

# 添 付 資 料 1

環境保護法（2014年改正）

**Kuwait Al Youm**

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**Law no. 42 of 2014**

**For Promulgation of Environment Protection Law**

- Having reviewed the constitution
- The penal code issued under law no. 16 of 1960 as amended,
- The law no. 17 of 1960 promulgating the penal procedures and trials law as amended,
- The law no. 12 of 1964 for prevention of oil pollution of navigable water as amended,
- The law no. 30 of 1964 for establishing the state audit bureau as amended,
- The law no. 37 of 1964 for public tenders as amended,
- The decree issued for determining the territorial sea of the state of Kuwait on 17/12/1967,
- The law no. 19 of 1969 regarding working at the oil sector,
- The law no. 19 of 1973 for preservation of the petroleum wealth resources,
- The law no. 131 of 1977 for regulation of the use of ionizing rays and protection from its risks,
- The decree law no. 18 of 1978 regarding the safety systems and protection of public utilities and public wealth resources as amended,



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- The Kuwaiti regional agreement for cooperation for marine environment protection against pollution in 1978,
- The decree law no. 31 of 1978 for the rules of preparation of balance sheets and control over implementation thereof and the closing account as amended,
- The law no. 15 of 1979 regarding civil service as amended,
- The decree related to civil service issued on 4/4/1979,
- The decree law no. 28 of 1980 for promulgation of maritime trade law,
- The law no. 94 of 1983 for foundation of public authority for agriculture affairs and fish resources as amended,
- The decree law no. 9 of 1987 for prohibition of determinant acts against public cleanness and plantation,
- The law no. 15 of 1995 for anti-smoking
- The law no. 21 of 1995 for foundation of Environment Public Authority as amended under the law no. 16 of 1996,
- The law no. 56 of 1996 for promulgation of the industry law as amended,
- The law no. 10 of 2003 for promulgation of the unified GCC customs law,
- The law no. 5 of 2005 regarding Kuwait municipality as amended, and
- The law no. 6 of 2010 for working in the private sector

The national assembly approved the following law which we ratified and issued:

**Preliminary Section  
General Provisions  
First Chapter: Definitions**



**Article 1**

In application of the provisions hereof, the following terms mean the meaning stated next to each of them:

**Authority:** means Environment Public Authority

**Supreme Council:** Supreme Environment Council

**Board of Directors:** means Board of Directors of Environment Public Authority

**Director General:** means Director General of Environment Public Authority

**Competent Authorities:** mean all executive authorities concerned with environment and development affairs

**Closed Public Space:** a space with integrated building shape into which air enters only through the respective inlets. Closed public space includes means of public transport

**Semi-Closed Public Space:** means a space which has un-integrated building shape directly connected with the ambient air and cannot be closed completely

**Environment:** means biological, physical atmosphere including living creatures such as human beings, animals, plants and all surrounding natural resources and air, water, soil and its contents including solid, liquid or gas substances or natural radiations and man-made mobile and immobile facilities

**Pollutant Substances and Elements:** mean any liquid, solid or gaseous substances, smokes, vapors or else or microorganisms such as bacteria, viruses or other microorganisms and non-microorganisms or smells, noise, radiations, heat, glare of lighting, vibrations resulting from the acts of mankind or nature such as earthquake and flood that directly or



indirectly result in environment pollution or environment imbalance or damages to the health of humans and living creatures.

**Environment Pollution:** means all human and natural activities that contribute to the existence of any pollutant substances or elements in the environment in quantities or properties for some time that may directly or indirectly result alone or in reaction with other substances in damages to public health or performance of works or activities that may result in deterioration of the natural ecosystem or impair the enjoy of life and utilization of private and public properties

**Source of Pollution:** means a place at which substances, pollutants or energies are discharged into the surrounding environment (air, water and soil) and the pollution source may be immovable (such as funnels, drainage sewers, industrial estates and waste landfills) or movable (such as vehicles, ships and airplanes)

**Protection of Environment:** means a set of policies and measures intended for protection of natural resources and ecological systems and the measures sufficient for preventing, mitigating or combating pollution and preserving environment and its natural resources and biological diversity, rehabilitation of deteriorated areas due to harmful practices, establishment of land and marine reserves, determination of buffer zones around the immovable sources of pollution, prevention of harmful or destructive acts and promotion of positive behavior patterns

**Air Pollution:** means release of any polluting substances or agents (chemical, physical or biological) or energy into the air resulting in change to the physical properties and specifications of the air and the atmosphere and their presence at concentrations for time periods that may result in harmful and dangerous effects on human health or environment



whether such pollution has resulted from natural sources or human activity

**Indoor Environment:** means the physical surroundings and facilities where a human is present. It means the environmental circumstances surrounding humans within the residential, commercial and other facilities

**Internal Environment:** means the physical surroundings, circumstances and conditions surrounding a human being at the places he is present for carrying out his job whether inside or outside buildings and facilities

**Ozone Layer:** means an upper layer of the atmosphere (the lower part of the stratosphere layer of the atmosphere) containing high concentrations of ozone gas that absorbs harmful ultraviolet rays of the sun and prevents its arrival at the earth

**Earth Ozone:** means one of the gases formed as secondary pollutant near the earth surface as a result of interaction between primary air pollutants (nitrogen oxides and organic compound vapors) and sunray

**Ozone Depleting Substances:** mean a set of processed chemicals (such as chlorofluorocarbons, Freon and halon gases) that when released into air and carried to the upper atmosphere layers (stratosphere) react with the ozone particle and deplete it, resulting in deterioration of ozone layer and increase of ozone hole

**Global Warming Gases (Greenhouse Gases):** mean any gases that contribute to absorption of infra-red rays emitted from the hot earth surface and prevent their spread into the outside space, ultimately resulting in global warming and heating of the earth atmosphere.



**Climate Changes:** mean the occurrence of important changes to the statistical distribution of climate patterns over ten-year periods. These are changes of averages and severity of climate conditions or frequency thereof and distribution all over the world (such as increase of atmosphere temperature and high sea water level and changes to storm patterns and else)

**Water Pollution:** means release of any substances or energy into the water environment willfully or un-willfully, directly or indirectly, resulting in damages to living resources, threats to human health, impairment of water activities including fishing and navigational, touristic or developmental activities, impairment of seaworthiness, deficiency of use or change to its properties

**Integrated Environment Management of Coastal Areas:** means a technique based on involvement of all competent entities for mutual coordination to ensure preservation of environment at coastal areas

**Natural Resources:** mean all substances and compounds in the nature used by human beings for manufacture, development and improvement of life quality which can be invested directly such as air, water, land, animals, fish and plants or indirectly such as oil, gas and alternative energies.

**Biological Diversity:** means numbers, species, types and genetic diversities of living creatures in a geographic area or in natural habitats and ecosystems. The extent and degree of biological diversity is an indicator of the soundness of ecosystems.

**Sustainable Development:** means the development intended for the rational use of natural resources to fulfill the needs of the present



generation while preserving the resources and maintaining the ecosystems to fulfill the needs of the future generations

**Environmental Impact:** means the tool used to detect the negative and positive, direct or indirect, present and future impacts of projects through prediction for avoiding the harmful effects on human health and protecting the surrounding environment

**Environment Impact Assessment Studies:** mean comprehensive scientific studies made for assessment of the side effects of projects and activities on environment before commencement of execution or upon introduction of any amendments or expansions to the existing ones according to the decisions issued by the competent authority. Such studies include determination, prediction, assessment and interpretation of the potential effects and determination of control methods for eliminating or reducing its negative effects over the various project stages

**Environment Check:** means a set of evaluation works by specialist environment consultation firms to identify the executive gaps of environment compliance system and environment management of a facility and the relevant remedial procedures. These works include prequalification of a firm to obtain certified international certificates of environment management systems

**Competent Minister:** means the prime minister or his senior deputy

**Environment Inspection:** means field operations carried out by judicial officers of all development facilities, activities or projects to check their compliance with the environment regulations, conditions and standards which may require the use of various instruments, equipment, vehicles and systems, sampling and scientific and technical documentation





**Judicial Officers:** mean the staffs of the Authority or others appointed by the competent minister and prequalified to control and execute this law and the executive regulations and decisions

**Marine Environment Pollution:** means direct or indirect, willful or non-willful human addition or extraction of substances or energy from or to the marine environment that may result in some harmful effects to human health, biological resources or ecosystems or impair the aspects of marine activity including fishing or those which may decrease the quality of water and fitness for some uses or that may result in affecting the legal use of marine environment

**Discharge:** means each willful or non-willful leakage, spill, emission, release or discharge of any type of pollutant substances (solid, liquid, gaseous and dust) or an energy into the surrounding environment (air, water, soil) or disposal thereof into the restricted areas

**Harmful Substances:** mean the substances resulting in damage to human health or living creatures whether direct or indirect including but not limited to chemical, biological or radioactive substances and solid or liquid wastes and materials

**Drainage Effluent:** means the water discharged from human settlements such as residential, commercial, industrial or other areas including liquid or solid leftovers of human beings such as oils, greases, sediments, solid leftovers, materials dissolved in water and by bacteria removed to the treatment sites through sanitary drainage networks or tankers

**Drainage Effluent Treatment Plants:** means the facilities and equipment specially designed for receiving drainage effluent for mechanical, physical, chemical and biological treatment methods to



eliminate substances and pollutants harmful to the environment and public health and reuse it once again

**Sludge:** means the substances that sediment during the treatment of liquid wastes at the specialized health and industrial treatment plants and these substances are usually in the form of semi-solid substances and contain many organic substances or hazardous substances and require special treatment based on their composition

**Industrial Drainage:** means the liquid wastes resulting from some industrial operations at industrial facilities and development activities that require treatment at origin or removal to the specialized treatment sites

**Solid Municipal Wastes:** mean the solid wastes and substances resulting from houses, residential compounds, trading activities such as food and household wastes including paper, carton, materials packing and bottling leftovers, plastic, wood, glass and metals)

**Waste Landfills:** mean the sites determined, used and managed for disposal of one or more of the wastes by way of landfill over the earth surface or at low sites or under the earth surface that may result in many environment effects based on the type of wastes and applied disposal technique

**Hazardous Wastes:** mean highly toxic liquid, solid, gaseous wastes capable of corroding materials or due to their inflammability or explosiveness that cause direct or indirect risks to the health of human beings and living creatures as well as the ecosystem

**Medical Wastes:** mean wastes of medical activities resulting from hospitals, medical compounds, health centers and clinics of different types, blood banks, medical labs, medical research centers and vet clinics



**Hazardous Substances:** mean substances of hazardous properties that are harmful to the health of human beings or adversely affect environment such as infectious, toxic, explosive or ionizing radioactive substances

**Nuclear Wastes:** mean the radioactive substances that emit ionizing radiations such as uranium and cesium and resulting from electricity generation at nuclear plants, some industrial and medical applications, nuclear fuel cycle stages. Nuclear wastes are classified into three levels: first level of high radioactive energy, second level of medium radioactive energy and the third level of low radioactive energy.

