I. As of July 5, 1997 these new standards were enforced. (See Appendix A for a list of the products covered under MD 146.)

As of September 1998, Kuwait Municipality started to accept a shelf life of 6 months for fresh table eggs instead of 3 months stipulated in MD 146/1996. This is of particular interest to U.S. suppliers who considered the 3-month shelf-life condition difficult to meet.

Kuwait will continue to recognize manufacturer-recommended shelf-life durations for those food products not covered under MD 146/1996. Many Kuwaiti importers, however, require that all food products fully comply with GCC shelf-life standards, even those products not covered under MD 146/1996. In any case, a product will be barred from entry if more than half of its shelf life has elapsed at the time of arrival to Kuwait.

As of the beginning of 2003, the GCC countries, with the exception of Kuwait, implemented the long awaited "Unified Customs Law and Single Customs Tariff" (UCL). Under the UCL, it was agreed to apply a unified customs tariff of five percent on practically all processed food products. Also, it was agreed under the UCL that a one entry point policy for all products imported in the GCC countries be implemented as of the beginning of 2003.

As of September 1, 2003 Kuwait's Customs Directorate started to implement the UCL, which imposes a flat five percent import tariff on practically all processed food products. Live animals, fresh fruits and vegetables, seafood, grains, flours, tea, sugar, spices and seeds for planting are exempt from any import duty under this law.

The one entry point practice approved under the UCL has not however been implemented, in all the GCC countries to this date because of a variety of reasons, including disparity of food

control procedures, quality of health laboratories and procedures for dividing tariff proceeds among the member countries.

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) and the Kuwait Institute for Scientific Research (KISR), is responsible for establishing local food safety standards. Regulations become enforceable only after they are officially announced in a ministerial decree and published in the official gazette of Kuwait. Usually, a grace period of up to six months is granted prior to enforcement of any new regulations.

The Food Safety Committee, which comprises representatives of all the above agencies, may recommend temporary bans on imports of food products from certain countries where a food health hazard is announced.

On December 27, 2003, PAAFR imposed an import ban on all ruminant animals from the United States following the detection of BSE in a dairy cow in the Washington state. Similarly, on December 29, 2003, MOCI imposed an import ban on all fresh, chilled and frozen beef and their derivatives from the United States for the same reason. Similar import bans were already in place against live cattle and their products from the European Union (EU), Japan and Canada due to detection of the BSE disease in those countries.

Regulatory enforcement is divided between the KUM, MOPH and PAAFR. The Imported Food Department of KUM is responsible for visually inspecting all imported food products, verifying compliance with label regulations and drawing samples for laboratory analysis by the MOPH. In general, new-to-market products and products that have failed past inspections are subjected to thorough inspection. Laboratory testing may take 7-10 days depending on the type of tests required. In some cases, the testing may take 2-4 weeks to be completed.

Trade contacts report that Kuwaiti officials are willing to work with companies to ensure that food and agricultural imports are not disrupted. For example, officials are willing to approve food labels prior to product export. Pre-export approval can significantly speed import clearance, particularly for new-to-market products and brands.

Compliance disputes are handled by a "Food Committee" 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 can order re-inspection if found to be 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.

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.

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.

2. LABELING REQUIREMENTS

Label regulations are contained in Kuwait Standard (KS) 42/1973, which is identical to GS 9/1984. Under KS 42, 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
- Net content in metric units (volume in case of liquids)
- Production and expiry dates (English digits only are also permitted, as is Arabic/English)
- Manufacturer's and/or packer's name and address
- Special storage, transportation and preparation instructions, if any.

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. In fact, local officials consider such stickers to be labels.

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. As noted above, 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 (no text is permitted) in the following order, depending on the shelf-life of the product:

- Day/month/year for products with a shelf-life of 6 months or less;
- Month/year for products with a shelf-life longer than 6 months.

For example, 1/1/2001 is permitted for a product with a shelf-life of 6 months or less; 1/JAN/2001 is not.

