

# CHEMLINKED FOCUS

by REACH24H Consulting Group

## Cosmetics



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# Chapter I

## Cosmetic Regulation Changes in Asia-Pacific Region

### 1. A Summary of Cosmetic Overarching Regulation Changes

#### (1) Amendments to China Cosmetic Overarching Regulation

Regulations concerning the Hygiene Supervision over Cosmetics entered into force on January 1, 1990, now it's been 28 years since the implementation of it. The regulation has played a significant role in regulating China's cosmetic industry, ensuring the quality and safety of cosmetics, and protecting consumers' health.

In the second half of 2013, CFDA began reforms of Regulations concerning the Hygiene Supervision over Cosmetics in order to further standardize the production and operation of cosmetics. On November 8, 2014, CFDA released the exposure draft, renamed it as Regulations concerning the Supervision and Administration over Cosmetics.

On July 20, 2015, the Legislative Affairs Office of China State Council promulgated the second version of the draft Regulation concerning Supervision and Administration over Cosmetics for public consultation. Then recently in August 2018, a new draft which modifies some contents in 2015 draft has been worked out for second public consultation.

1. The multi-sectoral regulatory system of cosmetics is prone to problems such as multiple and overlapping management during regulatory enforcement. The 2018 new draft clarifies the division of responsibilities between different authorities. The newly-established China

National Drug Administration (CNDA) will undertake cosmetic supervision management work and a cosmetic safety supervision department will be newly established under the governance of CNDA.

2. Due to China's government accountability system for cosmetics safety, new ingredients registration is extremely difficult. Since CFDA took over the supervision of cosmetics, only four ingredients have been approved, including a vegetable oil and a polymer. The difficulty of new ingredients registration has greatly hindered the domestic cosmetics research and development. To solve this problem, the new draft plans to implement

classified management for cosmetic new ingredients.

3. The existing cosmetics definition can no longer meet the needs of modern cosmetics industry. First, the application range of cosmetics did not include body cleaning and oral health products, such as toothpaste, breath freshener and etc. Second, cosmetics that are different from traditional usage, such as stem cell whitening needles, are not included in cosmetic category. Third, the nine types of special-use cosmetics originally

planned are very limited, even excluded anti-acne and anti-wrinkle products. The new draft extends cosmetic definition scope, newly included oral hygiene cosmetics, and adjusted special-use cosmetics' scope from previous 9 types to 5 types, which are hair dye products, hair perming products, whitening products, sunscreens and other special-use cosmetics include new efficacy.

Only 4 of the original special-use cosmetics will remain as a special category, while the other 5 types: 1)

Hair growth, 2) Depilating products, 3) Breast beauty products, 4) Slimming products, 5) Deodorants will be deleted or regulated under a different regulatory framework e.g. pharmaceuticals.

You may visit the article "[China Opens a New Draft of Amendments to Hygiene Supervision of Cosmetics Regulation 1989 to Public Consultation](#)" for detailed changes of manufacturer's duties, labeling requirements and punishment clauses.

## (2) Korea Cosmetic Overarching Regulation Changes

29 May 2018 HEDY HE

On Mar 13, 2018, the amendments to Korean Cosmetics Act were officially released. Except for the provisions related to customized cosmetics, which will take effect on Mar 14, 2020, the new Cosmetics Act will fully enter into force on Mar 14, 2019.

### 1. Add the definition of natural and customized cosmetics.

- "Natural cosmetics" refers to cosmetics that contain animal and plant ingredients and their derivative materials, and conform to the standards set by MFDS.
- "Customized cosmetics" means manufactured or imported cosmetics which add other cosmetics contents or specific ingredients predesignated by MFDS.

### 2. Re-classify cosmetics business into 3 types, cosmetic manufacturing business, cosmetic responsible sale business and

### customized cosmetic sale business.

On August 6, Korea released an announcement planning to [modify Enforcement Rules of Cosmetics Act](#) to support and regulate customized cosmetic industry. Scope of financial punishments to newly include customized cosmetic sales businesses.

### 3. Extend the scope of cosmetic business operation and functional cosmetics review applicants.

Cosmetic sales enterprises, cosmetic manufacturers, universities and research institutes designated by Prime Minister's decree have the authority to operate cosmetic business and undertake the responsibility for functional cosmetics registration application.

### 4. Implement natural cosmetics and organic cosmetics certification system

(Not mandatory).

The validity period of the certificate is three years from the date of certification, and the extension of the validity period must be filed within 90 days after the expiration date.

### 5. Set cosmetic safety management supervisors.

The cosmetic safety management supervisors help official staff to visit, investigate relevant enterprises, collect problems and submit unqualified cosmetic product reports to the relevant administrative department.

### 6. Improve procedural rules.

Reference link:

[Announcement on Korea Cosmetics Act](#)