**Radioactivity Rate:** means the percentage which should not exceed the limit harmful to human health or environment, i.e. the amount of ionizing radiation which the body is subject thereto on continuous or intermittent basis or for unlimited time without tangible damages

**Polluted Materials Reception Facilities:** mean the supplies, equipment and basins allocated for receiving, precipitating, treating and discharging polluted wastes and materials

**Pollution Damages:** mean each loss resulting from environment pollution with harmful substances of whatever cause including all measures for fighting pollution and rehabilitation and each loss or damage resulting from such measures

**Rescue Measures:** mean all preventive measures that rescue any person or body before or during or after the occurrence of pollution incident for combating it and mitigating its effects

**Incident:** means each incident or chain of incidents of single source or several sources resulting in pollution



**Oil:** includes all types of crude oil (petroleum) and its byproducts including any type of gaseous and liquid petroleum hydrocarbons, lubrication oils, fuel oil, refined oils, furnace oil and other substances extracted from petroleum or its wastes

**Oil Mixture:** means each mixture containing an amount of oil whatsoever.

**Dirty Ballast Water:** means the water available in the ship tank to maintain its balance if its oil content exceeds 10 parts of one million.

**Ship:** means any floating marine facility of whatever shape or structure, whether immobile or mobile.

**Produced Water:** means polluted water resulting and discharged from drilling or exploration operations, well testing or production.

**Rehabilitation:** means each measure intended to restore balance of the ecosystem after pollution incident including all administrative and field efforts to ensure restoration of the natural environment situation according to the standards of the competent authorities.

## **Second Chapter: Law Scope and Objectives**

### **Article 2**

The provisions hereof shall apply to all public and private bodies and individuals.

### **Article 3**

This law is intended to achieve the following objectives:

1. Protecting environment and maintaining its natural balance all over the state territories
2. Fighting environment pollution and deterioration of different forms, avoiding any immediate or long term damages due to the plans and



programs of economic, agricultural, industrial, touristic or urban development or other development activities and programs intended to improve living standard

3. Developing natural resources and ensuring the achievement of sustainable development objectives and maintaining the biological diversity of the whole state territories.
4. Protecting the society and the health of human beings and animals from all harmful activities and acts.
5. Protecting the environment against the harmful effects of activities and works outside the state territories.

### **Third Chapter: Environment Affairs Management**

#### **First: Supreme Environment Council**

##### **Article 4**

The Supreme Environment Council shall be formed under the presidency of the prime minister or the senior deputy of the prime minister with the membership of some ministers nominated by the head of the supreme council. The director general of the Authority shall be a member of the council and its reporter. The supreme council shall have in its membership three persons of sufficient experience and competency in the field of environment protection and shall be appointed under a decree for four years, renewable for another similar term. The respective decree shall state their remunerations. The council shall issue its internal regulations organizing its work processes and the method of issuance of decisions. The council shall work in accordance with the general government policy to take whatever action to protect the state territory from pollution of whatever source and achieve the objectives stated in this law.



It shall also have the following powers:

1. Drafting the public policy of environment protection in the country.
2. Approving the national plans for environment protection and emergency plans for environment disasters.
3. Following up the implementation of the provisions hereof by all state agencies and settling any conflict of powers that may hinder the realization of policies, objectives and items contained herein.
4. Approving the Authority's annual budget
5. Selecting two representatives of non-government organizations concerned with the environment affairs for the board membership.
6. Approving the internal regulations of the board of directors upon the board's proposal.
7. Approving the Authority's annual action plan as well as routine review and evaluation thereof.
8. Following up the environment situation and improving the environment quality and environment management in the country.
9. Reviewing and approving the annual report of the environment performance of the state institutions and following up the remedy of state agencies failures stated therein.
10. Approving the financial regulations of salaries and wages of the Authority's staffs.
11. Approving the Authority's organizational structure.
12. Approving the formation of permanent support committees and the relevant budgets.
13. Applying legal penalties to the companies, facilities and agencies violating the provisions hereof and the environment standards and conditions of the executive regulations.



## **Article 5**

A decision shall be made by the supreme council to form a board of directors to manage the Authority for four years, renewable for similar term and the board of directors shall be chaired by the director general with the membership of:

1. A representative of each of Ministry of Health, Ministry of Interior, Ministry of Communication, Ministry of Electricity and Water, Ministry of Commerce and Industry, Ministry of Public Works, Ministry of Information, Ministry of Oil, Kuwait Municipality, Public Authority for Industry, Kuwait University, Kuwait Institute for Scientific Research, Public Authority for Agricultural Affairs and Fish Resources and he shall not be less than assistant undersecretary in rank to be elected by the competent minister.
2. Two representatives for the public utility societies concerned with environment.

## **Second: Environment Public Authority**

### **Article 6**

Environment Public Authority is a public authority of corporate personality and attached budget and concerned with environment affairs and has general control over environment affairs in the country and reports to the Council of Ministers and is under the supervision of the supreme environment council.

### **Article 7**

The Authority shall carry out all works and tasks related to environment protection in the country, in particular the following:

1. Set and apply the state public policy with respect to environment protection, set action plans and strategies for the protection of



environment, maintenance of the natural resources and ecosystems and the achievement of sustainable development including appropriate scientific, environment and health standards for human living and industrial and urban expansion and utilization of natural resources ensuring maintenance of the health of staff and the safety of all utilities and work environment and the protection and maintenance of ecological balance in general.

2. Prepare and supervise implementation of the integrated action plans including all matters related to short and long term environment protection through coordination with the competent state agencies in light of environment policies.
3. Supervise the environment protection-related activities, procedures and practices and follow up and evaluate the same.
4. Define the pollutants, determine the environment quality standards, prepare draft laws, regulations, systems and conditions for environment protection and follow up implementation thereof and set forth necessary controls and restrictions to prevent, reduce and fight environment pollution through coordination with the competent state agencies.
5. Prepare and participate in the guidance and support of researches and studies of environment protection and preservation of its resources and achievement of environment development, follow up the evaluation of their findings and execution of their recommendations through the competent state agencies.
6. Identify the problems resulting from environment pollution and deterioration in cooperation with the local and international environment institutions and propose appropriate solutions and follow up implementation thereof.





7. Study the regional and international agreements related to environment affairs and give opinion about accession thereto through coordination with the competent authorities and cooperate and coordinate with them with respect to the execution of such agreements.
8. Follow up the new developments of international law in the field of environment protection.
9. Coordinate the state relations with the environment-related regional and international organizations.
10. Set the general framework of environment orientation, education and awareness programs, increase the environment awareness and realize positive community involvement in the environment protection.
11. Develop and execute comprehensive environment surveys and continuous control programs for environment standards and parameters in all environment sectors and perform environment observation and assessment and continuous follow up of environment quality.
12. Set up comprehensive plan for handling environment disasters and taking necessary measures for facing the same at the time of peace and war through coordination and cooperation with the competent agencies.
13. Set up integrated action plan to support the civil society institutions and prequalify the society sectors to apply environment protection methods and means through cooperation with the competent agencies.
14. Prepare the environment impact assessment system for the different state projects and develop guide indicators and necessary measures



- and give opinion thereon before approval of implementation by the competent agencies.
15. Study the environment reports submitted to it about the environment conditions in the country and take necessary action and prepare annual report including the general environment situation and the environment performance of the state institutions in the State of Kuwait.
  16. Issue approvals to consultation companies, firms and offices specialized in the preparation of environment impact assessment studies or provision of environment consultation or scrutiny and the agencies working in the field of environment services and labs to carry out this business.
  17. Establish and develop comprehensive state database and improve environment decision making mechanisms and cause electronic connection with the state institutions and exchange of data between them.
  18. Prepare environment information and parameters on the State of Kuwait and publish the same in the official reports and statistics of the Authority and the competent agencies inside and outside the country.
  19. Set forth the applicable standards and conditions which the owners of projects and facilities should execute and take the measures stated in the law against violators of these standards and conditions.

### **Article 9**

The board of directors of Environment Public Authority shall have the necessary powers to achieve its objectives stated in this law, in particular:

1. Supervise the execution of policies set by the supreme environment council.



2. Propose national plans for environment protection and emergency plans to face environment disasters and supervise execution thereof after approval by the supreme council.
3. Prepare the Authority's organizational structure showing the necessary functions and determine its powers.
4. Prepare the internal regulations of the board of directors including in particular:
  - a. Determination of the powers of the director general and his deputies.
  - b. Organization of the board of directors' business and the method of decision making and the rules and procedures of committee meetings and work teams of the Authority.
  - c. Determination of the remunerations of the members of the board of directors and deputies of director general and members of committees and work teams and the experts and consultants.
5. Issue the internal regulations of the Authority including the administrative regulations as well as the regulations of appointment, promotion and remunerations of the Authority as well as their in-kind or cash benefits and the disciplinary penalties against them and termination of their service without prejudice to the provisions of articles 5 and 38 of the civil service law. The provisions of the civil service law and system shall apply to the Authority's staff with respect to the matters not stated in the internal regulations.
6. Approve the Authority's draft annual budget.
7. Propose the draft laws and decrees related to the Authority.
8. Propose the formation of permanent supporting committees and approve their recommendations. The board may delegate the director general or any of its committees with respect to some of its powers.



9. Prepare tables of fees and charges collected by the Authority for its services.
10. Approve the development, update and amendment of the executive environment standards, conditions and regulations,
11. Review and approve the penalties applied to the violators stated in the environment protection law and approve the reconciliation regulations for environment violations.

#### **Article 10**

The Authority shall have attached budget included in the state public budget which will be prepared in accordance with the rules and procedures of the state public budget. The fiscal year of the Authority starts with the state fiscal year and ends upon its end. As an exception, the first fiscal year shall start from the effective date of this law and end with the end of the fiscal year following the date of issue of this law.

#### **Article 11**

The Authority's financial resources consist of the following:

1. The amounts allocated for it annually in the state public budget.
2. Fees and charges of services from the Authority to third parties.
3. Aid and donations from national and foreign agencies for protection and development of environment as approved by the board of directors.
4. Returns of any experimental projects of the Authority.

#### **Article 12**

As an exception of the provisions of article 16 of the law no. 31 of 1978 the aid and donations submitted by national and foreign bodies for environment protection and development shall pass to the Authority which the board of directors approves and these aid and donations shall



be disposed of for the respective purposes under decision from the board of directors.

### **Third: Environment Protection Fund**

#### **Article 13**

There be established in the Authority a special fund titled "Environment Protection Fund" reporting to the supreme environment council into which the following shall be deposited:

- The amounts allocated by the state in its budget for supporting the fund
- The penalties and compensations awarded or agreed upon for the environment damages.
- Any other resources approved by the supreme council.

#### **Article 14**

The supreme environment council shall issue decision for the internal regulations of the fund stating its objectives and working system.

#### **Article 15**

The fund shall have the following powers:

1. Construction of projects intended for protection of environment and sources and maintenance of its natural balance.
2. Support of efforts for containing environment disasters and crises.
3. Construction of the damaged state site rehabilitation projects
4. Promotion of transition to green economy and sustainable development.
5. Promotion of investment in the field of environment technology and science and development of national cadres for working in this field.



6. Support of investment of environment education sector and construction of educational and orientation centers related to the environment fields.
7. Support of environment studies and researches related to the fund projects.
8. Support of the official civil society environment institutions and encouragement of the participation of other society institutions in the non- environment fields for participation in the environment protection each according to its powers.

## **Section One**

### **Development and Environment**

#### **First Chapter: Environment Impact Assessment**

##### **Article 16**

All agencies subject to the provisions of this law must not start execution of any projects or introduce any amendments or expansions to the existing activities or obtain any licenses thereof except after preparation of the environment impact assessment studies in accordance with the systems, conditions and procedures stated in the executive regulations of this law.

##### **Article 17**

No entity whether company, establishment, consultation office, center, lab or any other multi-activity entities may practice any activity, services or consultation in the environment field except after securing the authority's approval in accordance with the conditions and procedures stated in the executive regulations of this law.



