

THE PUBLIC AUTHORITY FOR FOOD AND NUTRITION MINISTERIAL RESOLUTION NO. 6 OF 2023 REGARDING THE REGULATION OF IMPORTED FOOD.

Minister of Health:

- After reviewing Law No. (112) of 2013 for establishing the Public Authority for Food and Nutrition, amended by Law No. (16) of 2019,
 - And Decree No. (22) of 2023 for forming the Board of Directors of the Public Authority for Food and Nutrition.
 - And Cabinet Resolution No. (1162) of 2013 designating the minister responsible for supervising the Public Authority for Food and Nutrition.
 - And Ministerial Resolution No. (19) of 2017 regarding the regulation of Imported food.
 - And the decision of the Board of Directors of the Public Authority for Food and Nutrition at its meeting No. (2) of 2023, held on 3/7/2023, regarding the adoption of imported food regulations.
 - And according to the letter of the Chairman of Legal Advice and Legislation, Reference No. (202200004029) issued on 29/3/2023, which includes imported food regulations after reviewing and drafting it into legal form.
 - And the letter of the Chairman of the Board of Directors and the Director-General dated 4/16/2023 containing a request to approve the imported food regulations.
 - And based on the requirements of the work interest.
- it was decided ,

(ARTICLE 1)

The provisions of the Imported Food Regulations accompanying this resolution shall be implemented.

(ARTICLE 2)

The imported food Regulations issued by Ministerial Resolution No. 19 of the year 2017 shall be cancelled.

(ARTICLE 3)

The competent authorities must implement this resolution, each within its authority, and it shall come into effect as of 1/9/2023 and be published in the Official Gazette.

Minister of Health, Dr. Ahmed Abdel Wahab Al-Awadhi.

Issued on: 10 Shawwal 1444 – 30 April 2023.

List of Imported Food attached to Ministerial Resolution No. 6 of 2023.

PART ONE: DEFINITIONS

ARTICLE (1)

In applying the provisions of this regulation, the following words, phrases and terms shall have the meaning indicated next to each of them:

• **AUTHORITY:** The Public Authority for Food and Nutrition (PAFN) in the State of Kuwait.

• **LAW:** Law No. 112 of 2013 regarding the establishment of the Public Authority for Food and Nutrition and its amendments.

- **DISPOSAL:** Any measure taken by the Authority to dispose any imported food.
- **NUTRITIONAL CLAIMS:** Any statement on the food label intended to demonstrate a declaration, proposal, or indication that a particular food contains certain nutritional properties, including- but not limited to- energy content, protein content, fats, vitamins, or minerals at specific levels that differ from the recognized normal proportions.
- **NUTRITIONAL FUNCTIONAL CLAIMS:** A nutritional claim describes the physiological role or positive effects of a nutrient in the process of growth and development in the natural function of the body or other functions.
- **DISEASE RISK REDUCTION CLAIMS:** Claims that consuming a particular food or food ingredient as part of the overall diet reduces the risk of developing a particular disease or related health condition.
- **HEALTH CLAIMS:** Any statement on a food label that states or indicates the existence of a relationship between a particular food or one of its components and its effect on human health, *including the following:*
 - **FUNCTION CLAIM OF A NUTRIENT:** A nutritional claim that describes the physiological role of the nutrient in the process of growth and development and in the natural functions of human body.
 - **OTHER FUNCTIONAL NUTRITIONAL CLAIMS:** Claims regarding the positive effects of the consumption of specific food or their components in the overall diet on the normal functions or vital activities of the body. Such claims are related to their positive impact on health, improving a particular function in the body, or maintaining health.
- **DELIVERY PERMIT:** An official document issued by the authority authorizing the transport of goods from the port of entry to the food inspection area.
- **CONSIGNMENT:** A specific quantity of food included in one official certificate that includes part of a batch or one or more batches.
- **DETAINED CONSIGNMENT/SHIPMENT:** food items that are seized at the border crossing or in the warehouses of the concerned party in exchange for guarantees specified by the Authority.
- **HEALTH REQUIREMENTS:** A set of mandatory requirements in food industrial facilities or food trading shops and the conditions of trading and appropriate means of transportation for each type of food.
- **RE-EXPORT:** Exporting food to other countries in the same condition in which it was previously imported.
- **LEGITIMATELY PERMISSIBLE FOOD:** Food items that are permissible in accordance with Islamic law (Sharia) and meet the requirements contained in the approved technical regulations and standard specifications.
- **TEMPORARY CLEARANCE/RELEASE:** A procedure whereby the concerned party is allowed to transfer the content of the consignment/shipment from the port of entry to a place under his control, such as his warehouses, in exchange for a pledge not to distribute any part of the consignment/shipment until proof of validity and conformity procedures are completed and an official decision for release is issued.

• **FINAL CLEARANCE/RELEASE:** A procedure taken by the Authority's Imported Food Department to allow the concerned party to possess and distribute the food consignment/shipment after ensuring that it conforms to the requirements, technical regulations, and relevant standard specifications, in accordance with the concerned authority such as the Customs.

• **CONCERNED AUTHORITIES:** Government agencies relevant to implementing the provisions of this regulation.

• **FOOD SHIPMENT/ CONSIGNMENT:** The quantity of imported food arriving at the port of entry at once, which includes one or more food items listed in one packing list, and is imported for the purpose of sale or use in the markets of the State of Kuwait or prepared for re-export.

• **FOOD CONTROL:** Comprehensive activities carried out by the country to ensure the safety and quality of all food items during production, handling, storage, processing, distribution, sale, possession for the purpose of trading in them, import and export, and to ensure their suitability for human consumption in order to protect consumer's health and combat fraud and deceptive practices.

• **CONTAINERS:** Any container or wrapper, in any form or composition, in which food is placed or packed, as well as the materials used to bind or seal the package.

• **THE SAMPLE:** is an amount taken from a food item in a random and unbiased manner so that it accurately represents the overall quality and characteristics of the entire quantity of food when an assessment of it is necessary.

