



## THE TWENTY SECOND MEETING OF THE ASEAN COSMETIC COMMITTEE

28-29 May 2015, Singapore

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### INTRODUCTION

1. The 22<sup>nd</sup> Meeting of the ASEAN Cosmetic Committee (ACC) was held on 28-29 May 2015 in Singapore. The Meeting was preceded by the following events at the same venue:

- a) 22<sup>nd</sup> Meeting of the ASEAN Cosmetic Scientific Body (ACSB) on 26-27 May 2015;
- b) 5<sup>th</sup> Meeting of the ASEAN Cosmetic Testing Laboratory Committee (ACTLC) on 26-27 May 2015; and
- c) Meeting of the Heads of Delegations (HoDs) of the ASEAN Member States of the ACC on 27 May 2015.

2. The Meeting was chaired by Mrs. Marie Tham, Advisor, International Collaboration, Health Products Regulation Group, Health Sciences Authority, Singapore, and co-chaired by Ms. Sumalee Pornkitprasarn, Director of the Bureau of Cosmetics and Hazardous Substances Control, Food and Drug Administration, Ministry of Public Health, Thailand.

3. The Meeting was attended by delegates from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Singapore, Thailand, Viet Nam, representatives from the ASEAN Secretariat and representatives from the the ASEAN Cosmetic Association (ACA). Representative from General Administration for Quality, Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) and China Food and Drug Administration (CFDA) including representative from ASEAN Regional Integration Support by EU (ARISE) were also in attendance during open session. The list of delegates appears as **ANNEX 1**.

### AGENDA ITEM 1: ADOPTION OF AGENDA

4. The Meeting adopted the agenda which appears as **ANNEX 2**.

### AGENDA ITEM 2: BUSINESS ARRANGEMENT

5. The Meeting was held in plenary.

**AGENDA ITEM 3 : UPDATE ON THE LATEST DEVELOPMENT ON ECONOMIC INTEGRATION AND OTHER DECISIONS IMPACTING THE COSMETIC SECTOR**

6. The ASEAN Secretariat updated the Meeting on the outcome of the recent developments of ASEAN economic integration efforts, in particular the decisions made by the higher ASEAN Bodies including the AEM Retreat, High-Level Task Force on ASEAN Economic Integration (HLTF-EI), Senior Economic Official Meetings (SEOM), and ASEAN Consultative Committee for Standards and Quality (ACCSQ). The presentation from the ASEAN Secretariat appears as **ANNEX 3**.

7. The Meeting noted the outcome of decisions of the meetings of higher ASEAN bodies, which include among other the following:

**AEM Retreat**

- I. The Ministers tasked the Senior Economic Officials' Meeting (SEOM) to work towards consolidating and improving trade facilitation initiatives that is built upon existing ASEAN commitments on trade facilitation based on ASEAN Trade Facilitation Framework
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- III. The Ministers agreed to re-instate ASEAN Trade Facilitation Joint Consultative Committee (ATF-JCC) to follow up on this work which would include participation from the private sector, and would be reporting directly to SEOM. Ministers further agreed to task the ATF JCC to further discuss the most suitable form of this deliverable for effective and efficient implementation by all Member States.

**HLTF-EI**

- I. The Framework Paper on AEC 2025 should be further developed into the AEC Attendant Document for the ASEAN Community Vision 2025 in line with the agreed timelines taking into account the relevant guidance from the Post-2015 HLTF.
- II. In this regard, the HLTF-EI will work with the AEC sectoral bodies in providing timely support and inputs into the Attendant Document by the end of May 2015

**SEOM**

- I. SEOM endorsed the ACCSQ's proposal to review the 1998 ASEAN Framework Agreement on Mutual Recognition Arrangement in ensuring that the Framework

Agreement is aligned to the AEC Blueprint (2007), ATIGA (2009) as well as future developments;

II. SEOM endorsed the food control requirements documents, including:

- ASEAN Guidelines for the Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems
- ASEAN Principles for Food Import and Export Inspection and Certification
- ASEAN Guidelines for Food Import Control Systems
- ASEAN Guideline on Food Reference Laboratories

III. SEOM agreed to consider Indonesia's request for ACCSQ to undertake the review of the ASEAN Cosmetics Directive

### **ACCSQ**

I. SEOM 1/46 endorsed and mandated ACCSQ and WG1 to review the 1998 MRA Framework Agreement on MRA

II. The Meeting noted Legal Services and Agreements Division (LSAD) advice on the need to review the ASEAN Cosmetic Directive.