## **Second Chapter: Occupational Environment and Internal Environment**

### **Article 18**

All facilities shall observe all engineering and environment conditions stated in the executive regulations of this law.

### **Article 19**

All facilities shall ensure during its activities the safety of workers and avoid their exposure to any damage resulting from any emission or leakage of pollutant substance in the work environment whether resulting from the nature of the facility practice of its activity or defect of its functions and shall take necessary procedures, precautions and remedies so as not to exceed the permitted safe limits of exposure to chemical substances, noise, vibrations, heat, moisture, lighting, ultrasound waves, inactive radiation or any other conditions stated in the executive regulations of this law.

### **Article 20**

The closed and semi-closed public spaces should fulfill sufficient ventilation means as appropriate for the space size and capacity and the type of activity practiced therein to ensure air circulation and purity subject to air flow rates stated in the executive regulations of this law.

## **Section two**

### **Land Environment Protection against Pollution**

#### **First Chapter: Chemicals and Hazardous Wastes Management**

##### **First: Chemicals Management**

### **Article 21**

Chemicals specified in the executive regulations of this law must not be produced or circulated except after obtaining license from the competent authority subject to the Authority's approval.



The Authority may suspend the activity or apply for revocation of the license from the licensor if it is established that the product poses environment or health risk and in all cases the Authority's approval of the product should be secured before marketing or import.

### **Article 22**

All entities producing, filling, handling, storing, transporting, importing or exporting chemicals or passing them through the territory of the state of Kuwait shall observe all environment procedures and standards stated in the executive regulations of this law.

### **Article 23**

The approval of competent entities should be secured upon importing or exporting hazardous and chemical substances. Licensing is conditional upon the completion of inspection, comparison and scrutiny procedures of the competent entities or the companies qualified for this purpose. The executive regulations of this law state the relevant regulating procedures and conditions and the required records and the responsibilities of the competent authorities.

### **Article 24**

The Authority through coordination with the competent authorities shall execute the requirements of international agreements related to the management of chemical and hazardous substances and wastes and implement the comprehensive national surveys for the chemical emissions of vehicles. Within two years of the issuance of this law, the Authority shall prepare the national program for chemical safety and set the time plans and programs for execution in cooperation of the competent state entities.





## **Second: Hazardous, Medical, Municipal, Solid Wastes and Sludge**

### **Article 25**

Nuclear wastes may not be imported, brought, landfilled, sunk, stored or disposed of in any way throughout the whole territories of the state of Kuwait.

The marine, air or land transport means carrying any such wastes may not pass through the state territory without previous permission from the Authority through coordination with the competent state entities.

### **Article 26**

Low radiation radioactive wastes produced from hospitals or some industries may not be circulated without prior license from the competent authorities and these wastes should be disposed of in accordance with the environment conditions and standards stated in the executive regulations.

### **Article 27**

Hazardous wastes may not be imported or exported or permitted to pass through the territory of the State of Kuwait. An exception is the export of hazardous wastes which the state does not have the necessary utilities or technical capability or the proper means or ports to dispose thereof and in all cases the Authority's approval should be secured.

### **Article 28**

Solid and hazardous municipal wastes, health care wastes and sludge resulting from sanitary and industrial drainage may not be collected, transported and disposed of without license from the competent authorities and the executive regulations of this law state the procedures and conditions of these licenses and the method of circulation and handling of these substances.



### **Article 29**

Hazardous wastes, solid municipal wastes, health care wastes and sludge of different types should be disposed of in accordance with the environment conditions and standards stated in the executive regulations of this law. Wastes of different types may not be disposed of by direct landfilling at the sites not allocated environmentally.

### **Article 30**

The solid municipal wastes should be disposed of in accordance with the environment conditions and standards stated in the executive regulations of this law. The competent authorities shall compete the infrastructure of solid municipal wastes recycling within five years maximum from the issue date hereof.

### **Article 31**

The sources of hazardous wasted or health care wastes or sludge in addition to the competent entities commissioned with the collection, transport and disposal of wastes of different types shall provide the authority of the details of these wastes and keep special register. The executive regulations of this law state the required data and its transfer and management mechanism.

### **Article 32**

Solid municipal wastes may not be thrown, treated or incinerated except at the allocated facilities which should be far from human settlements and sensitive environment areas. The executive regulations of this law state the specifications and restrictions of these facilities and their locations.

### **Article 33**

Garbage or wastes of whatever type may not be placed except at the respective containers.



#### **Article 34**

The Authority shall in coordination with the competent authorities prepare the national program for integrated waste management including the preparation of national strategy for integrated management of solid municipal wastes, medical and liquid wastes and hazardous wastes attached with action plans and the responsibilities of the state institutions, and the surveillance and control programs and the time execution schedules. The Authority shall present the program to the supreme council for approval within three years from the issue date hereof.

#### **Article 35**

Medical and industrial liquid wastes of industrial zones must not be connected to the public storm water and sanitary drainage networks and the competent authorities shall establish special plants for these zones not later than seven years from the issue date hereof.

#### **Article 36**

No new landfills shall be established in the State of Kuwait and existing plants may not be expanded except under the approval of the supreme council and in all cases there should be prepared environment impact studies. Establishment or expansion thereof should be subject to the conditions of the executive regulations of this law.

The competent authorities shall prepare detailed plan for management, evaluation, treatment and restoration of all landfills in the country within one year from the issue date of this law subject to submittal thereof to the supreme council for approval.

#### **Article 37**

The competent authorities shall within five years from the issue date hereof fully list all types, quantities and locations of asbestos wastes in



the country and shall dispose of these hazardous wastes at a qualified site and the state shall bear the financial liabilities of collection, transport and disposal of these wastes from private accommodations and government facilities.

#### **Article 38**

The competent authorities shall establish sanitary drainage networks and storm water drainage networks subject to the approval of the environment authorities before establishment thereof and shall maintain and control them to ensure the integrity of marine environment and the quality and efficiency of work at the treatment plants.

#### **Article 39**

The competent authorities shall set forth the standard specifications of all recycled materials and the nature and type and method of use thereof to ensure efficient and safe use. The state shall give preference to the recycled materials within the state territory and compliant with the standard specifications in connection with their projects for supporting recycling industries.

### **Second Chapter: Land and Agricultural Environment Protection against Pollution**

#### **Article 40**

The visitors of desert areas for camping or any other purpose must not carry out any activity that would harm soil or affect its physical properties or pollute it affecting its productivity. The executive regulations of this law state the applicable conditions and standards.

#### **Article 41**

Grazing or using lands for irrigated plantation or any other activity that would harm the quantity or type of the grass cover at any area resulting in



desertification or deterioration of wild land environment must not be exercised.

No plantation, plants or trees may be destroyed and no flowers may be cut at the public squares, streets and utilities and no wild trees and plants may be uprooted at public lands.

An exception to this is stated in the executive regulations of this law for development proposes and in all cases the uprooted green areas and trees shall be compensated.

#### **Article 42**

The Authority shall in cooperation with the competent authorities determine the conditions of insecticides and fertilizers and soil improvers with respect to the following:

- 1- Types and specifications of these substances that may be produced, manufactured, imported, circulated or used in the state.
- 2- The permitted limits of residual insecticides of local and imported foods.
- 3- The applicable conditions for disposal of residual insecticides or compounds thereof or the expired ones.
- 4- Registration of these substances and renewal of registration thereof.
- 5- Conditions and specifications of sampling of these substances and analysis methods and evaluation of analysis results
- 6- Method of observation, evaluation and treatment of pollution resulting from the unsafe or inappropriate circulation and use of these substances

#### **Article 43**

Organic chlorine insecticides, insecticides or any other chemical compounds may not be sprayed for farming or public health or other



purposes except subject to the conditions, restrictions and securities stated in the executive regulations of this law.

#### **Article 44**

The Authority concerned with the extraction of quarry materials or import thereof shall cooperate with the Authority and other competent authorities concerned with determination of the areas and lands allocated for extraction of these materials or regulation of the existing ones in accordance with the conditions and procedures stated in the executive regulations of this law. These lands shall be determined based on the geological and environmental surveys of different areas of the state territories.

#### **Article 45**

The issuer of licenses of quarry materials activity shall control all activities related to this business such as extraction, circulation, import, storage and sale of these materials including supervision, control and prevention of violations and activation of the penalties stated in the law.

#### **Article 46**

No quarry may be established, expanded, developed, merged or divided for more than one project or subjected to any change except under license from the competent authority. Licenses to carry out such activity may be issued only to the companies qualified by the competent authorities.

In all cases, the operator of this activity should rehabilitate the site upon the end of their works according to the conditions set forth by the authority in this regard.

#### **Article 47**

Upon construction of facilities at the wild environment, the means of protection against sand spread should be applied and its economic and



environment effects should be mitigated as stated in the executive regulations of this law.

### **Section Three**

#### **Ambient Air Protection against Pollution**

##### **Article 48**

The Authority shall perform continuous observation and evaluation and prepare researches and studies to maintain the quality of ambient air and mitigate the harmful effects of emission of pollutant gases and the executive regulations hereof shall state the air quality standards.

The Authority shall coordinate and cooperate with the competent authorities to take necessary measures upon violation of these standards.

##### **Article 49**

In coordination with the competent authorities, the Authority shall prepare and develop national strategy for ambient air management in the state of Kuwait and set necessary action plans and time schedules for execution thereof and the Authority shall update this strategy and evaluate it every five years.

##### **Article 50**

The Authority shall publish air quality indicators on websites and inform the public about the air quality levels and the applicable measures when the concentrations reach such levels that may affect the society health or certain category thereof.

##### **Article 51**

The Authority shall establish, develop and modernize national network for continuous observation and control of the air quality in the state of Kuwait. The government and private entities shall establish observation



and control systems of air quality within the limits of their business and activities and direct connection with the Authority in the manner stated in the executive regulations of this law.

#### **Article 52**

All facilities shall ensure within its activities that no air pollutants would be emitted or leaked above the permitted limits as stated in the executive regulations of this law.

The person responsible for the facility shall use appropriate means for continuous observation of the emission rates of gases from different sources of the facility and notify the Authority immediately upon exceeding the maximum permitted limits and the executive regulations hereof states the facilities subject to this paragraph.

#### **Article 53**

The owner or operator of facility shall perform routine maintenance of plants and equipment and take all necessary precautions to prevent leakage or emission or any pollutants resulting in the pollution of environment.

#### **Article 54**

All entities and individuals shall not exceed the permitted limits of noise levels upon execution of production or service or other activities in particular upon operating plants and equipment and this shall be in the respective places.

The authorities issuing licenses shall use proper plants and equipment so that total noise of the fixed sources in one area would be within the permitted limits.





The executive regulations of this law state the permitted limits of noise and the exposure time period.

#### **Article 55**

It is prohibited to establish facilities making noise and causing damage to the environment and the Authority shall ensure application of noise reduction systems in the public roads and projects and around human settlements subject to the controls stated in the executive regulations hereof.

#### **Article 56**

No promotion and advertising may be made about cigarettes and types of tobacco and its byproducts and requirements in the territory of the State of Kuwait. Smoking is prohibited at closed and semi-closed public places and public transport.

All entities shall take all necessary measures to prevent smoking in these places to avoid damage to third parties.

#### **Article 57**

The competent authority shall prepare, develop, execute and update national plan for disposal of the ozone depleting substances and supervise the execution thereof in collaboration with the competent authorities and regional and international organizations. The competent authority shall present an annual report to the board of directors about the plan progress and the executive regulations hereof state the competent authority and its work mechanism.