• **FOOD:** any substance or part of a substance intended for human consumption through eating or drinking, whether it is a raw material of animal or plant origin, or manufactured, or semi-manufactured, including beverages, bottled drinking water, chewing gum, and any substance included in food manufacturing, preparation and processing and does not include cosmetics, tobacco, or substances used as drugs, and live animals before slaughter, plants before harvest, and fish before fishing.

• **FOOD LABEL:** Any statement, symbol or trademark, pictorial or descriptive whether written, printed, drawn, marked, posted, or etched into, pressed onto or attached to a container, lid or cover of any food, or its packaging in a non-removable manner.

• **CUSTOMS DECLARATION:** A customs document submitted by the person concerned or his representative describing the imported consignment/shipment and all related information in accordance with the requirements of the official customs authorities of the State of Kuwait.

• **PRODUCT IDENTITY VERIFICATION:** Physical inspection to verify that the attached documents and certificates match the reality of the food contained within the consignment/shipment.

• **INSPECTION:** The process of examining food or food safety systems by the competent department in the Authority to monitor production inputs and manufacturing processes up to the final product through all stages of the food chain to verify their conformity with the requirements and regulations and approved technical specifications, and includes auditing documents, testing, or direct inspection of the consignment/shipment and taking samples and analyzing them, or any approved equivalent alternative measures.

• **FOOD CONTAMINATION:** Food containing substances or elements that render it unsuitable for human consumption.

• **CONTAMINATION WITH MICROORGANISMS:** Food containing any microorganisms or their disease-causing toxins at any point during food handling across the entire food chain. This includes production, manufacturing, preservation, preparation, treatment, labeling, packaging, transportation and storage.

• **SANITARY MEASURES:** Routine or preventive measures applied for the purpose of protecting human health from risks resulting from food additives, pollutants, toxins, or disease-causing organisms in food, or from risks arising from diseases transmitted by plant and animal products, or from risks resulting from any other sources of danger in food, according to provisions, laws, decisions and approved requirements.

• **NUTRITIONAL VALUE:** the sum of the natural ingredients a food contains such as starch, proteins, fats, vitamins, minerals, salts, and others.

• **TECHNICAL REGULATIONS:** Mandatory documents outlining the characteristics of food products or the procedures for their production and processing. These documents encompass guidelines, terminology, codes, packaging specifications, explanatory information, product descriptions, and production methodologies.

• **PESTICIDES:** Chemical and natural substances that are used to prevent plant pests, or to combat plant diseases or insects, rodents, weeds, or other organisms harmful to plants as well as materials used to combat insects that are harmful to public health, insects and external parasites harmful to animals.

• **REQUIREMENTS:** Standards and conditions required by the Authority regarding public health, consumer protection, and fair business practices.

• **LABORATORY/LABORATORIES:** The place or places specified by the Authority to test and examine any food commodity or calibrate a device.

• **STORE/WAREHOUSE:** A building or part of it that is designated for storing and preserving food items for a specific period until they are put into circulation.

• **FOOD ADDITIVES:** Every substance or mixture of substances that is not used by itself as food or is used as a natural food ingredient and is added to food for the purpose of coloring it, improving its taste or flavor, preserving it, stabilizing its texture, or for any other purpose permitted when handling food.

• **CONTAMINANTS:** Any biological, chemical, or physical factor or any other substance that accidentally reaches food and may negatively affect its safety and suitability for human consumption.

• **PRODUCT:** The food commodity produced locally or imported, whether in the form of raw material or manufactured products.

• **CONTAINER/MEANS OF TRANSPORT:** A vehicle used to transport foodstuff, regardless of the type or size of the vehicle, whether refrigerated, frozen, or at normal room temperature. It is equipped with a device to measure and record the temperature inside it, and the device indicator must be installed in a place so that it is easy to read without the need to open the vehicle door, and the vehicle may be land vehicle, vessel, or aerial.

• **ANALYSIS:** Each calibration or examination aims to determine the components or characteristics of efficiency, effectiveness, or conformity of the food product to the approved technical regulations and standard specifications.

• **FOOD HANDLING:** is any process related to food, such as its production, manufacturing, preparation, processing, packaging, wrapping, transportation, or display at any stage of the food chain.

• **DOCUMENT REVIEW:** The process of reviewing and verifying all documents accompanying an imported food consignment/shipment.

• **FOOD QUALITY:** All food characteristics have been achieved and follow relevant food specifications and regulations.

• **SEIZING THE CONSIGNMENT:**
A procedure where the consignment is stopped until the inspection requirements are completed within the customs zone to ensure its safety and compliance with the approved requirements and fulfillment of all other requirements mentioned in this list.

• **PRECAUTIONARY BAN:** A measure taken by the Authority to prohibit the import of any food item that could pose a danger or a potential source of danger to public health.

• **DEGREE OF RISK OF FOOD ITEMS:** Food items are classified according to their degree of risk into **three categories**:

• **HIGH-RISK FOOD:** Food items with high protein content that may contain disease-causing microorganisms and allow the growth of disease-causing microorganisms, such as: (meat of all kinds and their products, birds, poultry, fish, dairy and their products).

• **MEDIUM-RISK FOOD:** Food items that may contain microorganisms, but do not usually allow the formation of disease-causing toxins, such as: (fresh and processed vegetables and fruits preserved by freezing or refrigeration, pasteurized milk chocolate.).

• **LOW-RISK FOODS:** Foods that do not usually contain microorganisms and do not usually allow the formation of disease-causing toxins, such as: (soft drinks, fats and oils, candy, dried grains and legumes.).

• **IMPORTED FILE NUMBER (COMPUTER NUMBER):** An automatic number that the concerned party obtains from the Authority's Imported Food Department, in order to carry out importing activities.

• **RECORDS OF TEMPERATURE READINGS DURING TRANSPORTATION:** Paper or electronic records to record the temperature for transporting refrigerated and frozen food items throughout the transporting period by using electronic devices or electronic systems to measure the temperature of food and the air surrounding it.