III. SEOM 1/46 requested ACCSQ to undertake the review of the ASEAN Cosmetics Directive. In the same context the ACCSQ tasked ACC to undertake the review of the same.

### **AGENDA ITEM 4: FOLLOW-UP FROM THE 21<sup>st</sup> ASEAN COSMETIC COMMITTEE MEETING**

8. The ASEAN Secretariat briefed the Meeting on matters arising from the 21<sup>st</sup> ACC Meeting held on 27-28 November 2014 in Manila, Philippines, and the follow-up actions taken on matters arising from the meeting. The matrix of action taken on matters arising from 21<sup>st</sup> ACC Meeting appears as **ANNEX 4**.

9. The Chair briefed the Meeting on the issues discussed by the Head of Delegates (HoDs) of Member States during the ACC HoDs Meeting held on 27 May 2015 in Singapore which cover the following:

- a) Discussion on advice from ASEAN Secretariat Legal Services and Agreements (LSAD) regarding Indonesia's concern with certain article in ASEAN Cosmetic Directive (ACD);
- b) Participation of Scientific Expert from industry in ACSB Meeting in the absence of regulator;
- c) US proposals on capacity building for cosmetic.

10. The Meeting noted capacity building proposals from US which comprises of two workshops (a) Workshop on Green Chemistry, and (b) US-ASEAN Workshops on Cosmetic Regulations. The Concept Note of the proposed workshops appears together

as **ANNEX 5**. In this regard, the Meeting requested the Member States to provide comments/input on the Concept Note to ASEAN Secretariat by **30 June 2015** for subsequent submission to US. The Meeting requested Vietnam to consider the possibility of the Workshop be held back to back at the 24th ACC Meeting in Vietnam.

11. The Meeting noted that 12 years has passed since the ACD was first signed in 2003. The Meeting agreed that it is timely for AMS to undertake the review of the ACD. The Meeting further agreed that the spirit and philosophy that gave rise to the ACD should remain intact and that sunset clause for periodical review should be considered in its amendments.

12. The Meeting noted that in the absence of regulators, ACSB Chair must be duly informed by the regulators prior to the meeting if industry experts are representing AMS at such Meeting.

13. The Meeting agreed to discuss the pending issues from the 21<sup>st</sup> ACC Meeting under the corresponding agenda items.

## **AGENDA ITEM 5 : PROGRESS OF THE IMPLEMENTATION OF THE ASEAN COSMETIC DIRECTIVE**

### **5.1 Member States' Updates on the Implementation of the ACD in their respective territories**

14. The Meeting discussed the progress made on the implementation of the ACD at regional and national levels and agreed to discuss the specific issues under the corresponding agenda items. The reports on the overall status of implementation of the ACD from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam appear together as **ANNEX 6**.

15. The Meeting noted that all Member States have implemented the notification of cosmetic products as follows:

a) Brunei Darussalam

- The notification for placement of cosmetic products is submitted manually in the form of hard copy and electronic copy.
- As of May 2015, there were almost 46,000 cosmetic products that have already been notified.

b) Cambodia

- The notification for placement of cosmetic products is submitted manually.
- As of May 2015, there were 10,462 new cosmetic products have been notified and 2,126 renewal of notification have been handled.

- c) Indonesia  
-The notification for placement of cosmetic products is online.  
-From January 2015 until April 2015, there were 8,026 cosmetic products notification, whereas this consist of 4,107 local, 353 ASEAN origin, 2,055 EU origin, and 1,511 others.
- d) Lao PDR  
-The total number of notification so far is 1,608.  
-The notification process has been implemented manually.
- e) Malaysia  
-The notification for placement of cosmetic products is submitted online through the QUEST System. The system is equipped with the 'screening system' to auto-screen prohibited and restricted substances in the formulation.  
-Up until April 2015, a total of 131, 557 cosmetics products have been notified.
- f) Myanmar  
- The notification for placement of cosmetic products is submitted manually.  
- The total acknowledgement of cosmetic notification is around 4,300 from 1 January 2011 up to now.
- g) Philippines  
-The Philippines has shifted from manual to online submission through e-notification system since April 2013.  
-As of 30 April 2015, the total number of cosmetic products with notifications is 38,684.
- h) Singapore  
-The notification for placement of cosmetic products is submitted online through the PRISM System.  
-As of April 2015, about 152,000 cosmetic products have been notified.
- i) Thailand  
-The notification for placement of cosmetic products is submitted online as well as walk-in.  
-As of May 2015, the total amount of notified cosmetics products were 393,478, whereby 302,595 of this were coming from e-submission.
- j) Viet Nam

- The notification for placement of cosmetic products is submitted manually and online. In the end of 2015, the notification process is expected to be fully online.
- As of now, approximately 100,000 cosmetic products have been notified.