#### **Article 58**

The substances subject to control under the international agreements regulating ozone depleting substances or their maps or alternatives or recycled substances thereof may not be imported or exported or re-



exported except after securing the Authority's approval. The executive regulations hereof state the ozone depleting substances and their conditions and standards. Substances may be deleted or new substances may be added under decision from the director general.

#### **Article 59**

All instruments, equipment or products containing or run by controlled substances stated in the preceding article may not be manufactured or imported including trucks, vehicles, aerosol bottles, sprays, all refrigeration and air conditioning machines, drinking water coolers, insulation materials and synthetic sponge except under the Authority's approval.

#### **Article 60**

No controlled substances stated in article 59 hereof may be processed or used in any new industries or structures or in the expansion of existing facilities or cleaning of electronic circuits, industrial equipment, air conditioning and refrigeration systems, sterilization and cloth drying except under the Authority's approval.

#### **Article 61**

In coordination with the competent authorities, the Authority shall within two years from the effective date hereof establish halon bank to list the available and imported quantities of these substances and control thereof. The executive regulations hereof state the powers and works of such bank.

#### **Article 62**

Controlled substances stated in enclosures b, c and e of Montreal Protocol may not be imported or exported or manufactured except under the Authority's approval.



Instruments and equipment containing such substances may not be imported or exported.

### **Article 63**

All entities and individuals shall observe the conditions and standards stated in the executive regulations hereof in connection with repair and maintenance of instruments and equipment containing any controlled substances.

### **Article 64**

It is prohibited to dispose of containers, cylinders and their wastes containing controlled substances except in accordance with the conditions and standards stated in the executive regulations hereof.

## **Section Four**

### **Marine and Coastal Environment Protection against Pollution**

#### **First Chapter: Marine Environment Protection against Pollution**

##### **First: Scope of Protection**

### **Article 65**

The Authority shall prepare and follow up the execution of national plan for marine environment management attached with time schedule for the execution stages and responsibilities of competent authorities for it and their execution requirements.

### **Article 66**

The Authority shall establish national network for marine environment observation and control that would cover all territorial waters of the State of Kuwait, including the control of all parameters of the environment situation of the marine environment. The Authority shall also provide all success requirements of the network including infrastructure such as labs, prequalification of national manpower and else within five years from the



issue date hereof. All competent state institutions shall cooperate with the authority for execution of this plan.

#### **Article 67**

The provisions hereof shall apply to all ships, equipment, ports, land, marine and air facilities within the marine areas and upper atmosphere layers above them and the seabed stated in article 68 of this law of whatever shape or status, whether immobile or mobile as well as floating and submersible pipelines, loading and unloading facilities and else as well as to the overseas if resulting in pollution of the restricted water.

Application of the provisions hereof shall exclude ships, military transport means and the like. The ships and means of transport excluded from the provisions hereof shall take all necessary precautions to prevent the pollution of restricted marine areas.

#### **Article 68**

The following marine areas and upper atmosphere layers above and the seabed are considered areas in which no pollution of the marine environment with harmful materials of whatever source, cause and quantity is prohibited. Any such act shall be deemed a crime as per the provisions of this law.

- a. The internal territorial water of the State of Kuwait behind the closure line of Kuwait bay.
- b. The territorial sea of the State of Kuwait extending over 12 nautical mile from the baseline.
- c. The area adjacent to the territorial sea extending over 45 nautical miles from the baseline used to measure the width of the territorial sea.



- d. The water adjacent to the territorial sea extending over 50 nautical miles from the baseline used to measure the width of the territorial sea.

### **Article 69**

The Authority shall in cooperation and coordination with other competent state authorities prepare an integrated national plan within two years from the issue date hereof intended to mobilize capabilities available with all authorities operating at the restricted marine areas and the competent authorities including equipment, plants, materials, experiences to face and fight pollution cases and else. The executive regulations state the authority concerned with the management of the plan and the coordination and application mechanism thereof.

## **Second: Pollution from Ships and Land Sources**

### **Article 70**

The ships sailing at the restricted marine areas should be equipped with equipment and instruments related to prevention of pollution and treatment of wastes in accordance with the international conditions.

### **Article 71**

All land sites and ships allocated for carriage of oil whose tonnage is one hundred fifty tons or more and all other ships whose tonnage is four hundred tons or more shall maintain emergency plan to handle any possible oil pollution caused by them and provide necessary instruments and equipment to apply this plan.

### **Article 72**

Ships of any nationality must not discharge or dispose of oil or its wastes or other harmful materials in the restricted areas and shall discharge wastes and leftovers causing pollution at the reception facilities.



### **Article 73**

All industrial, commercial, touristic and private accommodation facilities whether government or non-government must not discharge any materials, wastes or liquids that may cause pollution at shores or adjacent water, willfully or non-willfully, directly or indirectly.

### **Article 74**

The owner or possessor of any offshore place or an instrument for keeping or transporting oil or wastes or effluent or any other harmful materials must not discharge the same into the restricted area.

### **Article 75**

National and foreign companies and authorities licensed to explore, extract or use marine oil fields and other natural marine resources including transport of oil must not discharge any polluted water or related to drilling or exploration or well testing or production at the restricted area.

### **Article 76**

National and foreign companies and authorities licensed to fight pollution at the restricted areas must use the safe means which do not cause damages to the marine environment and treat the polluted materials in accordance with the latest technical systems according to the provisions of this law and its executive regulations

### **Article 77**

No ship or facility may be left at the restricted areas without permission from the Authority which states the applicable conditions and procedures for submission of abandonment request, all without prejudice of the civil liability for compensation for the losses and damages resulting from pollution and elimination of its effects.



### **Third: Records and administrative Procedures**

#### **Article 78**

Ships carrying harmful or pollutant materials must keep the shipment register where the master or any other person in charge of the ship shall write down all information related to the shipment and its destination and the relevant precautions to prevent any pollution in accordance with the international conditions.

#### **Article 79**

All ships allocated for carriage of oil shall keep oil register where the master or any other person in charge of the ship shall note down the date and time and location of all oil loading, transport and unloading for each separate shipment. The executive regulations of this law shall state the registers to be kept by ships.

### **Fourth: Administrative and Judicial Procedures**

#### **Article 80**

In case of the occurrence of marine environment pollution with oil or other harmful substances, the officer in charge of any land, marine or air means, equipment or facility shall report it immediately to the authorities stated in the executive regulations of this law.

#### **Article 81**

The executive regulations of this law state the following matters:

1. The applicable conditions of Kuwaiti ships and their certificates and inspection rules and procedures in accordance with the local and international conditions.
2. Acceptable insurance certificates to cover the pollution risks that would be available in Kuwaiti and foreign ships and all land and marine facilities available at the restricted marine areas.



3. The rules of reconciliation with respect to violations in accordance with the provisions of this chapter.
4. The fees collected by the state for the rendered services including the fees of pollution control inspectors and statement of the competent authorities.
5. Cases of retention of ships and other means and the shutdown mechanism of facilities and properties that caused pollution and the release procedures.
6. The rules of inspection of ships and other means and properties.
7. Formation mechanism of the technical committees responsible for estimation of the cost of environment pollution and damage remedy of each pollution incident and determination of responsibility.
8. Issuance of necessary licenses for building and managing the pollutant substances reception facilities.

#### **Article 82**

The owner of the ship carrying pollutant substances as well as the equipment of keeping and carrying oil and harmful substances operating at the restricted marine areas stated in article 68 shall submit to the competent authority financial security or bank guarantee to cover the civil liability for marine pollution damages in accordance with the restrictions stated in the executive regulations of this law. The valid guarantee certificate shall be submitted to the competent authority upon the ship entry into the territorial waters of the state of Kuwait.

#### **Article 83**

Each one of the following shall be responsible for pollution at the restricted marine areas stated in article 68 hereof:

- a. Owner of the ship or plane or the supplier or master in case of pollution from a ship or a plane.





- b. Owner or operator of the facility in case of pollution from facility.
- c. Owner, user or holder of the instrument in case of pollution from equipment keeping oil or harmful substances.
- d. Owner of the ship or the master or the owner of the abandoned facility before securing permission of abandonment.

#### **Article 84**

The officer in charge of the pollution stated in this chapter may determine the liability arising from marine pollution incidents in the restricted area per incident at a maximum limit of Kuwaiti dinars fifteen million (KD 15,000,000) or Kuwaiti dinars eighty (KD 80) per each registered ton of the ship tonnage or the equipment designed to keep oil or harmful materials, whichever is less.

#### **Article 85**

The civil liability may not be determined in accordance with the preceding article in the following cases:

- a. If it is established that the underlying incident of civil liability is due to non-compliance with the environment conditions or negligence or gross mistakes.
- b. Violation of regulations and safety and navigation systems.

In all cases, the determination of liability does not include the expenses of decontamination and elimination of pollution and rehabilitation of environment.

#### **Article 86**

The competent authority shall notify the Ministry of Foreign Affairs to inform the diplomatic or consular representatives of the state which the source of pollution that caused pollution incident belongs according to the provisions of this law and the violation it has committed and the



supporting evidences and the actions taken by the state. The competent authority has the right to notify neighbor countries as well as regional and international organizations about the incident.

The executive regulations state the competent authority and the responsibilities of other state entities for incidents.

### **Article 87**

The competent minister shall delegate necessary employees to control the execution of provisions of this chapter and the executive regulations and decisions and to record the violations of its provisions. The said employees shall have the right of judicial arrest and for this purpose they have the right to access facilities, means, equipment and ships within the restricted marine areas as well as onshore which have contributed or may contribute to pollution. They shall have the right of inspection, collection of evidences, registration of cases violating the provisions of this chapter, preparation of necessary records and referral thereof to the public prosecution and the right to seek the assistance of policemen.

## **Second Chapter: Drinking Water and Ground Water**

### **Article 88**

The Authority shall in collaboration and coordination with the competent authorities shall prepare national program for drinking water management within five years from the issue date of this law provided that the program shall include the responsibilities of the competent state institutions and the mechanisms of coordination between them and determination of surveillance and control programs for all stages of production, transport and distribution and protection plans for water sources such as sea water and ground water. The Authority shall update this program every seven years maximum.



### **Article 90**

The competent authorities shall control and supervise the quality of drinking water of all types locally produced at desalination plants or from ground water and bottling plants and else as well as all types of water imported from abroad including bottled drinking water or mineral water or the like. The executive regulations hereof state the responsibilities of the competent authorities and the supervision, control and checking mechanisms and the conditions of water production, transport, storage, inspection, circulation and marketing in the state.

### **Article 91**

The Authority shall in collaboration with the competent authorities publish all data and results of the drinking water quality to the consumers and shall continue the relevant awareness programs.

### **Article 92**

The competent authority shall preserve drinking water in the internal networks of government facilities and buildings such as schools, hospitals, entities and else and control it through documented routine inspection. All private entities shall ensure the quality of water within their facilities. The executive regulations of this law state the relevant applicable conditions and standards.

### **Article 93**

The competent authority shall ensure the safety of fresh water tankers to ensure maintenance of the quality of drinking water carried to the consumers and supervise the quality of water at bottling sites.

### **Article 94**

The products related to drinking water such as filters and coolers may not be sold, circulated or marketed without the necessary approvals of the



competent authority. The executive regulations hereof state the applicable conditions.

#### **Article 95**

The transport means, tanks, connections and coolers of drinking water should fulfill the conditions and standards stated in the executive regulations of this law to ensure the preservation that drinking water is fit for human consumption.