• **FOOD SAFETY:** food being free of all microbiological, chemical or physical contamination factors that turn it into a food harmful to the health of the consumer when prepared and/or eaten according to its intended use.

• **HALAL CERTIFICATE:** Document issued by the competent Islamic authority in the country of origin or country of export and approved by the State of Kuwait, indicating that the meat and its products have been prepared and produced in accordance with the requirements of Islamic laws, or that the products or their components are Halal and were produced in accordance with the requirements of Islamic laws and

that all conditions, materials and tools for preparation meet the requirements of Islamic laws and the requirements required by the State Kuwait.

• **HALAL SLAUGHTER CERTIFICATE:**

Document issued by the competent Islamic authority in the country of origin or country of export and approved by the State of Kuwait, which indicates that live animals have been slaughtered in accordance with the requirements of Islamic laws and the requirements approved in the State of Kuwait.

• **HEALTH CERTIFICATE:** Paper or electronic document issued by the competent authority that confirms the suitability of food exported to the State of Kuwait according to the requirements of its technical regulations and national and Gulf standard specifications, the principles of the Codex Alimentarius and other regulations and specifications approved in the State of Kuwait.

• **CERTIFICATE OF SUITABILITY FOR THE MEANS OF TRANSPORT:** An official certificate guaranteeing that the means of transport is appropriate and compatible with the sanitary conditions for transporting foodstuff, issued by the competent authority or the authority concerned with food safety.

• **CONCERNED PERSON:** Person or entity legally authorized to import food to the State of Kuwait.

• **SUITABILITY OF FOOD FOR HUMAN CONSUMPTION:** Food is approved and suitable for human consumption according to its intended use as specified in the relevant local, regional and international technical regulations or in accordance with any equivalent alternative measures.

• **UNSANITARY CONDITIONS:** Conditions that could lead to food being contaminated with radioactive materials, filth, waste, or any foreign materials that renders food harmful to human health, dangerous, or unfit for human use.

• **FOOD HARMFUL TO HEALTH:** Food that contains harmful material in its origin or is mixed with it during any of the stages of its circulation rendering it non-compliant with the legislation and technical regulations in the State of Kuwait, and negatively affects consumer health.

• **FOOD NOT FIT FOR HUMAN CONSUMPTION:** Food that contains some characteristics that make it unsuitable and unacceptable for human consumption according to its intended use, such as spoilage or contamination with any filth, foreign materials, or unintended changes that occurred to the food in its appearance or taste characteristics.

• **ADULTERATION/MISLEADING FOOD:** Food that has been altered by adding elements or substances to its ingredients in order to reduce its quality or its nutritional value, or by removing some of its contents that are rich in nutritional value or by mixing them, or blending them with other contents or by any other method in a manner that changes its nature or violates the data on its nutritional label without disclosing this on the nutrition facts label.

• **VISUAL EXAMINATION:** All processes and procedures carried out by the Authority to assess food using the various senses (sight - smell - touch) without the need for laboratory analysis. This inspection covers various aspects, including confirming product accuracy, ensuring safety, detecting any sensory defects, evaluating transportation and storage conditions, and verifying product identity.

• **FOOD SPOILAGE:** Any unintended alteration in taste, appearance, color, odor, or texture that renders the food unsuitable for consumption.

• **PACKING LIST:** Document or invoice issued by the exporting company in the country of origin or exporting country, that indicates the content of the consignment/shipment in detail in terms of type, size, number and weight of food items sent.

• **RISKS:** The degree of possibility of a negative impact occurring, and the severity of that impact on human health as a result of exposure to sources of danger in food.

• **SOURCE OF DANGER:** Any biological, chemical, or physical factor found in food, or one of its elements, components, or surroundings, that may affect the safety of food, cause spoilage, produce toxins, or form other unwanted results that negatively affect human health.

• **CONFORMITY WITH APPROVED STANDARD SPECIFICATIONS:** The product meets the necessary requirements under the approved legislation and technical regulations.

• **STANDARD SPECIFICATIONS FOR FOOD:** Non-mandatory documents issued by a competent or concerned body that stipulate rules, guidelines, or characteristics of products, processes, or production methods associated with them, they may include terms, symbols, packaging, or nutrition label requirements and explanatory data related to the product or its production method.

• **PORT OF ENTRY/BORDER PORT:** The port, or land border, or maritime port or airport to which the shipment arrives to complete clearance procedures and entry into the State of Kuwait

PART TWO: FOOD MATERIALS AND ADDITIVES

FIRSTLY: FOOD MATERIALS

ARTICLE (2)

Food is considered harmful to human health in the following cases:

1. If it contains toxic substances or causes harm to human.
2. If it is contaminated with microorganisms such as microbes, parasites, pesticides, physical pollutants, or chemicals in a way that may affect human health or expose him to diseases.
3. If food was contaminated with radioactive materials or was treated with radiation with a rate of radioactivity higher than permitted limit stated in the technical regulations and standard specifications.
4. If food contains a permitted food additive that exceeds the permitted limit in the technical regulations and standard specifications.
5. If food contains a prohibited or non-permitted food additive.
6. If it is mixed with dust or impurities in a way that it is impossible to separate them.
7. If it comes from animals, poultry, birds, or fish infected with a disease that transmits its infection to humans, or from a dead animal.
8. If it is handled by a person infected with an infectious disease, or carrying its microbes, or the food substance is handled in an environment or conditions that make it harmful to health.

9. If its container contains substances harmful to human health, or is made from materials that do not comply with the requirements stipulated in the technical regulations and standard specifications and it may affect consumer health.

10. If it contains ingredients that may cause allergies that would jeopardize consumer health and does not include allergy advisory statement.

11. If the food contains pesticide residues or pollutants at a higher percentage than the permissible limit according to technical regulations and standard specifications.

12. If the food item contains hormonal residues or medicines in higher percentages than the permissible limit according to technical regulations and standard specifications, or if there are residues of hormones or medicines that are not mentioned in standard specifications that allow the use of these materials or their residues in food.