Since September 1998, Kuwait Municipality has required that all P/E dates for food products include all 4 digits for the year rather than 2 digits as accepted in the past. However, as most food suppliers could not comply, this regulation was not enforced.

As noted earlier, Kuwait enforces GCC shelf-life standards for 44 food products (Appendix A) and recognizes manufacturer-established shelf-life standards for all other food products. Importers, however, are increasingly requiring exporters to comply with all GCC shelf-life standards, even those not officially enforced by Kuwaiti officials.

All special food products, such as diet, health and infant foods and artificial sweeteners 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.

Special food products must be displayed separately from other foods in retail outlets, in well-marked locations. Media advertising for these products requires prior approval from the MOPH. General requirements for packaged special foods are covered under KS 859/1997 which is identical to GS 654/1996.

Products shipped in bulk or institutional-sized containers must comply with all label requirements. P/E dates, however, are not required for certain products including fresh fruits and vegetables, fresh bakery items and products deemed to have extremely long shelf-life durations, such as salt and sugar. Production dates are recommended, however, for these products and often are requested by an importer. Products arriving clearly marked, as samples not intended for sale, are exempt from labeling regulations.

3. FOOD ADDITIVES

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, which is identical to 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. (See Appendix B for a list of color additives currently approved by Kuwait).

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, which is identical to GS 995/1198.

4. PESTICIDE 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.

5. OTHER REGULATIONS AND REQUIREMENTS

All food consignments 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. In addition, all meat and poultry products must be accompanied by an Islamic (Halal) slaughter certificate issued by an approved Islamic center in the country of origin. Islamic (Halal) slaughter requirements are covered under KS 1174/1999 which is identical to GS 993/1998.

Inspection officials routinely check for salmonella in poultry products. A shipment will be rejected for import if salmonella is detected in more than 20 percent of the tested samples.

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, the importing of non-alcoholic beer has been permitted on condition that the alcohol level does not exceed 0.05 percent.

There are no special packaging or container size requirements for food products. Boxes for fresh fruits and vegetables however are regulated by KS 65/1992, which is identical to GS 124/1990.

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, which is identical to 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 removed from the market and destroyed at the importer's expense. 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.

6. OTHER STANDARDS

There are no special requirements 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. Such shipments, however, must still be accompanied by a health certificate, as well as an invoice noting that the product is not for sale and has no commercial value.

7. COPYRIGHT/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.

Agency agreements are regulated by Commercial Law 36/1964 and Commercial Law 68/1980.

8. IMPORT PROCEDURES

Shuwaikh port in Kuwait City and Shuaiba port about 25 miles south of the city are the primary ports for the importation of food products. Both ports boast 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 from nearby Middle East countries is imported by refrigerated trucks via land entry points on the Saudi Arabian 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. Fresh products, however, are usually cleared within 24 hours of arrival. Once customs clearance is obtained, an importer may elect to store a consignment in his own warehouse 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)
- Certificate of Origin

The Halal and country of origin certificates must be notarized by a local or a National/Arab Chamber of Commerce as well as a Kuwaiti diplomatic mission in the exporting country. If the latter is not present, any other Arab diplomatic mission, except Iraqi, is acceptable.

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 six months of arrival.

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 these results. If the results are unchanged, the shipment is released. If the results are negative, the shipment is rejected and the appeal closed. An importer may store a consignment in his own warehouse under bond, pending the outcome of an appeal.

Products rejected for minor labeling infractions may be allowed entry upon appeal. Trade contacts report that new-to-market and ethnic food products are normally allowed entry on a one-time basis, despite minor labeling infractions. Infractions of production/expiry date regulations (e.g., missing or incorrectly printed dates or dates printed on stickers rather than original labels/packaging) will result in the rejection of the shipment.