16. The Meeting noted that Myanmar is willing to participate in the Cosmetics Proficiency Testing Scheme for 2015 which is coordinated by Thailand. The Meeting also noted that ACA is also willing to assist Myanmar in training and capacity building program. In this context, the ASEAN Secretariat will provide the relevant contact person of Myanmar to Thailand and ACA for their follow-up action.

17. The Meeting noted the updates from the Member States on efforts undertaken at national level to raise consumer awareness and understanding on the safe use of cosmetic products.

18. The Meeting further noted the updates from the Member States with regard to enhancing the capability and capacity of Small and Medium Enterprises (SMEs) to meet the requirements of the ACD.

19. The Meeting noted national efforts undertaken by respective regulatory authorities on post market surveillance of cosmetic products in the effective implementation of the ACD.

## **5.2 Update from the industry following the implementation of the ACD**

20. The representative from the ACA briefed the Meeting on the progress of its activities related to the support for the implementation of the ACD. The presentation from ACA appears as **ANNEX 7**.

21. The Meeting noted that the members of ACA have conducted trainings at national level for industry and SMEs in collaboration with regulators. The training program covers aspects of product safety, PIF and GMP.

22. The Meeting noted the ACA's future strategy in enhancing SMEs which includes the following:

- Conduct capacity building for ACA members
- Provide market access facilitation program
- Global and regional market regulations
- Set-up integrated regional research center framework
- Provide consultancy and advisory body in each ASEAN countries;
- Facilitate SMEs participations into Global/ Regional Business Exhibits;

- Partner with other trade association outside ASEAN to address challenges that ASEAN SMEs face in exporting their products

23. The Meeting requested ACA to include more tangible data, such as statistics in their future progress report to ACC.

### **5.3 Post Market Alert System**

24. Malaysia updated the Meeting on Annual Report of ASEAN Post Market Alert System (PMAS) for the period from January 2014 - May 2015 as appears in **ANNEX 8**.

25. The Meeting noted that in 2014, there were 1,209 products raised for alerts and out of this 919 were cosmetic products. The Meeting also noted that four ASEAN Member States as follows submitted the alerts:

- a) Brunei Darussalam (12);
- b) Malaysia (868);
- c) Philippines (27);
- d) Singapore (12).

26. Meanwhile, as of May 2015, there were 257 alerts raised for cosmetic products. This comprises as follows:

- a) Brunei Darussalam (9);
- b) Lao PDR (6);
- c) Malaysia (242).

27. Malaysia presented the compilation of inputs received from Member States (Indonesia, Malaysia, Philippines, Singapore and Vietnam) on the draft Term of Reference (ToR) for ASEAN PMAS. The compilation of inputs as well as the latest draft of the ToR appear as **ANNEX 9**.

### **5.4 Updating of ASEAN GMP Training Modules in cosmetic sector**

28. Thailand briefed the Meeting on the progress made with the reviewing process of ASEAN GMP Training Modules in cosmetic sector. Thailand's presentation appears as **ANNEX 10**.

29. The Meeting noted that Indonesia, Malaysia, Philippines, and Thailand provided their inputs during the circulation of the document of the training modules.

30. The Meeting noted Thailand's proposal to have 2 days workshop with the support of EU-ARISE in updating the training modules. In relation to this, several Member States were of the view that the updating process could be carried out through

email circulation. In this regard, the Meeting discussed the best possible approach to update the training module, and agreed with the following course of action:

- Member States that have not submitted their inputs on the training modules, were requested to provide their comments/inputs to Thailand **by 30 June 2015**.
- Thailand to revise the training modules taking into account inputs received from Member States.
- The revised training modules will be circulated by Thailand to Member States **by 30 August 2015** for further comment.
- EU-ARISE is willing to consider supporting a 2 day Workshop on the training modules if required. Thailand will coordinate with ASEAN Secretariat and EU-ARISE on necessary arrangements.

### 5.5 Review of the ASEAN Cosmetic Directive

31. The ASEAN Secretariat presented the outcome of ASEAN Legal Services and Agreement Division advise on certain provisions of the ACD as appears as **ANNEX 11**.

