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Middle East

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I. Kuwait

A. PUBLIC PRIVATE PARTNERSHIPS

Law No. 116 of 2014 (PPP Law)¹ was issued on 17 August 2014 to replace an earlier law addressing public private partnerships, Law No. 7 of 2008.² The Higher Committee of the Partnership Projects between the Public and Private Sectors was established in November 2014 in accordance with the PPP Law.³ The Partnerships Technical Bureau was replaced by the Public Entity for Partnerships between the Public and Private Sectors.⁴ The PPP Law is rendered in effect as of the date of issuance of the Implementing Regulations.⁵ Among other things, the PPP Law increases the allowed project investment period to 50 years commencing from the date of finalization of the construction and preparation works or development works.⁶ One important change in the PPP Law is the inclusion of provisions that would allow investors to pledge or offer as collateral its receivables from the project and/or shares in the project company.⁷

B. ELECTRONIC TRADING

Law No. 20 of 2014 (Electronic Trading Law)⁸ was issued on 23 February 2014. Effective upon the issuance of the Implementing Regulations,⁹ the law consists of eight chapters dealing with: (1) Definitions of e-trade means and related matters;¹⁰ (2) the scope of

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1. Law No. 116 of 2014 Regarding Public Private Partnerships, Official Gazette No. 1197 (17 August 2014) (Kuwait).

2. Law No. 7 of 2008 Regulating Public Private Partnerships (10 February 2008) (Kuwait).

3. Law No. 116 of 2014, *supra* note 1 at arts. 2, 47.

4. *Id.* arts. 4, 47.

5. *Id.* art. 47.

6. Law No. 116 of 2014 Regarding Public Private Partnerships, art. 18, Official Gazette No. 1197 (17 August, 2014) (Kuwait).

7. *Id.* art. 23.

8. Law No. 20 of 2014 Concerning Electronic Transactions (23 February 2014) (Kuwait).

9. *Id.* arts. 44, 46.

10. *Id.* art. 1.

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application of the E-Trade Law;¹¹ (3) characteristics of an electronic document and register;¹² (4) electronic signature conditions and legal effect;¹³ (5) government electronic documents and signatures;¹⁴ (6) electronic payment conditions and legal effect;¹⁵ (7) data protection and confidentiality;¹⁶ and (8) E-trade crimes and penalties.¹⁷

C. CONSUMER PROTECTION

Law No. 39 of 2014 (Consumer Protection Law)¹⁸ was issued on 8 June 2014. Under this law, suppliers must place on each product, in the Arabic language, among other things: the expiry date, the risks associated with use or consumption, the contents, and the price of the product.¹⁹ Further, suppliers are not allowed to market products until a license from the relevant administrative authorities is obtained.²⁰ Penalties for the violation of the Consumer Protection Law may reach KD 20,000 and imprisonment of up to four years in certain cases.²¹ Only the Public Prosecutor can initiate investigations in regard to crimes under the Consumer Protection Law.²²

D. ENVIRONMENTAL PROTECTION

Law No. 42 of 2014 (Environmental Protection Law)²³ was issued on 13 July 2014 to replace an earlier law addressing environmental matters, Law No. 21 of 1995, as amended.²⁴ The Implementing Regulations for the Environmental Protection Law are expected to be issued in early 2015.²⁵ The highlight of the Environmental Protection Law is the long and detailed penalty provisions that can be applied to those who violate the Environmental Protection Law and Implementing Regulations when issued. Of particular note is the penalty of up to KD1 million as well as the death penalty or life imprisonment for violations of provisions relating to disposal of nuclear waste.²⁶

11. *Id.* arts. 2-7.

12. *Id.* arts. 8-17.

13. *Id.* arts. 18-25.

14. Law No. 20 of 2014 Concerning Electronic Transactions, arts. 26, 27. (23 February 2014) (Kuwait).

15. *Id.* arts. 28-31.

16. *Id.* arts. 32-36.

17. *Id.* arts. 37-46.

18. Law No. 39 of 2014 Relating to Consumer Protection (8 June 2014) (Kuwait).

19. *Id.* arts. 12, 13

20. *Id.* art. 25.

21. *Id.* art. 27.

22. *Id.* art. 39.

23. Law No. 42 of 2014 Regarding Protection of the Environment (13 July 2014) (Kuwait).

24. Law No. 21 of 1995 Establishing the Public Authority for the Environment (2 July 1995) (Kuwait).

25. *Id.* art. 179

26. *Id.* art. 130.