The authority shall in coordination with the competent authorities perform routine inspection of the drinking water tanks, connections and coolers to ensure their safety and the owners of buildings and facilities shall be informed of the applicable measures and in case of non-observation of these measures necessary repairs shall be made on their own expense.

#### **Article 96**

The ground water is national wealth that may not be utilized without prior permission from the competent authorities. The Authority shall supervise the utilization of such water to ensure its protection against pollution and sustainability. The executive regulations of this law state the competent authorities and the responsibility of each and the relevant conditions and standards.

### **Third Chapter: Protection of Coastal Environment against Pollution**

#### **Article 97**

It is prohibited to quarry rocks and sands, to remove beach sand, backfill beaches or build piers, water breakers, cement and rock walls or else except upon the approval of the Authority and the competent authorities and fulfillment of the conditions and standards stated in the executive regulations hereof.



### **Article 98**

The vaporization pits must not be used to dispose of the produced polluted water at oilfields provided that the best methods shall be selected for recycling or treating such water on site subject to compliance with the execution of conditions and standards stated in the executive regulations of this law in this regard.

### **Article 99**

Upon construction of water distillation and power plants, ports, facilities and other coastal facilities, environment approvals should be obtained from the authority in addition to the necessary licenses from the competent authorities and observation of the conditions and standards stated in the executive regulations of this law.

## **Section five**

### **Biological Diversity**

#### **First Chapter: Endangered Native Creatures**

### **Article 100**

It is prohibited to hunt, kill, catch, collect, harm, possess or transport native land and marine creatures whether living or dead and to hamper with the babies, eggs, nests and habitats of these creatures. The executive regulations of this law state the types and numbers of creatures permitted to be hunted in certain seasons and places.

An exception is hunting for scientific purposes subject to the approval of competent authorities in coordinating with the Authority.

### **Article 101**

It is prohibited to trade in the endangered wild creatures or any part or product thereof stated in CITES agreement and other valid international



agreements and other species may be added subject to the decision of the director general in collaboration with the competent authorities.

An exception is the cases licensed by the competent authorities subject to the authority's approval for scientific or curative purposes or for zoos or exhibitions.

## **Second Chapter: Natural Reserves**

### **Article 102**

The state reserve areas shall be decided under decision from the supreme council. The decision shall include their geographical borders, classification, organization, method of management and control to ensure protection from pollution and preservation of biological diversity and natural heritage.

### **Article 103**

Natural reserves, ecological enclosures, fenced areas for research and scientific purposes and secluded border areas for protection and the like shall be considered subject to the environmental conditions and laws of natural reserves stated in the executive regulations of this law. All competent state authorities shall coordinate with the authority to manage these areas.

### **Article 104**

No part of the approved state reserves may be separated except under decision from the supreme council after the authority presentation of the relevant reasons. In all cases, no unique part thereof characterized with biological or natural diversity may be separated.

### **Article 105**

It is prohibited to bring any type of animals or plants not belonging to the environment of natural reserves or carry out any act that would hamper the efforts made to preserve natural environment in general or affect it or



harm land or marine creatures inside reserves or damage its contents in any way and in particular the following:

1. Fishing of fish, shrimps, shells and other living creatures
2. Collecting snails, reefs and other marine creatures or damaging them in any way
3. Bringing running animals, hunting, killing, catching or chasing wild animals or damaging their nests or disturbing them in any way.
4. Grazing or bringing sheep, cattle or other grazing animals.
5. Damaging or uprooting wild animals or setting fire for whatever reason.
6. Traffic of cars and vehicles of different types outside paved roads or routes.
7. Sailing or anchorage of ships or boats, traffic of amphibious vehicles or other similar vehicles at tide areas and clay surfaces.
8. Taking off and landing of planes of different types and low flying above or near reserves.
9. Building or construction of floating docks or fixed drilling platforms or backfilling or construction of piers or water breakers or else.
10. Construction of entertainment camps or facilities whether permanent or temporary.
11. Destruction or sabotage of reserve fences in any way.
12. Exploration or extraction of metals, utilization of quarries, use of explosives, quarrying of coral rocks or coastal rocks, removal of sands, execution of backfilling or other works that change the coastline or topography of the marine or land reserve.
13. Discharge, disposal or landfill of liquid or solid polluted materials or hazardous materials or use of insecticides and toxins or introduction



thereof into reserves or disposal of human wastes or ship wastes including oils or else.

14. Explosions, firing or relevant drills.

#### **Article 106**

The competent authority identified by the supreme council shall assume management of natural reserves in the territory of the country and the supreme council has the right to commission other parties with the supervision of some reserves or enclosures. In all cases, the Authority shall approve the policies, plans, programs, decisions, regulations of reserves management. The Authority shall also supervise continuous observation and control to ensure the execution of programs related to the protection and reproduction of animals and plants, in particular the endangered species and re-accommodation of extinct species.

#### **Article 107**

The competent authorities shall determine the grazing load of wild land areas on the basis of the state grazing potentials. The competent authorities shall update grazing sites every ten years maximum. In all cases, grazing of all forms is prohibited on islands and natural reserves. The competent authorities shall provide necessary control potentials. The executive regulations of this law state the competent authorities and the responsibilities of each and the method of issue of annual follow up reports.

### **Third Chapter: Kuwait Bay**

#### **Article 108**

It is prohibited to carry out any environmentally harmful activity in Kuwait bay being an area of special nature, in particular the following activities:





1. Discharge of sanitary or industrial drainage effluent or disposal of wastes.
2. Backfilling of navigational routes dredging soil
3. Hunting of all sea creatures and erection of fish farms and enclosures
4. Construction of chalets on its beach

Under decision from the supreme council, any other activities of negative environmental effect on the bay may be prohibited in accordance with the recommendations of the authority in this regard. In all cases, the construction of projects within Kuwait bay water or on its coast shall be subject to the approval of the supreme council.

#### **Article 109**

The Supreme Council shall issue a national plan for managing the environmental situation in Kuwait Bay, including the requirements of monitoring, protection, rehabilitation and approval of projects constructed within its scope, within three years from the issue date of this Law. Further, the Council shall update the plan every ten years and all State authorities shall support this plan and comply with the contents thereof.

#### **Article 110**

The Supreme Council shall approval all projects of oil sector located within Kuwait Bay. In all cases, all oil companies operating in such area, following the approval of the Supreme Council, shall adopt maximum protection measures in their works to ensure that the environmental situation in Kuwait Bay is protected.

### **Section Six**

#### **Environment Management**

#### **First Chapter: Environmental Strategies**

#### **Article 111**



The competent authorities shall develop clear working strategies within the scope of their activities related to the environment accompanied with timeframes, implementation mechanisms and associated projects. The Supreme Council shall determine the relevant authorities concerned with developing and approving such strategies and annually following up implementation phases thereof. Further, the Authority shall develop the framework for preparation and supervision of these strategies and ensuring their integration.

### **Article 112**

Development of such strategies shall be completed within five years from the issue date of this Law and the competent authorities shall provide the financial resources to make them successful. In all cases, the period of strategies shall not be less than twenty years and shall be developed and updated every five years.

## **Second Chapter: Environmental Police**

### **Article 113**

A specialist military unit shall be created in Ministry of Interior called “Environmental Police”, which shall follow up application of environmental laws and regulations in sectors and areas as specified by the Supreme Council. The Unit shall also support the activities of the Authority’s judicial officers.

### **Article 114**

All laws and resolutions governing the activities of the State police organization shall apply to the Environmental Police. Ministry of Interior shall manage the force and provide all necessary facilities to perform its function. It shall also present an annual report on its activities to the Supreme Council.



### **Article 115**

Minister of Interior shall issue a resolution organizing the unit within six months from the issue date of this Law. The unit shall commence its functions within maximum two years from the issue date of this Law.

## **Third Chapter: Environmental Data Management**

### **Article 116**

The Authority, in collaboration with the competent authorities of the State, shall develop a national plan for environmental data management, which shall be approved by the Supreme Council. All State authorities shall periodically share their data including environmental or those data related to the environmental affair with the Authority directly. Further, the Authority shall publish and make the data available to the population in reliable and transparent manner. The Executive Regulation of this Law shall specify types of data, circulation mechanism thereof and the authorities' responsibility for the same.

### **Article 117**

All State authorities shall establish systems for control and monitoring of their projects and worksites and link the same with the Authority. The Executive Regulation of this Law shall specify the types of projects and mechanism of linking to the Authority.

## **Fourth Chapter: Environmental Crises and Disasters**

### **Article 118**

The Authority shall cooperate with the competent authorities in developing emergency plans and natural hazards management plans including dust and sand storms, drought waves, sudden floods, earthquakes and cases of fish and marine organisms mortality, etc. in addition to environmental hazards that may be caused by human



activities. In all cases, the competent authorities shall manage such plans and provide requirements for making them successful. The Authority shall follow up their performance and submit the necessary reports on the same to the Supreme Council.

## **Fifth Chapter: Authority Management Systems**

### **Article 119**

Departments specialized in the environment shall be established within the State authorities to ensure that environmental laws are followed up and implemented within the scope of jurisdiction of such authorities. The Supreme Council shall determine the bodies that are concerned with establishing such departments. Further, the Authority shall determine the scope of work for such departments and their organizational structures in coordination with the competent authorities in this regard.

### **Article 120**

The Supreme Council shall appoint, as and when required, environmental observers from the Authority staff members or from outside it in the State authorities to monitor the environmental performance therein. The Supreme Council shall determine time period and specific tasks of their employment and their compensation. The State authorities shall cooperate with the environmental observers and provide them with all necessary data for performing their duties and complete their required tasks.

The Executive Regulation of this Law shall specify the functions of environmental observers and the conditions to be met in selecting them. In all cases, they shall hold minimum qualification of university degree and have experience of minimum 10 years.



### **Article 121**

All State competent authorities shall cooperate with the Authority in calculating the environmental loads within scope of their business such as pastures, fisheries, quality of air and underground water, etc. Such authorities shall also ensure that such loads shall be maintained in the manner achieving environmental sustainability.

### **Article 122**

All State authorities shall use energy saving systems in their new facilities. The Authority shall include energy saving requirements in their environmental conditions.

### **Article 123**

The State competent authorities, within two years from the issue date of this Law, shall determine standard conditions and specifications for all energy consuming instruments, equipment, systems, vehicles and materials. Materials not in conformity with such specifications shall not be imported. The Executive Regulation shall specify the relevant authorities concerned with determining such specifications and mechanism for issuance thereof and ensuring their implementation.

### **Article 124**

It is prohibited to damage, prejudice or trade in immovable or movable cultural heritage. Further, it is prohibited to construct civil or military facilities at archeological sites with historical, touristic or religious value.

## **Sixth Chapter: Environmental Media & Awareness**

### **Article 125**

The State shall establish a natural history museum of the State of Kuwait with view to enhancing environmental citizenship and maintaining the



State's natural history with all geological, geomorphologic, biological and marine forms, etc. including existing, missing and extinct forms, within maximum five years from the issue date hereof. The Supreme Council shall determine the governmental authority concerned with establishing such museum and the authority concerned with managing it.

#### **Article 126**

It is prohibited to publish and broadcast false news or information about the country's environmental situation with all components thereof, which would result in raising panic or doubt about the quality of environmental condition unless these are based on scientific facts in order to safeguard social security and the State's prestige.