32. The Meeting noted that recommendations of Evaluation of AHCRS could be considered by AMS towards enhancing the ACD in its review.

33. The Meeting agreed to hold special meeting to further discuss the necessary amendment of ACD. In this regard, the Meeting proposed to have the special meeting in conjunction with the 23<sup>rd</sup> ACC Meeting in Thailand. The tentative schedule are as follows:

Time	Activity
23 November 2015	Special meeting among regulators of ASEAN Member States (½ day in the afternoon)
24 November 2015	Workshop between Member States and EU-ARISE (½ day in the morning )
	Special meeting between Member States and ACA (½ day in the afternoon)

34. In view of the above, the Meeting agreed with the following course of action:



- a) To request the attendance of desk officer from ASEAN Secretariat Legal Services and Agreements Division as a resource person for the Meeting;
- b) ASEAN Secretariat and Thailand to coordinate with EU-ARISE on the possibility of supporting the cost of the second day of the workshop on 24 November 2015.

**AGENDA ITEM 6: REPORT OF THE 5<sup>th</sup> MEETING OF THE ASEAN COSMETIC TESTING LABORATORIES COMMITTEE**

35. The Chair of the ASEAN Cosmetic Testing Laboratories Committee (ACTLC) briefed the Meeting on the outcome of the 5<sup>th</sup> Meeting of the ACTLC held on 26 – 27 May 2015 in Singapore.

36. The Meeting noted the discussion and progress made by ACTLC which includes the following :

- a) Finalisation of ASEAN Guidelines On Establishing ASEAN Cosmetic Method;
- b) 4 new proposed ASEAN Cosmetic Methods are being revised taking into consideration editorial and technical comments received from Member States;
- c) To seek technical assistance from EU-ARISE in order to assist the Committee in aligning the essential elements of the ASEAN Guideline on Sectoral Laboratory Networks to the role and ToR of ACTLC.
- d) To request ASEAN Secretariat to seek funding to build up CLMV laboratory capabilities and capacities.

37. The Meeting endorsed ASEAN Guidelines on Establishing ASEAN Cosmetic Method as appears in **ANNEX 12**.

38. The Meeting endorsed the Report of the 5<sup>th</sup> Meeting of the ACTLC and its Annexes which appear together as **ANNEX 13**.

**AGENDA ITEM 7: REPORT OF THE 22<sup>nd</sup> ASEAN COSMETIC SCIENTIFIC BODY MEETING**

39. The Chair of the ASEAN Cosmetic Scientific Body (ACSB) briefed the Meeting on the outcome of the 22<sup>nd</sup> ACSB Meeting held on 26 - 27 May 2015 in Singapore. The reports of the 22<sup>nd</sup> ACSB Meeting along with its annexes appear together as **ANNEX 14**.

40. The Meeting noted the progress made by ACSB to support the effective implementation of the ACD.

41. The Meeting endorsed the report of the 22<sup>nd</sup> ACSB Meetings and its Annexes.

## **AGENDA ITEM 8: TECHNICAL ASSISTANCE AND CAPACITY BUILDING PROGRAMME FOR THE COSMETIC SECTOR**

### **8.1 Cooperation with EU**

42. The representative of EU-ARISE updated the Meeting on the progress made with the technical assistance and capacity building for cosmetic sector under the ARISE program. The presentation of EU-ARISE appears as **ANNEX 15**.

#### *Evaluation of Implementation of the ASEAN Harmonised Cosmetics Regulatory Scheme (AHCRS)*

43. The Meeting noted the differences in recommendations that exist in the final evaluation report and the concise report prepared by EU-ARISE. The concise report is the collation of the expert's evaluation, workshop participants' inputs and EU-ARISE's recommendations but is not reflective of all AMS views.

44. The Meeting noted the recommendations from EU-ARISE as follows :

- I.Updating the ACD
- II.Notification Procedures
- III.Risk Classification and PIF for cosmetics products
- IV.Strengthening Post Market Surveillance
- V.Laboratories and the ACTLC

45. In relation to the above, the Meeting requested Member States to review and prioritise the recommendations from EU-ARISE as well as to provide inputs **by 30 June 2015** through ASEAN Secretariat.

46. The Meeting noted that the role of enhancing ACTLC is part of EU-ARISE recommendations on the Updating of ACD. The meeting also noted that the ACTLC had requested EU-ARISE to support a workshop on enhancing ACTLC and issues related to the recommendation strengthening the ACTLC.