9. APPENDICES**APPENDIX A. SHELF-LIFE STANDARDS****(1) Frozen foods (stored at temperatures not exceeding -18C):**

Product	Packing	Shelf Life	Remarks
Ice cream	Suitable containers	12 months	
Fruits	Suitable containers	12 months	
French fries	Plastic bags	18 months	
Eggs	Suitable containers	9 months	

(2) Chilled foods (stored at temperatures from 0-5C):

Product	Packing	Shelf Life	Remarks
Yogurt and flavored yogurt	Suitable containers, hermetically closed	10 days	
Heat treated yogurt	Suitable containers	6 weeks	
Processed cheese	Non-metallic packages	18 months	
Butter	Suitable containers	2 months	
Margarine	Plastic sheet packages	3 months	

(3) Packaged products that are stored at suitable temperatures in well-ventilated stores:

Product	Packing	Shelf Life	Remarks
Canned meat	Sterilized metal containers	24 months	
Canned seafood	" "	24 months	
Evaporated milk	" "	12 months	
Full cream dried milk	" "	18 months	
Processed cheese	Metallic containers	18 months	
Dried fruit juices	Suitable containers	18 months	
Jams, jellies and marmalades	Cans or glass jars	24 months	
Jams, jellies and marmalades	Cans or glass jars	24 months	
Hot sauces	Glass containers	24 months	

Pickles	Tightly sealed glass containers	18 months	
Breakfast cereals such as corn, wheat and rice flakes, etc	Paper or aluminum foil containers	12 months	
Dried milk-based baby foods	Tightly sealed metallic containers or packed under vacuum and sterilized	18 months	
Fruit juices for babies	Tightly sealed glass containers, sterilized	12 months	
Powdered or granulated baby foods prepared from cereals, legumes, fruits or vegetables, etc.	Carton containers lined with aluminum foil	12 months	
	Metallic containers vacuum packed or in inert gas and tightly sealed		
Cocoa powder	In metallic, glass or aluminum foil containers, packed under vacuum or in inert gas	24 months	
Ground roasted coffee	In metallic or aluminum foil containers, packed under vacuum or in inert gas	18 months	
Instant coffee	Metal or glass containers	24 months	
	Aluminum foil or special paper packs	12 months	
Cake mixes	Paper or aluminum foil packages	18 months	
Flour	Cloth bags	6 months	
Macaroni (pasta products)	Carton containers or plastic bags	24 months	
Starch, all types	Paper or plastic packages	24 months	
Plain hard candies	Suitable containers	24 months	
Enriched, fortified hard candies	Suitable containers	12 months	
Powdered soups	Paper, plastic or aluminum foil containers	18 months	
Vinegar, all types	Glass containers	24 months	
Brown sugar	Paper or plastic bags	18 months	

Halawa Tehiniah (an Arabic sweet)	Metallic or plastic containers	12 months	
	Wrapped in paper or aluminum foil	6 months	
Tehina (sesame oil emulsion)	Suitable containers	9 months	

(4) Food products that require specific storage temperatures:

Product	Packing	Storage Condition	Shelf Life	Remarks
Fresh beef and buffalo meat	Suitable containers	Temp. 0C to -2C	21 days from slaughter date	
Fresh mutton and goat meat	Suitable containers	Temp. 0C to -2C	14 days from slaughter date	
Vacuum packed fresh meats	Plastic containers	Temp. 0C to -2C	10 weeks from slaughter date	To arrive within 40 days from slaughter
Stuffed or covered biscuits	Cans	Temperatures not exceeding 25C in well ventilated stores, far from moisture and contamination sources	12 months	
Flour	Paper or plastic bags		12 months	
Mayonnaise	Glass or metal containers		12 months	
Fresh eggs (table eggs)	Suitable containers	Stored at 4-10C	3 months (1)	
All kinds of chocolates	Paper, aluminum foil or plastic containers		12 months	

(1) Subsequently amended to 6 months.

Kuwait will continue to recognize shelf-life durations as set by manufacturers for those products not listed above. Suppliers are encouraged to work closely with their importers to ensure that their products comply with all local import requirements. Products must arrive in Kuwait before half of their shelf life is elapsed.