#### **Article 127**

All real estate property owners in the State shall improve the condition of their properties through renovation and modification of facades to prevent visual pollution and improve the overall appearance. The competent authority shall cooperate with the Authority in establishing detailed stipulations in the executive regulation of this Law within one year from the issue date hereof. Further, the competent authority shall apply the provisions stated in the executive regulation in this regard within five years from the issue date thereof.

### **Section Seven**

#### **Penalties**

#### **Article 128**

Any person who violates the provisions of Articles (16, 17, 18 and 126) of this Law shall be punished with fine of minimum Kuwaiti Dinars five thousand and maximum Kuwaiti Dinars fifty thousand.



### **Article 129**

Any person who violates the provisions of Articles (19, 20, 21, 23 and 43) of this Law shall be punished with imprisonment for a term of maximum three years and a fine of minimum Kuwaiti Dinars ten thousand and maximum Kuwaiti Dinars fifty thousand, or with either penalty.

### **Article 130**

Any person who violates the provisions of Article (25) of this Law shall be punished with death sentence or life sentence and a fine of minimum Kuwaiti Dinars five hundred thousand and maximum Kuwaiti Dinars one million.

Any person who violates the provisions of Article (25/ first paragraph) of this Law shall be punished with life sentence and a fine of minimum Kuwaiti Dinars two hundred fifty thousand and maximum Kuwaiti Dinars five hundred thousand.

Any person who violates the provisions of Article (25/ second paragraph) shall re-export the nuclear waste subject matter of the crime at their own expense.

### **Article 131**

Any person who violates the provisions of Articles (27, 28, 29 and 30) of this Law shall be punished with imprisonment for a term of minimum three years and maximum ten years, and a fine of minimum Kuwaiti Dinars twenty thousand and maximum Kuwaiti Dinars two hundred thousand. Any person who violates the provisions of Article (25) shall re-export the hazardous wastes subject matter of the crime at their own expense.



### **Article 132**

Any person who violates the provisions of Articles (35 and 31) of this Law shall be punished with imprisonment for a term of minimum one year and maximum three years, and a fine of minimum Kuwaiti Dinars ten thousand and maximum Kuwaiti Dinars fifty thousand, or with either penalty.

### **Article 133**

Any person who violates the provisions of Article (33) of this Law shall be punished with a fine of minimum Kuwaiti Dinars fifty and maximum Kuwaiti Dinars five hundred.

### **Article 134**

Any person who violates the provisions of Articles (40 and 127) of this Law shall be punished with a fine of minimum Kuwaiti Dinars two hundred fifty and maximum Kuwaiti Dinars five thousand along with obliging the violator to eliminate the effects of violations on the date as specified by the Authority, failing which, the Authority shall eliminate such effects at their own expense.

### **Article 135**

Any person who violates the provisions of Article (41) of this Law shall be punished with a fine of minimum Kuwaiti Dinars two hundred fifty and maximum Kuwaiti Dinars five thousand.

### **Article 136**

Any person who violates the provisions of Article (52/ first paragraph) of this Law shall be punished with a fine of minimum Kuwaiti Dinars thirty thousand and maximum Kuwaiti Dinars one hundred fifty thousand. The penalty shall be a fine of minimum Kuwaiti Dinars fifty thousand and





maximum Kuwaiti Dinars two hundred thousand for any person who violates the provisions of Article (52/ second paragraph).

#### **Article 137**

Any person who violates the provisions of Article (54) of this Law shall be punished with a fine of minimum Kuwaiti Dinars five hundred and maximum Kuwaiti Dinars five thousand along with seizing instruments and equipment used.

#### **Article 138**

Any person who violates the provisions of Article (56/ first paragraph) of this Law shall be punished with a fine of minimum Kuwaiti Dinars fifty thousand and maximum Kuwaiti Dinars two hundred thousand.

Any person who violates the provisions of Article (56/ second paragraph) of this Law shall be punished with a fine of minimum Kuwaiti Dinars fifty and maximum Kuwaiti Dinars one hundred. Further, the manager in charge of the facility violating the provision of the second paragraph of the said article shall be punished with a fine of minimum Kuwaiti Dinars one thousand and maximum Kuwaiti Dinars five thousand.

#### **Article 139**

Any person who violates the provisions of Articles (58, 59, 60 and 62) of this Law shall be punished with imprisonment for a term of maximum one year and a fine of minimum Kuwaiti Dinars ten thousand and maximum Kuwaiti Dinars fifty thousand, or with either penalty. In all cases, judgment shall be passed to seize materials, equipment, instruments and products subject matter of the crime.

#### **Article 140**

Any person who violates the provisions of Articles (63 and 64) of this Law shall be punished with imprisonment for a term of maximum six



months and a fine of minimum Kuwaiti Dinars one thousand and maximum Kuwaiti Dinars five thousand, or with either penalty.

#### **Article 141**

Any person who intentionally causes a condition of pollution in the marine zones set forth in Article (68) of this Law in violation of the provisions of Articles (72, 73, 74, 75 and 76) shall be punished with imprisonment for a term of maximum six months and a fine of minimum Kuwaiti Dinars fifty thousand and maximum Kuwaiti Dinars two hundred thousand, or with either penalty.

#### **Article 142**

Any person who unintentionally causes pollution in the marine zones set forth in Article (68) of this Law in violation of the provisions of Articles (72, 73, 74, 75 and 76) shall be punished with a fine of minimum Kuwaiti Dinars thirty thousand and maximum Kuwaiti Dinars one hundred fifty thousand.

#### **Article 143**

Any person who commits any of the following acts shall be punished with a fine of minimum Kuwaiti Dinars ten thousand and maximum Kuwaiti Dinars fifty thousand:

1. Fails to equip the vessel with pollution reduction equipment in violation of Article 70 of this Law;
2. Fails to take all adequate precautions to prevent or minimize effects of pollution before and after occurrence of breakdown in the vessel or an instrument thereof; or
3. Fails to report any accident of oil or other substance leakage to the relevant administrative authority in violation of Article 80 of this Law.



#### **Article 144**

Without prejudice to the provisions of Articles (160 and 161) of this Law, the concerned minister or his authorized delegate, upon the request of concerned persons, may accept conciliation in unintentional pollution lawsuits in consideration for the following:

1. Paying minimum amount of Kuwaiti Dinars fifty thousand in case of committing violation of the provisions of Articles (72, 73, 74, 75 and 76);
2. Paying cost of pollution control measures as issued by the competent technical committee set forth in Article (81/ item 7) of this Law.

Acceptance of conciliation shall result in abatement of the criminal action against the suspect.

#### **Article 145**

Any person who commits any of the following acts shall be punished with a fine of minimum Kuwaiti Dinars ten thousand and maximum Kuwaiti Dinars forty thousand:

1. The vessel doesn't maintain the oil log or consignment log for other harmful substances referred to in Articles (78 and 79) of this Law, fails to record the required data therein or records incorrect data while being aware of the same;
2. The vessel doesn't hold the international certificates relating to oil contamination prevention as stipulated under international conventions and those ratified by the concerned minister for the vessels that carry the flag of a country which did not accede to the adopted international conventions.

#### **Article 146**

The ship owner shall be punished with imprisonment for a term of minimum two months and maximum two years and a fine of minimum



Kuwaiti Dinars ten thousand and maximum Kuwaiti Dinars one hundred thousand, or with either penalty in the event that the ship or facility is left at the restricted marine zones without obtaining a permission from the relevant department along with obliging them to pay expenses for elimination of violation effects as specified by the competent committee set forth in Article 81/ item 7) of this Law.

#### **Article 147**

Any person who violates the provisions of Article (95/ first paragraph) of this Law shall be punished with a fine of minimum Kuwaiti Dinars one hundred and maximum Kuwaiti Dinars one thousand.

#### **Article 148**

Any person who violates the provisions of Article (97) of this Law shall be punished with imprisonment for a term of maximum one year and a fine of minimum Kuwaiti Dinars two thousand and maximum Kuwaiti Dinars twenty thousand, or with either penalty.

#### **Article 149**

Any person who violates the provisions of Article (100) of this Law shall be punished with imprisonment for a term of maximum one year and a fine of minimum Kuwaiti Dinars five hundred and maximum Kuwaiti Dinars five thousand, or with either penalty along with seizing the fungi organisms and the tools used.

Further, any person who violates the provisions of the third paragraph of Article (107) and Article (108) of this Law shall be punished with imprisonment for a term of minimum one year and maximum three years and a fine of minimum Kuwaiti Dinars five thousand and maximum Kuwaiti Dinars fifty thousand, or with either penalty.



### **Article 150**

Any person who violates the provisions of Article (105) of this Law shall be punished with imprisonment for a term of maximum one year and a fine of minimum Kuwaiti Dinars five hundred and maximum Kuwaiti Dinars five thousand, or with either penalty.

### **Article 151**

Any person who violates the provisions of Articles (101 and 124) of this Law shall be punished with imprisonment for a term of minimum one year and maximum three years and a fine of minimum Kuwaiti Dinars five thousand and maximum Kuwaiti Dinars fifty thousand, or with either penalty. In all cases, the fungi organisms and the monuments subject matter of the crime shall be seized.

### **Article 152**

Any person who violates the provisions of Article (173) of this Law shall be punished with imprisonment for a term of maximum one year and a fine of minimum Kuwaiti Dinars one thousand and maximum Kuwaiti Dinars five thousand, or with either penalty.

### **Article 153**

The penalties set forth in this Law shall not apply to the pollution cases resulting from:

- a. Securing safety of lives, means of transport or goods;
- b. Unloading resulting from breakdown in the vessel, aircraft or their instruments provided that such unloading shall not be carried out by the officer in charge of either vehicle with view to causing breakdown or damage therein or through negligence. In all cases, the officer in charge of either vehicle shall have taken, before and after occurrence



of breakdown, all adequate precautions to prevent or minimize effects of pollution and shall immediately notify the concerned department.

- c. Sudden rupture in a pipeline carrying oil or oil mix during the operations, excavation, exploration or testing wells through no negligence in monitoring or maintaining the pipelines, provided that adequate precautions shall be taken in monitoring the operation of pipelines and controlling pollution and its source immediately upon occurrence thereof.

This shall be without prejudice to the aggrieved party's right to have recourse against the causer for costs involved in eliminating the effects of pollution and compensation for losses and damages resulting from the same.

#### **Article 154**

In all cases, if the person responsible for pollution, within five years from the date of the first violation, recommits any violation of the provisions of Section 1 of Chapter 4 of this Law, the penalty shall be doubled and the conciliation rules set forth in this section shall not apply to them.

#### **Article 155**

Any person engaged to monitor the enforcement of the provisions of this Law and the executive regulations and resolutions shall be punished with imprisonment for a term of maximum one year if the violation of such provisions occurs due to their contribution with the violator.

#### **Article 156**

Any person who commits an act in violation of the provisions of this Law shall be punished with imprisonment for a term of minimum one year and maximum seven years if such act results in permanent disability to a



person. The penalty shall be imprisonment for a term of minimum three years and maximum ten years if the violation results in permanent disability to three persons or more. If such act results in death of a human being, the penalty shall be imprisonment for a term of minimum five years and maximum fifteen years. The penalty shall be life sentence if the act results in death of three persons or more.

### **Article 157**

In case of passing judgment adjudicating a penalty due to violation of a provision of this Law, the Court may order to publish the full judgment or summary thereof on the newspapers it determines, through audio and video communication media or affix copies of the judgment or summary thereof at the location it designates for maximum one month at the condemned person's cost.