ARTICLE (3)

Food is considered spoiled in the following cases:

1. If its natural properties change in terms of color, taste, appearance, smell or texture through visual examination.

2. If the visual examination, chemical, microbiological, radiological, or physical analysis, or any other analysis proves that there has been a change in its composition through laboratory examination.

3. If the food or its containers contain larvae, worms, insects, animal waste, impurities, or foreign materials, with the exception of dry grains and legumes of all kinds and within the permissible limits in accordance with the approved regulations and specifications.

4. If it is prepared or preserved in unsanitary conditions or methods.

5. If the food undergoes an unintended change in its properties that leads to a decrease in its quality that may be harmful to consumer health and safety when consumed.

6. Any other cases determined by the authority.

ARTICLE (4)

Food is considered misleading:

1. If the food item does not comply with the approved technical regulations.

2. If it is mixed or blended with another substance that changes its nature or the quality of its type.

3. If the food label does not match its actual contents, or violates the requirements stipulated in the technical regulations, or includes words, phrases, symbols, pictures, signs, or information that are inaccurate, or are not clearly visible, making them incomprehensible to the consumer, which leads to deception or harm to consumer's health.

4. If one of the substances included in the composition of the food is partially or completely replaced by another substance of lower quality, or if any of its components are removed from it or any change is made to it or it is re-constituted without this being stated on the food label.

5. If it contains food additive that is not approved for use in that specific food in accordance with technical regulations and standard specifications despite the fact that it is permitted to be used in another food item.

6. If a substance is added that may reduce the value of the food item for profit or to hide a defect, deficiency, or to increase its size or weight or to give the appearance of a fresh food item.

7. If any amendment is made to the shelf life of food suitable for consumption without obtaining prior written approval from the PAFN.

8. If the food label includes any nutritional, health, or any claim that violates technical regulations or is falsely described as nutritional supplement.

9. If it was produced using radiation, genetic modification, or the use of other modern technologies without stating it on the food label according to the requirements of technical regulations and standard specifications.

10. Any other cases determined by PAFN.

ARTICLE (5)

The following are required for food allowed to be imported:

1. That they have nutritional value.

2. They must be suitable for human consumption.

3. They must not be spoiled or harmful to health (directly or indirectly, acutely or chronically).

4. They must be legally permissible according to Islamic law (Halal).

5. They must be in conformity with the technical regulations and approved national standard specifications. In the event of absence of national technical standards and regulations, the approved Gulf specifications should be applied. In the event of their absence, the international standard specifications should be applied.

6. They must meet the technical requirements and health measures determined by PAFN in coordination with the relevant authorities.

7. They should not be banned from entering into the country by order of PAFN.

8. They should not be prohibited for health reasons based on relevant Gulf or international decisions or notifications.

9. They should not be rejected by other countries for reasons related to food safety and indicate that the food is unsuitable for human consumption, and it must be scientifically justified, or there is sufficient data on it that the food is unsafe for human consumption.

10. They must not come from quarantine zones stated by alert and notification systems.

11. They should not be subject to a precaution until a decision is issued by the relevant authorities regarding the ban.

12. Their packaging should not contain pictures, phrases, drawings, or slogans that affect Islamic law, offend national values, violate public morals, violate public order, or offend public modesty in society.

13. Any other conditions added by the authority.

ARTICLE (6)

The following food items are considered high-risk, regardless of their nature:

1. Food imported for the first time.
2. Food that its records show repeated non-compliance with food safety standards according to National and Gulf requirements.
3. Food that does not comply with food safety requirements in the country of origin or country of export.
4. Food rejected from other countries due to non-conformity and not related to direct health reasons.
5. Other foods specified by PAFN to ensure food safety and consumer health.

The competent departments of PAFN should apply strict control measures, inspection, request additional documents and certificates, issue notification regarding the food imported. The strict procedures may include seizing of the consignment/shipment.

ARTICLE (7)

Food products may be imported only after obtaining prior approval from PAFN as determined by PAFN's Board of Directors.

ARTICLE (8)

Imported food for non-commercial purposes are:

1. Food for personal use as specified by PAFN.

2. Imported food samples for the purpose of conducting scientific studies and research and will not be used for human consumption.

3. Marketing and display samples that are not intended for sale, and are accompanied by health documents and whose labels clearly states "Free Sample," with the exception of infant and children food samples.

4. Food samples used in exhibitions and festivals that are not intended for sale, and their labels clearly states "Free Samples," and the concerned party should guarantee the validity of those samples for their intended purposes.

ARTICLE (9)

To allow the entry of imported food for non-commercial purposes, the following should be met:

1. They must be visibly suitable for human consumption.
2. They must be permissible according to Islamic law (Halal) and not harmful to health.
3. The name of the person concerned, all his information, and all data on these food items must be recorded in the records of the Imported Food Department.
4. Obtaining a written pledge from the person concerned stating that the food will not be used for purposes other than the purposes for which they were imported.

And PAFN has the right to examine samples if deem necessary.

ARTICLE (10)

Non-commercial food items for personal use are allowed to enter the country, without adhering to the provisions of Articles (12, 13) of these regulations but they should be:

1. Supplied in small quantities, within the limits of quantities determined by PAFN.
2. Visibly suitable for human consumption.
3. Permissible according to Islamic law (Halal) and not harmful to health.
4. Registering the name of the person concerned, his place of residence, his civil ID number, and all data of the food items in the records of the Imported Food Department.
5. Obtaining a written pledge from the person concerned not to use the food items for a purpose other than that for which it was imported.

The Public Authority for Food and Nutrition has the right to examine these samples if deem necessary.

SECONDLY: FOOD ADDITIVES

ARTICLE (11)

The following are required for food additives allowed to be imported:

1. Should not be harmful to health.
2. Must comply with the approved technical regulations and standard specifications.
3. Must meet the technical and health requirements determined by PAFN.

4. Must be legally permissible in accordance with the provisions of Islamic laws (Halal).

5. Food additives that are imported for the purpose of manufacturing or selling to the consumer are subject to the provisions of the regulation or other relevant regulations.