APPENDIX B. LIST OF PERMITTED FOOD COLORS

The following is a list of food colors, natural and artificial, permitted in Kuwait:

A. Natural Food Colors

Color/Description	International Number	Other Names
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Red to Yellow Colors

Carmine	120	Cochineal, Carminic Acid
Annato extracts	160B	Bixin, Norbixin
Beta Carotene	160A	Carotene blend
Lycobine	160D	
Beta-Apo-8-carotenal	160E	
Beta-Apo-8-carotenoic acid	160F	
Lutein	161B	
Carrot oil	None	
Beet root red	162	Betanine

Red to Purple Shade

Anthocyanins	163(i)	
Grape skin extract	163(ii)	
Blackcurrant extract	163(iii)	Enocianina
Beet powder	None	
Paprika	None	
Paprika oleoresin	160C	

Orange and Yellow Colors

Saffron	None	Natural yellow 6
Turmeric powder	100(ii)	
Curcumin	100(i)	
Turmeric oleoresin	None	
Riboflavin	101(i)	
Riboflavin-5-Sodium Phosphate	101(ii)	

Green Colors

Chlorophylls	140	Chlorophyllins
Chlorophyll copper complex	141(i)	
Sodium and potassium salts of chlorophyll copper complex	141(ii)	

Brown Colors

Plain Caramel	150A	
Caustic sulphite caramel	150B	
Ammonia Caramel	150C	
Ammonia sulphite caramel	150D	

Black Color

Activated vegetable carbon 153

Inorganic Colors

Titanium dioxide 171 Food white 6
Iron oxides 172

B. Artificial Food Colors

Red Colors

Azorubine 122 Carmosine, Food red 3
Allura Red 17 129 Food red 40

Yellow Colors

Sunset yellow FCF 110 Food yellow 3, Food orange S, Yellow 6
for food, drugs and cosmetics
Tartrazine 102 Food yellow 4, Yellow 5 for food, drugs
and cosmetics

Brown Color

Chocolate brown HT 155 Food brown 3

Green Color

Fast green FCF 143 Food green 3, Green 3 for food, drugs
and cosmetics

Blue Colors

Indigotine 132 Carmine indigo, Blue 2 for
food, drugs and cosmetics, Food blue 1
Brilliant blue FCF 133 Food blue 2, Blue 1 for food, drugs and
cosmetics

Black Color

Brilliant black BN 151 Food black 1, Black PN

C. Coloring Matters Allowed for Use in Selected Foods

International Number	Color	Food	Maximum Limit
127	Erythrosine	Cherry and Products	None
128	Red 2 G	Sausages	20 ppm
161G	Canthaxanthin	Cooked Sausages	30 ppm
		Frozen Foods	100 ppm

173	Aluminum	External Cover for Cake and Pasta	According to Good Production Practice
174	Silver	External Cover for Sweets	According to Good Production Practice
175	Gold	External Cover for Sweets	According to Good Production Practice
180	Lithotrubine	Cheese Covering	According to Good Production Practice
None	Orange B	Sausage and Frankfurters Covering	150 ppm
None	Citrus Red 2	Orange Peel	2 ppm

ppm: Parts per million.

D. Recently Prohibited Colors

International Number	Color	Remarks
104	Quinolin yellow	Prohibited in all food products
124	Ponceau 4R	Prohibited in all food products

APPENDIX C. REGULATORY AGENCIES / USEFUL CONTACTS

Name/Address

Field of Specialty

A. Government

Mr. Yousef Shihab Al-Bahar
Vice General Director for Standards
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Public Authority for Industry
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All standards,
including food

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All standards,
including food

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Livestock and
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import regulations and
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Mr. Khalid H. Al-Zahmoul
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Food import regulations
and inspection

B. Non-government

Mr. Ahmad Rashed Al-Haroun
Director General
Kuwait Chamber of Commerce and Industry
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Commercial regulations and
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Commercial regulations and
trade data

END OF REPORT