

Kuwait



Summary of Findings

1. INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

There is no direct involvement of the tobacco industry (TI) in policy development. However, the ministerial decree with respect to regulating electronic tobacco products was a result of TI request.

2. INDUSTRY CSR ACTIVITIES

No evidence recorded of TI related CSR activities during the review period between April 2021 to March 2023.

3. BENEFITS TO THE INDUSTRY

In 2019, El Rai newspaper reported that Saud Al-Babtain & Sons Company (the agent of Marlboro in Kuwait) approached the Ministry of Commerce and Industry to liaise with the Ministry of Health to temporarily approve the specifications recently adopted by the UAE for non-traditional tobacco products. In June 2020, a ministerial Decree No 8/2020 was issued regarding the "Importation of Electronic Nicotine Delivery Systems and Analogous products". Then the specifications were approved in 2021.

Furthermore, the General Administration of Customs in Kuwait has delayed the implementation of Customs fees on e-cigarettes twice without clear reasons.

The government allows international travelers to duty-free import 500 cigarettes or 2 lbs. of tobacco into the country.

4. UNNECESSARY INTERACTION

The government reported in 2020 that they 'avoid entering into partnerships or agreements with the tobacco industry.

Officials in the Ministry of Health are also prohibited from dealing with the tobacco industry. This does not apply to officials from other departments. In practice this means that the TI can use an intermediate to communicate with the Ministry of Health, circumventing the stated procedure on non-involvement with TI dealings.

5. TRANSPARENCY

There is no clear procedure in place in cases where interactions with the TI are strictly necessary for regulation. There is a law on right to Law No. 12 of 2020 regarding the Rights to Access Information.

6. CONFLICT OF INTEREST

There is no publicly available information of senior or retired officials taking part in TI activities.

7. PREVENTIVE MEASURES

The plan to implement Article 5.3 is not clear, the information made available by the government does not indicate that there is protocol or procedure in place to disclose or guide government interaction with the TI.

While the TI is required to submit information on tobacco production and manufacture for tax purposes, there is no requirement for the industry to submit other information such as market share, marketing expenditures, lobbying, philanthropy.

There is no publicly available information to show the government has a program or plan to consistently raise awareness on Article 5.3 Guidelines within its departments.



Recommendations

1. There must be a procedure in place to disclose the records of government interaction with the TI (such as agendas, meetings, MOU).
2. Expand the government decision with respect to interaction with the TI to include all government personnel, and not just the Ministry of Public Health. A code of conduct should be adopted by the government to guide officials when interacting with the TI. The MOPH, through its National Program to Combat Smoking Committee, could take the lead in writing those procedures.
3. Data on conflict of interest, transparency, unnecessary interaction with the TI need to be documented and made publicly available.
4. The TI should be required to submit information on tobacco production, manufacture, market share, marketing expenditures, revenues, and any other activity, including lobbying, philanthropy, political contributions, and all other activities.
5. The government should work on raising awareness within its departments on policies related to WHO FCTC Article 5.3. Similar activities could be coordinated between the MOPH through its National Tobacco Program, civil society, and academia.