PART THREE: DATA

ARTICLE (12)

The food product must bear a label that complies with the approved technical regulations and standard specifications related to food labeling.

All data stipulated in the technical regulations, adopted standard specifications, and applicable legislation must be recorded on the food data label by the food manufacturer or producer abroad before entering the country.

ARTICLE (13)

Small packaging must contain identical information to that required for larger packaging or the outer labels on boxes and containers used for importing these substances. Furthermore, it should comply with the current legislation and relevant technical regulations. The provisions of the previous paragraph should be considered when packing or repackaging the food item.

ARTICLE (14)

In the event of an unintended labeling error, corrections may be made within the customs zone or at the storage facility of the concerned person under the supervision of the relevant department at PAFN, in coordination with the appropriate authority in the country of origin. Additionally, the concerned person must commit to avoiding the recurrence of the same error in future consignments or shipments. Should the same mistake be repeated, PAFN will take the necessary legal actions as deemed appropriate.

ARTICLE (15)

The packing list/list of contents must contain data for all items of the shipment, and their details, in terms of:

- Number of packages.
- Size of packages.
- Net weight.
- Validity dates for each item.
- Batch number.
- Total weight of the consignment/shipment.

The packing list/list of contents must be issued by the food facility exporting the consignment/shipment in the country of origin / country of export.

ARTICLE (16)

The required data information is filled out and registered either on paper or electronically, according to the customs system, and in accordance with the systems followed by PAFN.

ARTICLE (17)

Food items shall not be cleared until verifying the identity of the product, ensuring that the aforementioned information is recorded as per the provisions of this regulation, and ensuring the validity dates stipulated in the technical regulations and approved national and Gulf standards.

PART FOUR: DOCUMENTS AND CERTIFICATES

ARTICLE (18)

Each consignment/shipment of foodstuffs arriving into the states of Kuwait should in particular have the following documents:

1. Customs declaration (paper/electronic).
2. Certificate of origin.
3. Delivery permit.
4. Trade license or importing permit.
5. Health certificate (paper/electronic).
6. Packing list / list of contents (detailing all food items in the food shipment, such as the number and size of packages, net weight of the containers, the production batches for each item, and the total weight of the food consignment/shipment, as well as the content of each shipment container when there is more than one shipment container, and it should be issued by the exporting food facility for food consignment/shipment in the country of origin/country of export.
7. Halal slaughter certificate for red meat, poultry, and birds, and halal certificate for foods containing ingredients originating from animal products (paper/electronic).

8. Documents proving the claims on the label including (health or nutritional claims, information about content or function of a food element, claims related to disease risk reduction, or other nutritional functional claims) when necessary.

9. Records of temperature readings during transportation when necessary.

10. Any additional documents required by PAFN.

ARTICLE (19)

Original paper or electronic health certificates issued or approved by the competent official authority in the country of origin or country of export must be attached.

They serve as a fundamental guarantee, affirming that the regulatory systems in the country of origin align with Kuwaiti safety requirements and comply with safety standards.

The health certificate must be in accordance with the following requirements:

1. It should include clear statements and health attestations confirming that the shipment complies with Kuwait's import requirements, as well as relevant plant and animal health standards and other conformity criteria. This ensures that the food exported to Kuwait is safe and suitable for human consumption.

2. Certificate's issuance date must be valid before it.

3. It should include the certificate's reference number, date of issuance, and container number (if available), given that these details should be recorded after food items production, not before.

4. In case of an electronic health certificate, the concerned party should provide the authorized employee/inspector with the health certificate number or an alternative means (such as a QR Code) for verification through country of origin/ exporting country's website.

5. The certificate must be issued and endorsed by the official regulatory authority in the country of origin / country of export.

6. It must be written in Arabic and/or English.

7. The health certificate must provide a description and quantities of the food items in the shipment, including details on the number of packages, total weight, and production batches. This information should match the food as described in other accompanying documents.

8. The Authority retains the right to request any additional health attestations or health documents when necessary.

9. In the case of mutual recognition or equal recognition agreements with exporting countries, these agreements do not negate the authority's right to periodically verify the accuracy of certificates and the application of various regulations in the country of origin or export.

ARTICLE (20)

The health certificate is considered invalid if it contains any modification or erasure, unless such changes are approved by the same authority issuing the certificate and approved by PAFN.

ARTICLE (21)

If the consignment/shipment contains multiple food items, the health certificate may indicate the name and number of the list attached to it

ARTICLE (22)

Health attestations must be clearly stated in the relevant part of the health certificate that is issued by food safety authorities or the approved entities in the exporting country or country of origin. They serve as a fundamental assurance of compliance with regulations, safety standards, National and Gulf requirements, and other conformity criteria for exported products.

ARTICLE (23)

An original (paper/electronic) halal slaughter certificate must be attached to all types of red meat, poultry meat and birds' shipments. The halal slaughter certificate must be issued by an Islamic authority accredited by the State of Kuwait, and must contain:

1. The data required according to the halal slaughter certificate form approved by the State of Kuwait.
2. Its serial number and date of issue, given that the date of issue must be after the date of slaughter or production.
3. The quantities of the targeted imported foods, ensuring they match the actual imports.

4. Slaughtering dates, indicated by day, month, and year for chilled meat of different types or products, and by month and year for frozen meat of different types or products. This should be accompanied by a clear specification of the number of packages and total weight, with an assurance that they correspond to the actual imported goods.

ARTICLE (24)

If the consignment/shipment contains multiple varieties of meat of different types or products, the name and number of the attached document can be indicated in the halal slaughter certificate in which the meat varieties of different types or products are listed, with the assurance that the slaughtering certificates for meat are separate from the slaughtering certificates for poultry.

ARTICLE (25)

When manufacturing meat products in a country other than the country of origin of raw meat, food safety authorities in the latter country (the manufacturer) must issue halal certificates equivalent to those original certificates issued by the country of origin and must be accredited in the State of Kuwait. PAFN has the right to request a true copy of the halal slaughter certificate or request to attach the original halal slaughtering certificate whenever PAFN deems it necessary.