47. The Meeting noted that invitations to the Workshop on ASEAN Guideline on Sectoral Laboratory Networks, that is being planned between Working Group 2 and the EU-ARISE will also be extended to ACTLC. A draft copy of the proposed guidelines will be provided to the ACTLC prior to the workshop.

#### *Technical assistance for CLMV on online notification of cosmetic products*

48. The Meeting noted that Cambodia and Lao PDR have provided positive response on the Online E Notification System. The Meeting further noted that Brunei Darussalam is still in the process of internal consultation with regard to receiving the online system, whilst Myanmar is looking into the possibility of adopting Malaysia e-notification system. In this regard, the Meeting noted that EU-ARISE will conduct individual discussions with Cambodia and Lao PDR that are ready to proceed and with the FDA Philippines in order to ensure AMS concerned are fully prepared and will be able to undertake full commitment to implement the system after the training.

49. The Meeting noted that Viet Nam has already developed her own online notification system and requested for financial and technical assistance to manage the e-notification system.

## **8.2 Supports for CLMV under the Initiative for ASEAN Integration**

50. The Meeting noted that Philippines and Thailand have submitted information on the available training program for the cosmetic sector, which could be extended to CLMV Countries. The training programme appear as **ANNEX 16**.

51. The Meeting encouraged CLMV Countries to study the training program as well as to liaise directly with the respective Member States with regard to the participation.

### **AGENDA ITEM 9: INFORMATION SHARING FROM THE CHINA FOOD AND DRUG ADMINISTRATION (CFDA) AND THE GENERAL ADMINISTRATION FOR QUALITY, SUPERVISION, INSPECTION AND QUARANTINE (AQSIQ).**

52. The representative from General Administration for Quality, Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ), and the representative from China Food and Drug Administration (CFDA) presented China's regulatory requirements for cosmetic products. The presentation from AQSIQ and CFDA appear together as **ANNEX 17**.

53. The Meeting was informed that the regulation for cosmetic product in China is currently undergoing revision. In this regard, the Meeting noted that the regulation on inspection and quarantine may be simplified further.

54. The Meeting was further informed that registration/notification for a cosmetic product in one Chinese province is accepted by other provinces in China.

55. The Meeting commended the positive development undertaken by China Government to simplify her cosmetic regulation.

56. The ACA, however, raised its concerns over the long lead time for new ingredient and product registration as well as mandatory government testing including animal

testing. In this regard, the ACA sought the assistance of the Chinese Government to take their concern into consideration in the review of China's regulation on cosmetics product.

#### **AGENDA ITEM 10: OTHER MATTERS**

57. Lao PDR requested AMS who are hosting the ACC Meeting to consider extending the number of her government delegates to three instead of two for waiver of registration fee due to constraint in her budget.

#### **AGENDA ITEM 11: DATE AND VENUE OF THE 23<sup>rd</sup> AND 24<sup>th</sup> ASEAN COSMETIC COMMITTEE MEETINGS**

58. The Meeting noted the confirmation from Thailand to host the 23<sup>rd</sup> ACC Meeting and its related events from 24 – 27 November 2015 in Bangkok. The Meeting requested Thailand to consider hosting a special meeting/workshop on 23 November 2015 (back-to-back with the 23<sup>rd</sup> ACC Meeting) to review the ACD. Further details will be provided by Thailand in due course.

59. The Meeting also noted the confirmation from Viet Nam to host the 24<sup>th</sup> ACC Meeting and its related events tentatively at the end of May 2016. Exact dates and venue will be provided in due course.

60. The updated list of ACC Meetings appears as **ANNEX 18**.

#### **AGENDA ITEM 12: ADOPTION OF THE REPORT**

61. The Meeting considered and adopted the Report of the 22<sup>nd</sup> ASEAN Cosmetic Committee Meeting held on 28-29 May 2015 in Singapore.

#### **ACKNOWLEDGEMENT**

The delegates from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Philippines, Thailand, Viet Nam and the representatives from the ACA and the ASEAN Secretariat expressed their appreciation to the Health Sciences Authority of Singapore, for the warm hospitality extended and the excellent arrangements made for the Meeting. The Meeting also expressed their appreciation to the ASEAN Secretariat for the assistance provided to the Meeting.

**The Meeting was held in the traditional ASEAN  
spirit of cordiality and solidarity.**