

TERMS OF REFERENCE OF THE ASEAN COSMETIC SCIENTIFIC BODY (ACSB)

Background

The Agreement on the ASEAN Harmonised Cosmetic Regulatory Scheme was signed by the ASEAN Economic Ministers on 2 September 2003 to enhance cooperation among ASEAN Member States in ensuring the safety, quality and claimed benefits of all cosmetic products marketed in ASEAN and to eliminate restrictions to trade of cosmetic products through harmonisation of technical requirements, Mutual Recognition of Product Registration Approvals and adoption of the ASEAN Cosmetic Directive (ACD).

Upon the signing of the Agreement, the ASEAN Cosmetic Committee (ACC) was established, in accordance with Article 6 "Institutional Arrangements" of the Agreement to oversee and monitor the implementation of the Agreement.

During the 2nd ACC Meeting on 7 June 2004, held in Bangkok, Thailand, the ACC agreed to establish the ASEAN Cosmetic Scientific Body (ACSB) to assist the ACC with the effective implementation of the ACD through provision of technical support and recommendations based on scientific justification on matters related to the ingredients used or intended to be used to form part of the cosmetic products.

Article 1: Scope and Objective of the ACSB

- 1.1 The scope of work of the ACSB is to assist the ACC in reviewing the ingredient lists, and technical and safety issues to support the effective implementation of the ACD.
- 1.2 The main objectives of the ACSB in carrying its duties to support the effective implementation of the ASEAN Cosmetic Directive is to provide technical support to the ASEAN Cosmetic Committee based on scientific justifications and make recommendations to the ACC to support the technical decisions on the cosmetic ingredients and matters related to the safety of the cosmetic products.

Article 2: Functions of the ACSB

- 2.1 The functions of the ACSB in meeting its objectives within the scope of its work are as follows:
 - a) facilitate exchange of information on the cosmetic ingredients among ASEAN Member States;

- b) review the available technical data on cosmetic ingredients, technical and safety issues and provide recommendations based on scientific justifications to the ACC;
- c) review the amendments to the Cosmetic Ingredient Listing of the EU Cosmetic Regulation and provide recommendations to the ACC on the adoption of the amendments. Scientific opinions from other regions and countries could also be considered for amendments to the annexes;
- d) review the relevant draft international standards and provide technical input for consideration by the ACC to support the formulation of a regional position in the development of these standards; and
- e) review the relevant international standards on cosmetics and provide recommendations to the ACC for its possible adoption.

Article 3: Structure of the ACSB

3.1 The ACSB shall comprise

- a) Chair and Alternate Chair of the ACSB nominated from the regulatory authorities of ASEAN Member States;
- b) Secretary appointed by the ACSB Members shall be a representative of the ASEAN Cosmetic Association (ACA);
- c) Three representatives from the ASEAN Member States represented by regulatory authorities including ASEAN Cosmetic Testing Laboratory Committee (ACTLC) representatives, academia and/or cosmetic industry associations, as appropriate;
- d) Three representatives from the ACA;
- e) Observers from the regulatory authorities including ASEAN Cosmetic Testing Laboratory Committee (ACTLC) representatives, ASEAN-based cosmetic industry and academia endorsed by the Heads of Delegations of the ACC; and
- f) Representatives from the ASEAN Secretariat.

3.2 The ACSB may invite, upon approval by the members of the ACSB, any expert in cosmetic sector, as a resource person to provide input and facilitate technical discussions.

3.3 The ACSB will be supported by Technical Working Groups to facilitate the technical discussion for specific areas, which will be led by the lead countries for the particular area and may comprise representatives from regulatory authorities, academia and experts from ASEAN Member States.

Article 4: Duties and Responsibilities of the Chair and Alternate Chair

- 4.1 The Chair and Alternate Chair of the ACSB shall not be from the same ASEAN Member State.
- 4.2 The Chair of the ACSB shall preside at every meeting of the ACSB and ensure that all technical/scientific inputs are heard, keep discussion to the point, judge when consensus of opinion has been reached and express it by summing up progress in order that the minutes are clear and precise.
- 4.3 The Chair of the ACSB shall be responsible to and report to the ACC.
- 4.4 The Chair shall consult the members of the ACSB on the subjects to be covered during a meeting.
- 4.5 The Chair shall consult the ACC on any policy issues that may arise at ACSB meetings, for further direction.
- 4.6 The Alternate Chair shall assist the Chair in executing the above duties and responsibilities and shall assume the same in the absence of the Chair.

Article 5: Duties and Responsibilities of the Secretary

- 5.1 The Secretary of the ACSB shall:
 - a) Service the ACSB during and between its meetings;
 - b) Monitor and coordinate the activities of the ACSB;
 - c) Assist with the preparation and circulation of the draft agenda at least two months and the final agenda at least one month prior to the Meeting and meeting documents at least one month] prior to the Meeting;
 - d) Compile and disseminate, periodically, among ASEAN Member States, relevant data and information pertaining to the activities of the cosmetic sector and related developments in ASEAN in the standards and conformance area; and
 - e) Circulate the updated Annexes for the ingredient listings of ACD within two weeks after the endorsement by the ACC.
- 5.2 The Secretary shall coordinate with the ASEAN Secretariat on matters related to the ASEAN rules and procedures when carrying out the above responsibilities.

5.3 The ACA will provide secretariat support to the ACSB.

Article 6: Meetings and Reports

6.1 The ACSB shall meet prior to the ACC meetings.

6.2 Notice of a meeting shall be given at least 1 month prior to the meeting;

6.3 The Chair of the ACSB may call for special meetings if and when the need arises or upon request of any members of the ACSB. Members shall be given at least 1 month notice for special meetings.

6.4 The Chair of the ACSB and the Chair of the ACTLC shall meet prior the ACSB Meeting. The ACSB Meeting Report shall be shared with ACTLC.

6.5 The ACSB shall report its recommendations and proceedings to the ACC.

Article 7: Term of Office

7.1 The Chair and alternate Chair shall be nominated by the ACSB Members.

7.2 The term of office of the Chair and alternate Chair shall be for a period of three years.

7.3 The term of office of the Chair and alternate Chair shall be renewed upon the agreement of the ACSB members on their re-election.

Article 8: Conditions of conflict of interest

8.1 The ACSB members shall declare any conflict of interest pertaining to any issue that may arise during the Meeting to the ACSB Chair.

8.2 The ACSB Chair in consultation with the ACSB Members will have the discretion to decide on the relevant course of action.

Endorsed by the ACC:

Date

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Chair of ACC

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Co-chair of ACC