ARTICLE (26)

If the food contains ingredients of animal origin, or food products that contain meat or fats, or any ingredients of animal origin such as gelatin and others, or processed meat, poultry, or bird products it is necessary to:

- Attach an original halal certificate (paper or electronic) issued by an Islamic authority accredited by the State of Kuwait.
- The halal certificate must contain the required data in accordance with the halal certificate form approved by the State of Kuwait
- The date of issuance or approval of the halal certificate must be after the date of production, and the quantities of the targeted items must be mentioned and that they are identical to what was actually imported.

ARTICLE (27)

The halal slaughter certificate or the halal certificate shall be considered invalid if there is any modification or erasure in it, unless it is approved by the same authority that issued the certificate and approved by PAFN.

ARTICLE (28)

Upon the approval of the Board of Directors, the Director General of the Authority has the authority to temporarily waive certain requirements stipulated in these regulations for specific countries or consignments in cases of emergencies, disasters, epidemics, or wars. However, in doing so, all necessary precautions will be taken to ensure that the food products remain safe for human consumption and comply with technical regulations and approved standard specifications.

PART FIVE: THE COMPETENT EMPLOYEE/INSPECTOR

ARTICLE (29)

The competent employee/inspector in the Imported Food Department shall verify:

1. All data contained in the submitted forms and documents.
2. The information, documents and certificates accompanying the consignment/ shipment are matching the imported consignments.
3. Registry of food products with the competent department of the authority, by presenting the product registration certificate, if necessary.
4. Compliance with instructions and rules regarding the type and frequency of inspections for imported food consignments.
5. Imported food or any of their components are not prohibited by official decisions.

ARTICLE (30)

The competent employee/inspector inspects containers and means of transporting consignments and imported food shipments to ensure:

1. The number of containers / means of transport matches with the number mentioned in the documents.
2. Product identity (which is considered a permanent procedure for all food consignments, regardless of the route of the food consignment).

3. The container/means of transport must comply with health requirements, approved technical regulations, and relevant authority requirements.

In all cases, the competent employee shall document the results of the inspection of the container and means of transportation as part of the results of the visual inspection of imported food consignments.

ARTICLE (31)

After fulfilling all requirements and verifying the conformity of all documents and certificates, the competent employee/inspector in the imported food department at the border port must carry out visual inspection and thorough inspection of imported food without containers and which is located on cranes or pallets (wooden, plastic, or metal) or boxes or any other means.

The competent employee/inspector conducts the appropriate inspection according to the nature of each food item, in accordance with the decisions and instructions issued by the PAFN regarding the necessary inspection procedures, to ensure the following:

1. That the contents of the food consignment/shipment conform to what is stated in the documents.
2. Food packages exhibit no visible signs of damage or safety concerns.
3. There are no unpleasant odors, moisture, or temperature that does not comply with the approved requirements.
4. No traces of insects, rodents or foreign objects.
5. Frozen food items show no signs of freezing burns or indications of thawing and re-freezing.

6. There is no use of unauthorized packages that are harmful to public health in accordance with the requirements, technical regulations and approved standard specifications.

7. Ensure that food products are well separated and placed in a proper manner that reduces cross-contamination between food items.

8. Each food consignment/shipment fulfils the requirements of the approved technical regulations for food label and technical regulations for validity periods (shelf life) and technical requirements for each food item (if any), or any relevant National or Gulf requirements.

9. The validity of the food item after visual inspection (color, odor, taste and texture).

10. Do not cover, modify, obscure, erase, or remove any information from the food label.

11. The absence of any data, images, logos, or symbols on food packages or labels that would mislead the consumer or offend Islamic values, national unity, morals, or the state symbols. 12. Conduct the necessary veterinary inspection on chilled meat, poultry

ARTICLE (32)

The competent employee/inspector determines the path of the imported foods according to the degree of health risk and according to the health standards and food lists included in the automated system for imported food, which determine the type of action required to be taken on the food product, and all procedures for imported food consignments should be documented.

ARTICLE (33)

When visual inspection reveals spoilage or damage of the representative sample of the food consignment, the relevant employee/inspector rejects the entire food consignment and prevents it from entering the country and a written notification of the action taken should be provided to the concerned party.

The Authority will immediately destroy the aforementioned rejected food shipment/consignment and issue a report, all at the expense of the party responsible, in accordance with the provisions outlined in this regulation.

ARTICLE (34)

When visual inspection confirms the safety of the food consignment/ shipment, the competent employee/ inspector draws a representable sample representing the size of the food consignment/ shipment using approved scientific methods then placing the samples inside a sealed bag, attaching to it the approved inspection form with the following information written in the form:

1. All data relevant to the consignment/shipment.
2. The name of the inspector who took the samples and his judicial officer ID number.
3. Date and time of when the samples were collected.

Then the relevant employee/inspector sends the aforementioned samples using the approved transportation means, and under appropriate transport conditions, to the authority's laboratories or its accredited laboratories to conduct laboratory tests.

ARTICLE (35)

The competent employee/inspector has the right to suffice with visual inspection in some cases based on the principle of the risk- based analysis according to the approved criteria to determine the type and frequency of the inspection to be followed to ensure food safety and based on the results of the laboratory examination in the Authority's laboratories or the laboratories accredited by the Authority.

PART SIX: SAMPLE COLLECTION AND ANALYSIS

ARTICLE (36)

The competent employee/inspector draws samples representative of the food shipment/consignment and attaches a special form to those samples stating all relevant data, date of production and expiry, source of the sample, trademark and its number, and country of origin, and records all information about the shipment, means of sample collection, sample size, in addition to the competent employee/ inspector's signature.

ARTICLE (37)

Samples must be transported in accordance with specified control measures in a way that prevents tampering with the sample, and sent to food testing laboratories.

ARTICLE (38)

The Authority's laboratories or the laboratories accredited by the Authority should issue a receipt notification stating the date and time of receipt of the sample and its quantity, in addition to the name and signature of the person receiving it.