Removal or concealing such copies in any manner or damaging the same shall entail punishment with imprisonment for a term of maximum three months and a fine of maximum Kuwaiti Dinars one thousand or with either penalty. If the doer is a person in charge of managing the business or any of their staff, they shall be punished with imprisonment for a term of maximum six months.

## **Chapter 8**

### **Civil Liability & Indemnification for Environmental Damages**

#### **Article 158**

The doer of act shall be liable for damage caused by pollution even if they have not erred and the causer shall not be held liable except with an error.



### **Article 159**

If there are multiple persons responsible for pollution accident, they shall assume joint liability.

### **Article 160**

Without prejudice to any other law, the person who assumes civil liability for pollution shall be liable for indemnification for:

- a. Damages to natural resources;
- b. Damages to the environment or causes minimizing its benefit;
- c. Costs of disinfection and decontamination or mitigation of pollution and rehabilitation of the environment; and
- d. Consideration for suspension of public facilities operation.

### **Article 162**

The producer and the distributor shall ensure safety of a product that it itself or its contents, nature or usage method would endanger individual lives or property.

Liability for products shall exist whether or not the producer or distributor has contractual relationship with the aggrieved person.

### **Article 163**

If there are multiple sources of damage and the aggrieved person cannot attribute the damage to the doer thereof, then the aggrieved person may require a causer to pay the entire indemnification for the damage they incurred. The defendant may deny the liability that the activity they carry on was not the cause of damage and that the damage has occurred due to an external cause in which they are not involved.





#### **Article 164**

Any person who occupies a space for residence or other purposes shall be liable towards the aggrieved party for indemnifying the latter for any damage they incur including any noise, odors, etc. unless they prove that the damage has occurred due to an external cause in which they are not involved.

#### **Article 165**

Any person who faces threat of pollution hazard may request the court to order the owner of facility with hazardous activity or the owner of waste dumpsite to provide a report or data about the materials they produce or handle.

#### **Article 166**

A person responsible for pollution shall be discharged from liability if they prove that the damage was due to:

- a. Force majeure;
- b. If damage occurs completely due to an intentional act by a person who has no contractual or affiliation relationship with the owner or operator;
- c. If damage occurs completely due to negligence or mistake caused by the competent administrative authority.

For the previous paragraph to apply, the person responsible for damage shall have notified the competent department of the accident and causes thereof if they have or should have known about it, and shall have taken all necessary precautions to prevent the accident or minimize the pollution effects.

#### **Article 167**

Actions arising out of pollution incidents shall lapse after three years from the date on which the aggrieved person or their affiliates became



aware of the same and from the date of completion of damages count with respect to claim for indemnification for damages to natural resources, or from the date of completion of processes for disinfection, decontamination and rehabilitation of environment with respect to claim for such expenses.

## **Chapter 9**

### **Final Provisions**

#### **Article 168**

Director General shall determine, from among the employees of the Authority or other competent administrative authorities, the necessary employees to perform the inspections as required for enforcing this Law and its regulations and resolutions except for Section 1 of Chapter 4 hereof and record any offences that may occur in violation of the provisions hereof. Such employees shall have the judicial officer capacity. In this regard, they may access all places in which such offences may take place, write minutes, take samples and perform necessary measurements and studies, etc. in order to determine extent of environment contamination and sources thereof, ensure that regulations and stipulations related to labor and environment protection are applied, examine licenses, records and other documents, obtain copies thereof and request data from business owners or their representatives in accordance with formalities set out in the executive regulation of this law, and arrest any person they find in breach of the provisions of this Law. They also may seek help of police forces if required.

#### **Article 169**

The employees engaged to enforce the provisions hereof and the executive regulations and resolutions referred to in the preceding article of this law shall take oath before the Director that they will perform their



duties with due honesty and sincerity and shall not disclose business secrets to which they have access by virtue of their jobs even after termination of their employment.

#### **Article 170**

The Director or his representative may request data, information and documents as they may deem necessary from any public or private entity carrying on a business activity that may lead to environment pollution. The Authority may establish centers and control at the locations it deems appropriate as required for environment protection in coordination with the competent authorities. Further, the Authority may set up control labs or facilities that have the final opinion about lab results related to environment pollution.

#### **Article 171**

The public prosecution shall conduct investigations, make decisions and bring actions in connection with all offences results from the application of the provisions of this law and the executive regulations and resolutions.

#### **Article 172**

Any citizen or society concerned with environment protection may resort to the competent administrative and judicial agencies in order to enforce the provisions of environment law and the content of the executive regulation of this law.

#### **Article 173**

Any public employees or other persons who became or should have become aware, during or due to performance of their duties, that a violation of the provisions this law or the executive regulation hereof, which may cause environmental damage, shall immediately report the same to the Authority, public prosecution or police forces.



#### **Article 174**

Director General or his representative may grant the violator of stipulations and standards set forth in this law or executive regulation hereof, except for Section 1 of Chapter 4, a grace period to rectify the violation immediately.

If the violator fails to do so within thirty days or if it is found that continuity of violation may cause serious damages to the environment, the Authority, in agreement with the competent authorities, shall take the necessary legal actions to suspend the violating activity, shut down the facility or cancel the license without prejudice to the penalties set forth in this law and indemnifications arising out of such violations.

#### **Article 175**

Law No. 21 of 1995 establishing Environment Public Authority, as amended by Law No. 16 of 1996 shall be cancelled. Further, Law No. 12 of 1964 regarding prevention of contamination of waters fit for navigation shall be cancelled. Further, any provision in conflict with the provisions of this law shall be cancelled.

#### **Article 176**

Application of the penalties set forth in this Law shall be without prejudice to applying any severer penalty set forth in any other law.

#### **Article 177**

Application of the provisions of this Law shall be without prejudice to applying the provisions of Law No. 119 of 1973 and Law No. 131 of 1977. Further, it shall not prejudice the provisions set forth in any other law governing the environment protection in special areas.



However, the bodies applying such laws or any other authority that has power to issue regulations, rules and stipulations related to environment protection shall obtain the Authority's approval prior to issuing any such regulations, rules and stipulations.

#### **Article 178**

The Authority shall not be subject to prior control in accordance with the provisions of Law No. 30 of 1964 establishing State Audit Bureau and shall not be subject to the provisions of Law No. 37 of 1964 regarding public tenders.

#### **Article 179**

The competent minister shall issue the necessary resolutions, regulations and rules for enforcing the provisions of Section 1 of Chapter 4 of this Law. Further, Director General, following the approval of Board of Directors, shall issue the necessary regulations and resolutions to enforce this Law except for Section 1 of Chapter 4 hereof within one year from the effective date hereof.

#### **Article 180**

The regulations and resolutions in force as at the effective date of this Law shall continue to apply in consistency with the provisions hereof pending the issuance of the executive resolutions and regulations hereof.

#### **Article 181**

Prime Minister and ministers, each within scope of their respective concern, shall enforce this Law, which shall come into force after elapse of three months from the date of publishing on the Official Gazette.

#### **Amir of Kuwait**

**Sabah Al-Ahmed Al-Jaber Al-Sabah**

Issued at Al-Saif Palace on 1<sup>st</sup> Ramadan 1435 H

Corresponding 29<sup>th</sup> June 2014 AD



**Explanatory Memorandum of  
Law No. (42) of 2014  
For promulgation of Environment Protection Law**

Despite of efforts used to protect the environment and maintain its natural resources in State of Kuwait, there are aspirations to develop and enhance the performance on ongoing basis with view to attaining optimal utilization of resources and maintenance thereof, in particular following damages that occurred due to aggressive attack of military operations. To mitigate environmental pollution, maintain various natural resources, address different environment problems, achieve continuous development and introduce environmental component to organizational structures, this law regarding environment protection was enacted. The law contains general provisions in the first chapter and provides definition of the environment protection as measures and policies.

The Committee approved the remarks expressed in connection with the preliminary chapter concerning certain technical terminology and adopted addition of several term to the text of Article 1 as follows: Internal environment, Work environment, Ozone layer, Earth ozone, Ozone depleting substances, Greenhouse gases, Climate changes, Integrated environment management of coastal areas, Natural resources, Biological diversity, Competent minister, Environment inspection, Drainage effluent, Drainage effluent treatment plants, Sludge, Industrial drainage, Solid municipal wastes, Waste landfills, Hazardous wastes, Medical wastes, Nuclear wastes, Radioactivity rate and Hazardous substances.

In the second chapter, the Law addresses scope of law applicability and objectives while the third chapter states how to manage the environment affairs through establishing the Supreme Council of the environment, which shall be chaired by Prime Minister or one of his deputies and a number of ministers acting as members to be selected by the Chairman of the Supreme Council in



addition to establishing a public authority for environment affairs with independent legal personality called (Environment Public Authority) as well as establishing environment protection fund. Section One of the Law addresses development and the environment explaining, in the first chapter, the environmental assessment of development projects and in the second chapter, it addresses the work environment and internal environment.

Section two addresses the protection of land environment against pollution. Section three addresses the protection of ambient air against pollution through continuous observation and evaluation processes, preparation of researches and studies by the environment public authority to preserve the quality of ambient air against the harmful effects of emission of pollutant gases.

Section four deals with the protection of marine and coastal environment against pollution through application of penalties against any person or entity who commits or perform any act of pollution of marine environment with harmful materials with the exception of military ships and means of transport and the like.

Section five deals with the biological diversity. Article 100 provides that it is prohibited to hunt, kill, catch, collect, harm, possess or transport endangered wild land or marine creatures whether living or dead or prejudice to the babies, eggs or organs of these creatures.

Article 101 provides for prohibition of trade of endangered wild creatures or any part thereof.

In the second chapter of this section, it deals with the natural reserves.

Section six deals with environment management.

Section seven deals with the penalties against violators of this law.

Section eight states the civil liability and compensation for environment damages while section nine deals with the closing provisions of this law.



MOHAMED ABDUL HAMID  
Senior Translator

A handwritten signature in black ink, appearing to be 'Mohamed Abdul Hamid', written over the printed name and title.

## 添 付 資 料 2

清掃と廃棄物運搬の基準に関する省令



State Minister for Municipality Affairs

Minister's Office

Tel: 2471558/9- Fax: 2471556

Date: 19 May 2001

**Ministerial Decision No. 190 of 2008  
For the Regulations of Cleaning and Waste Transport**

The Minister of Public Works and State Minister for Municipality Affairs

- Having reviewed the decree law no. 18 of 1978 regarding safety systems, protection of public utilities and public wealth resources as amended,
- The decree law no. 9 of 1987 regarding the prohibition of some acts harmful to the public cleaning and plantation,
- The law no. 5 of 2005 regarding Kuwait Municipality
- The decision of the president of municipality no. 3371 of 1981 regarding the regulations of cleaning and occupancy of public roads, squares and pavements as amended
- The decision of the president of municipality no. 44 of 2002 regarding the regulations of organizing the transport of wastes as amended,
- The ministerial order no. 307 of 2007 for regulating the executive staff of the municipality and its branches in various governorates, and
- The decision of the municipal council no. MC/MK2/04/2008 made at its meeting no. 04/2008 held on 24/3/2008
- And the requirements of the public interest

**Hereby decided**

**First Chapter  
Public Cleaning**

Article 1:

Definitions:

First: Wastes mean the wastes resulting from residential and urban communities and the relevant activities whether social, economic or developmental and whose quantities have direct relation with the density of such communities and the nature of relevant activities and for implementing the system of wastes transport which can be classified as follows:

- a) Municipal Wastes mean the wastes classified in accordance with its source of production and type and nature of composition such as solid, semi-solid and liquid. This includes all residential, commercial and office wastes in addition to animal and agricultural wastes and those resulting from slaughtering houses and some types of industrial wastes (non-hazardous) and scrap household appliances and cars and else.
- b) Construction Wastes and Debris mean the wastes resulting from building and facilities demolition, construction of new buildings and restoration and maintenance of existing buildings

Second: Source of Wastes means the body which produced the wastes of whatever type.