ARTICLE (39)

The Authority's laboratories or the laboratories accredited by the Authority shall conduct all laboratory tests required on the sample and notify the imported food department of the test results as soon as they appear through electronic reporting system.

ARTICLE (40)

If it is proven by the analysis that the sample is suitable for human consumption and that it conforms to the technical regulations and standard specifications and fulfills the provisions of these regulations and other relevant decisions, the Authority shall release it and authorize its circulation.

ARTICLE (41)

If the examination or analysis proves that the sample is harmful to human health, spoiled, damaged, unfit for human consumption, adulterated, or does not conform to the specifications in a way that makes it harmful to human health, the concerned party must re-export the consignment/shipment to the country of origin of imported food within 30 days from the date of final analysis report.

In cases where the public interest requires, the authority should immediately destroy the aforementioned food consignment/shipment and write a report, in accordance with the provisions of these regulations, and at the expense of the concerned body.

ARTICLE (42)

If the analysis proves that the sample is suitable for human consumption but does not conform to the specifications, the concerned party must, within 30 days from the date of the final analysis report, re-export the consignment to the country of origin or to any other country.

During the period mentioned in the previous paragraph, the authority has the right to take any other measures or actions regarding the food shipment/consignment referred to, and to issue a report on this regard in cases where the public interest requires that, as long as the concerned party will not re-export the consignment/shipment.

PART SEVEN: STORES/ WAREHOUSES

ARTICLE (43)

The food content of the consignment/shipment must be stored in a food store/warehouse that conforms to the proper storage specifications approved by the authority and is subject to the sanitary engineering requirements approved by the authority.

ARTICLE (44)

The concerned party shall submit documents proving the ownership or rent of the licensed store/ warehouse in accordance with the Health Licensing Regulations, with an appropriate rental period in accordance with the guidelines determined by the authority.

In the event that it is not possible to submit these documents, the authority will seize completing the process of shipment release.

The concerned party is prohibited from terminating the contract for the store/ warehouse lease which was used as a proof during the process of document submission at the start of the process, and whoever violates this exposes himself to legal accountability and a fine determined by the authority.

PART EIGHT: THE CONCERNED PERSON

ARTICLE (45)

In the event that there is a discrepancy between the information provided in the documents attached to the consignment/ shipment with what is stated in the customs declaration, or in the event that the information and documents do not match the certificates accompanying the consignment/shipment, the concerned party must amend or cancel the customs declaration and submit another customs declaration through the General Administration of Customs.

ARTICLE (46)

In the event that the concerned body re-exports the rejected foodstuffs and wishes to obtain the original health certificate on the basis of which the transaction was opened, he is allowed to retrieve this certificate, provided that the competent employee/ inspector takes an exact copy of it and fills out a special form for such transaction by which the concerned body acknowledges receipt of the original certificate and its commitment to re-export the consignment / shipment.

The transaction is not closed until after the competent employee / inspector obtains a copy of the documents (bill of lading and/ or customs declaration) proving re-export, which the concerned body is obligated to deliver to the imported food department within the specified period, and re-export is only for imported food that is still under reservation by the authority and before the final release and its entry into the State of Kuwait.

ARTICLE (47)

The concerned party may request a re-examination of the seized food sample in PAFN's laboratories or laboratories accredited by PAFN within 15 days from the date of the analysis result, provided that no part of it has been disposed of. In the event that the result of the first lab analysis differs from the second analysis, the authority shall re-examine it for one final time at the expense of the concerned party to ensure the safety of these foodstuffs, and the results thereof shall be final and binding.

ARTICLE (48)

If the period specified in Article No. (41, 42, 56) lapses without the concerned party re-exporting the consignment/shipment, PAFN shall destroy it in accordance with the provisions of these regulations at the expense of the concerned party and issue a report thereon.

Before the expiration of the period specified in Articles No. (41, 42, and 56), the authority has the right to take any other measures or procedures regarding the aforementioned food consignment/ shipment, and to issue a report in cases where the public interest requires the above, as long as it becomes clear to the authority that the concerned body will not re-export the consignment / shipment.

ARTICLE (49)

Imported food may not be sold or traded before determining its suitability for human consumption and its conformity with the specifications established in accordance with the provisions of this regulation. The authority may reserve these foodstuffs in the places it determines and in accordance with the controls (regulations) it determines, provided that the concerned party undertakes not to dispose of them before the authority authorizes them to be circulated and to keep them in the places designated for their storage. If it is proved that the imported food meets the conditions and controls (rules and regulations) set forth in this regulation and other relevant legislations, the authority shall release it and allow the concerned body to circulate it.

ARTICLE (50)

In all cases, the seized consignment/ shipment or part of it may not be disposed of or moved from its storage place except after the approval of the authority. The authority is entitled to seize the consignment/ shipment with its own seal or transport it to the appropriate place at the expense of the concerned party.

ARTICLE (51)

In the event that the concerned party circulates the seized consignment/shipment or part of it before determining its suitability for human consumption and its compliance with the approved standard specifications, or after it is proven that it is not suitable for human consumption or does not conform to the specifications, the competent departments of PAFN must withdraw it from the markets, prevent its circulation and trade, and take legal actions in this regard.

PART NINE: THE AUTHORITY

ARTICLE (52)

In the absence of technical regulations or National or Gulf standards, the authority may refer to, accredit, and apply various international standards and requirements.

ARTICLE (53)

The Director General of the authority or his authorized representative may temporarily suspend (block) the automated system for imported food for those concerned parties who fail to complete their transactions with the competent department until they are completed, in accordance with the provisions approved by the Board of Directors of the Authority in this regard.

PART TEN: SEIZURE, CLEARANCE, PROHIBITION, DESTRUCTION, AND CLOSURE

FIRSTLY: SEIZURE

ARTICLE (54)

The competent departments of the authority shall seize the consignment/ shipment and issue a notification thereof upon proof of non-conformity with the national requirements. Seizure shall be in an official manner clearly stating the reasons.

Consignments / shipments are seized in the following cases:

1. Absence of a packing list/list of contents.
2. The food items mentioned in the Health Certificates and documents are not compatible with the contents of the consignment/ shipment.
3. Unavailability of the original copy of the health certificate or unavailability of means of verification of the reference number of the electronic health certificate.
4. The attached health certificates must be issued before the date of production.

5. The health certificates, the halal slaughter certificate, or the attached halal certificate must be issued after the date of shipment, excluding attached or amended certificates, provided that the original certificate or a copy is present as the case may be.

6. The production date must be before the date of the halal slaughter certificate.

7. Not attaching original halal slaughter certificates (paper or electronic) to consignments of meat, poultry, and birds.

8. If meat of all kinds, meat products, poultry, or birds are prepared in slaughterhouses or food facilities that do not meet the requirements determined by the authority, or the halal certificate issued by an entity not accredited by the State of Kuwait.

9. There are indications that the seals were tampered with before the inspection was carried out.

10. Suspicion of any forgery in the attached health documents and certificates.

11. Not providing any additional documents or other data requested by the authority, especially in cases of emergencies and various food accidents.

12. Any other cases decided by the authority.

ARTICLE (55)

The Authority may automatically seize food at the port of entry/ border port, in the following cases:

1. If it is repeatedly proven that the imported food does not conform to conformity requirements.

2. If the food is on the list of foods prohibited from being circulated and traded in the State of Kuwait in accordance with the Authority's decisions.
3. If the food is actually rejected by other countries.
4. If the food is imported from a country or region where health risks have been reported.
5. Any other cases determined by the Authority.

The authority has the right to determine the place to which the contents of the consignment/shipment are transferred and the transportation shall be carried out in accordance with the guidelines determined by the authority at the expense of the concerned person and under his responsibility. In the event that the concerned person does not fulfill the requirements during the period referred to in the first paragraph, he must re-export the consignment to the country of origin or any other country that accepts it.

PAFN's Board of Directors shall adopt the necessary rules to implement the provisions of this Article.

SECONDLY: CLEARANCE

ARTICLE (56)

Without prejudice to the provisions of Article (54), the Public Authority for Food and Nutrition (PAFN) has the right, in the event that conformity requirements not related to direct food safety are not met, to allow temporary release of the shipment, provided these requirements are met within a maximum period of 15 days - considering the following:

1. A written pledge not to act until final release.
2. And/or providing a financial guarantee.
3. And/or any other control arrangements or measures undertaken by the authority during the clearance /temporary release process to ensure that no action is taken until the final clearing/release of the consignment.

THIRDLY: BANNING

ARTICLE (57)

The authority has the right to precautionary prohibit the import or entry of any food consignment/shipment that could pose a danger or be a potential source of danger to public health, based on scientific evidence and reports received from regional or international scientific bodies and organizations. The Authority has the right to request the re-export of the food consignment/shipment to country of origin and preventing entry into the country.

ARTICLE (58)

The Authority shall prevent the entry of prohibited food items in accordance with the ban decisions issued in this regard by the relevant authorities in the country. The competent departments of the PAFN shall also set the detailed conditions and procedures that must be followed when importing food products from exporting countries or parts of its territories.

FOURTHLY: DESTRUCTION

ARTICLE (59)

The foodstuffs identified for disposal in accordance with the provisions of these regulations shall be destroyed according to a destruction report written by a committee of competent employees of the authority. This committee is formed by an administrative decision.

The destruction takes place in designated places specified by the authority under the supervision of representatives from the concerned authority, at the expense of the concerned party, provided that the detained food consignment is not held pending before the judiciary.

- The authority must approve the temporary clearance of the transport of the consignment/shipment for the reasons stated by the concerned party.

- The consignment/shipment shall be transported at the expense of the concerned party within 48 hours of the issuance of the temporary clearance decision under the supervision of PAFN.

- The closure period must be completed in the new location.

- Take a pledge from the concerned person of not disposing the consignment/shipment.

ARTICLE (62)

Administrative decisions issued by the Director General of the authority or his delegate, which require closure in accordance with the provisions of this regulation, shall be implemented by coercive force in cooperation with the concerned authorities in the event that voluntary implementation is not implemented.

FIFTHLY: CLOSING

ARTICLE (60)

The Director General of the Public Authority for Food and Nutrition (PAFN) or whoever he delegates may issue a decision to close the warehouse storing the consignment/food shipment for the violator - in cases where closure is permissible in accordance with the provisions of the law.

ARTICLE (61)

The concerned party may request that the consignment/shipment be transferred to another location, in cases where the warehouse is closed.

The following is required to transfer the consignment / shipment:

FIRSTLY: VIOLATIONS CONTROL

ARTICLE (63)

The competent employees appointed by the competent minister to control the violations stipulated in this regulation have the status of judicial officers. In order to perform their work, they have the right to enter places (except residences) within the scope of their work, and seize the violation and the materials subject of the violation, write the necessary reports, and refer them to the concerned authority. They may seek the assistance of members of the public force.

SECONDLY: PENALTIES

ARTICLE (64)

Without prejudice to any more severe penalty stipulated in another law or regulation:

1. The concerned party shall be punished with a fine of not less than one hundred Kuwaiti dinars and not more than one thousand Kuwaiti dinars in the event of:

- **Violating any of the provisions of Articles No. (41, 42 and 56) of this regulation.**
- **Failure of the concerned party to keep the described records under the provisions of these regulations.**

2. The concerned person shall be punished with a fine of not less than two thousand Kuwaiti dinars and not more than five thousand Kuwaiti dinars if he transports food items seized by the Public Authority for Food and Nutrition (PAFN) to another place without obtaining prior permission from the authority.

In all previous cases, the court may order the suspension of activity for a period not exceeding one month.

The fine penalty shall be doubled in its limit if the accused concerned person repeats a similar act within five years.

And the court may order the cessation of the activity for a period of not less than three months, and all acts mentioned in clauses (1,2) are considered similar in applying the provisions of recidivism.