Third: Waste Removal and Treatment Site:

- a) Waste Removal Site: the place which is near or in front of the place of production of the wastes
- b) Waste Treatment Site: the place specified by the municipality for treatment of the wastes by way of recycling, incineration, land-filling or any other way approved by the competent authorities.

Fourth: Wastes Carrier means the company or establishment qualified and classified by the municipality to carry the wastes from the source of production or existence to the place of treatment

Fifth: Waste Transport Statement means the form approved by Kuwait Municipality and the other competent authorities showing the quantity of transported wastes and its description, source and record of receipt and transport thereof to the site and place of reception and treatment.

Sixth: Competent Authorities mean Kuwait Municipality and Environment Public Authority, each within its powers

Seventh: Competent Department means the department responsible for following up the application of provisions of the regulations in accordance with the specific powers of the municipality's executive staff.

Eighth: Standards and Conditions mean those issued and approved by Kuwait Municipality and Environment Public Authority and other competent government authorities, each within its powers

Article 2:

The source of wastes should dispose thereof at the relevant removal sites and put the same in tightly sealed containers or bags and the Municipality shall determine the places and cases of use

of each type (bags and containers) and their specifications. They should also dispose of the same at the removal sites at the times stated by the Municipality.

Article 3:

Hotels, co-ops, residential, commercial and investment compounds, factories and firms of trading nature should transport their wastes to the treatment sites subject to the decision of the director general of the Municipality.

The tenants of houses and other residential places and the persons responsible for management of co-ops and private establishments and the free lance professionals and craftsmen and simple crafts should transport the wastes to their removal sites. The director general of the municipality shall decide the place to which shall be removed the wastes resulting from the activity of public shops which is disturbing and harmful and the food shops and the commercial shops, stores and offices.

The municipality or the carrier of wastes resulting from the ministries, public authorities, affiliated authorities and other government bodies shall dispose of the same to the treatment sites.

Article 4:

- a) Wastes must not be disposed of on pavements, roads, squares, public yards or any unspecified places.
- b) No carpets or furnishings may be cleaned from balconies overlooking streets. No clothes or any other things may be dried at balconies and holes overlooking roads, squares or public yards for drying or ventilation or any other purpose.
- c) No papers, tissues, cigarette packets or ends may be thrown on pavements and at streets, roads, squares, yards, car parking, gardens, public lands and spitting, urinating and defecation is not permitted at other than the specified places.

It is also prohibited to damage plantations, plants and trees, to cut flowers and fruits at streets, squares, public parks or to uproot wild trees and plants wherever located on the public lands.

Article 5:

It is prohibited to tamper with, sort, utilize or set fire on wastes.

Article 6:

It is prohibited for the owners of restaurants and cafes and other shops to throw the fire wastes and hot charcoal ash into waste bags or containers.

Article 7:

The tenants of houses and other accommodation places must not breed animals or poultry and this may be permitted subject to non-disturbance and they should take care of the cleanness of these places, prevent bad smells and dispose of their wastes in the specified containers subject to the public health requirements.

Article 8:

The owners of commercial and investment buildings leased for accommodation or other purposes should keep clean the yards, corridors and skylights of these buildings and adjacent pavements and the municipality should obligate the owners to keep them clean.

Article 9:

The owners of abandoned and scrap cars should remove them to the places specified by the municipality and may not be left in streets, on pavements and at public yards and squares. The municipality may warn the owners of abandoned and scrap cars to remove them within 48 hours by fixing a label to this effect.

Streets and public yards and squares may not be occupied by cars offered for sale and the municipality may warn the owners of cars to remove them within 24 hours by fixing a label to this effect.

In case of violation of the preceding cases the municipality shall have the right to arrest and detain the cars and after three months from the date of arrest without recovery thereof by the relevant owners and payment of the due charges the municipality may sell the cars at public auction and deduct such charges from their price.

The municipality denies its liability for any damages to cars during removal, transport or retention.

Article 10:

- a) No sanitary drainage or pit water may be carried by other than the licensed tankers and the drivers of these vehicles must take necessary precautions to prevent leakage of water during suction or transport.
- b) The drivers of trucks should cover the truck trunk with thick cloth to prevent flying materials during transport.

Article 11:

Without license from the municipality, it is prohibited to excavate soil and set up soil barriers and carry out any excavation works at public roads, squares, yards or set up any permanent or temporary facility thereon, while public ministries, authorities or institutions in the urgent cases are excepted from the license stated in the preceding paragraph subject to notification to the municipality.

## **Second Chapter Transport of Wastes**

Article 12:

The competent department of Kuwait Municipality shall perform prequalification of companies and establishments to carry wastes according to the specified conditions and standards and shall classify these companies according to the types of wastes to be carried and its composition through coordination with the competent state authorities.

Article 13:

The competent minister for municipality affairs shall form a committee for prequalification and classification of waste transport contractors at the competent department of the municipality and its members shall represent the competent bodies of the municipality's executive staff or any other necessary authorities whose exclusive powers shall be as follows:

1. Prequalification and classification of contractors of waste transport in accordance with the public cleaning regulations and issuance of the required licenses.
2. Setting the necessary conditions and restrictions for classification of waste transport contractors
3. Withdrawing licenses or temporary suspension of waste transport licenses

The committee decisions shall not be effective except after approval thereof by the director general of Municipality.

Article 14:

No wastes of whatever source may be carried except by the companies and establishments licensed and classified for this purpose and there should be a valid municipality certificate for the truck driver to this effect.

Article 15:

The carrier of wastes licensed to carry wastes should carry the type of wastes classified for transport thereof.

Article 16:

The licensed waste carrier should obligate the truck driver to keep a copy of the waste transport statement for the carried wastes.

Article 17:

The licensed waste carrier should install GPS- tracking system to track the vehicles route from the waste removal sites to the treatment sites in accordance with the applicable regulations.

Article 18:

The wastes source and producer should agree with the licensed and classified companies and establishments and follow up the arrival of wastes shipments to the specified treatment sites by using the respective approved statement form and observing all its items.

Article 19:

The competent department of the municipality shall approve the contract made between the waste source and the carrier so that such contract would be valid and effective to verify that such authorities observe the waste transport conditions and standards in addition to stating the route of wastes trucks and treatment site.

Article 20:

The body responsible for receiving wastes shall check the completeness of waste statement cycle and approval thereof by the competent authorities before receiving and treating them at the site.

Article 21:

The competent department of Kuwait Municipality shall assume responsibility for tracking the waste transport statement cycle form the waste production and transport stage till reception and treatment stage through coordination with competent authorities in accordance with article 17.

Article 22:

The competent department of Kuwait Municipality shall assume direct supervision and control on the transport of wastes of all types from the source to the sites allocated for their treatment by licensed companies for this purpose, through coordination with the competent authorities.

Article 23:

Wastes Transport Conditions:

First: The wastes trucks should bear on both sides labels in both Arabic and English showing the company name, truck capacity and type of wastes.

Second: The wastes trucks should be equipped and allocated for this purpose and should be subject to routine maintenance.

Third: The wastes trucks should have fire fighting equipment.

Fourth: The closed trucks should be used to carry wastes or the truck trunk should be covered with thick cloth to prevent the flying materials according to the type of carried wastes and no

dust may be raised or wastes scattered during transport from the containers to the wastes trucks and arrival to the wastes treatment sites.

Fifth: The wastes transport statement should be kept with the truck driver and should include the following information:

- a. Description of wastes
- b. Source of wastes
- c. Record for collection by wastes carrier
- d. Treatment site and record of waste reception and treatment

Sixth: The wastes carrier shall prequalify the drivers driving the wastes trucks by conducting training courses to identify the nature of these wastes and necessary safety tools and how to act properly to handle accidents.

Seventh: The wastes trucks should be compliant with conditions, regulations and systems of the competent state authorities.

Eighth: The contractor should observe the allowed times for removing wastes determined by the competent authorities to avoid traffic jamming and accidents.

Ninth: The route of trucks stated in the contract between the wastes source and the carrier should be observed.

Tenth: The conditions and standards stated by Public Environment Authority and Kuwait Fire Service Directorate should be observed with respect to the transport, storage and treatment of wastes.

### **Third chapter Penalties**

Article 24:

Without prejudice to any other severer penalty stipulated under any other law, the violator of the provisions of articles 2, 3, 4 (b) and (c), 5, 6, 7, 8, 9, 10, 23 (first, second, fifth, sixth, seventh, eighth, ninth, tenth) shall be punished with penalty of not less than Kuwaiti Dinars one hundred and not more than Kuwaiti Dinars three hundred and violation of articles 4 (a), 11, 14, 15, 17, 23 (third and fourth) shall be punished with a penalty not less than Kuwaiti Dinars five hundred and not more than Kuwaiti Dinars one thousand and the director general has the right to revoke or withdraw the license.

Article 25:

The court may in case of established condemnation rule in addition to penalty for confiscation, removal or landscaping or restoration or final withdrawal or provisional withdrawal for specific term and final or provisional shutdown.

Article 26:

The employees appointed by the competent minister to check the violations stated in the regulations shall have the judicial arrest power and for this purpose they have the right to enter

into public places and shops and seize the violation and materials subject of violation and write down necessary records and refer it to the competent authority and they may seek the help of the general force.

The director general of Municipality or his assign may issue written order in the cases of shutdown ruling.

Article 27:

The request for reconciliation may be accepted from the violator with respect to the acts violating these regulations in respect of which the stipulated penalty does not exceed Kuwaiti dinars three hundred.

After facing the violator with the violation ,the writer of record shall offer to him reconciliation and write this in the record. The violator interested in reconciliation should pay within two weeks from the date of offer of reconciliation the minimum limit of penalty stipulated for the violation attributed to him together with fees and expenses due to the municipality.

In case of condemnation, the court may not decide the acts stated in the preceding paragraph with penalty less than the reconciliation amount. The reconciliation shall result in the expiry of the penal case and all its effect.

Article 28:

The violator shall be punished with a penalty not less than Kuwaiti Dinar one and not more than Kuwaiti Dinars ten for each day he refuses to execute the ruling of the judgment for removal, landscaping or restoration after expiry of the period specified by the municipality for execution of the judgment and the penalty shall be multiplied by the number of violations and no judgment may be made to suspend the ruled supplementary penalties.

Article 29:

The decisions of president of municipality nos. 3371 of 1981 regarding regulations of cleaning and occupancy of public roads and squares and pavements as amended and no. 44 of 2002 regarding the regulations organizing waste removal as amended.

Article 30:

The competent bodies are kindly requested to execute this decision and publish it in the official gazette and it shall come into effect on the date of its issue.

The minister for public works and state minister for municipality affairs

Eng. Mousa Hussain Al-Sarraf  
Signed and sealed

Issued on 14 Jamada Al-Oula 1429 h corresponding 19<sup>th</sup> May 2008.



Cc:

- Director General of Municipality
- Legal department
- Technical office of the State Minister for Municipality Affairs
- Head of control and inspection sector
- Follow-up office of the State Minister for Municipality Affairs
- Consultants of the State Minister for Municipality Affairs