

TERMS OF REFERENCE
OF THE ASEAN COSMETIC COMMITTEE
FOR THE AGREEMENT ON ASEAN HARMONIZED COSMETIC REGULATORY
SCHEME

Article 1: The establishment of the ASEAN Cosmetic Committee for the Agreement on ASEAN Harmonized Cosmetic Regulatory Scheme

The ASEAN Consultative Committee for Standards and Quality (ACCSQ) was formed by the ASEAN Economic Ministers (AEM) in 1992 with the aim of removing technical barriers to trade in order to facilitate the implementation of the Common Effective Preferential Tariff (CEPT) Agreement and to realise the ASEAN Free Trade Area (AFTA).

In July 1997, the ASEAN Cosmetic Association (ACA) sent letters to ASEAN Secretary General and to the ACCSQ Members, requesting their assistance to remove barriers to cosmetic trade in ASEAN, by harmonizing the different conformity assessment and technical regulations (cosmetic regulations) governing the cosmetic industry among the ASEAN Member States.

The 11th ACCSQ Meeting held in March 1998 in Kuala Lumpur, Malaysia agreed to establish the Ad Hoc Working Group to harmonize ASEAN Cosmetic Conformity Assessment and Technical Regulations. The Ad Hoc was then renamed as Product Working Group.

The ASEAN Framework Agreement on Mutual Recognition Arrangements (MRAs) signed on 16 December 1998 in Ha Noi, Viet Nam provides a basis for development of Sectoral MRAs to facilitate the realization of AFTA.

The Agreement on the ASEAN Harmonized Cosmetic Regulatory Scheme, which came under the ASEAN Framework Agreement was developed to enhance cooperation amongst 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 amongst Member States through harmonization of technical requirements, Mutual Recognition of Product Registration Approvals and adoption of the ASEAN Cosmetic Directive (ACD).

The Agreement was finalized at the 6th Meeting of Cosmetic Product Working Group held in July 2002 in Bangkok, Thailand and afterward endorsed by the 20th ACCSQ Meeting in July 2002 in Vientiane, Lao PDR. Upon the signing of the Agreement on ASEAN Harmonized Cosmetic Regulatory Scheme by the ASEAN Economic Ministers, the ASEAN Cosmetic Committee is established, in accordance with Article 6 “Institutional Arrangements” of the Agreement to oversee the implementation of the Agreement.

With the establishment of the ASEAN Economic Community (AEC) on 31 December 2015 on the facilitation of goods in ASEAN characterised as a single market and production base; highly competitive economic region; equitable economic development; and fully integrated into the global economy, the ASEAN is moving further into a greater goal under the ASEAN

2025 envisioned to be (i) a Highly Integrated and Cohesive Economy; (ii) a Competitive, Innovative, and Dynamic ASEAN; (iii) Enhanced Connectivity and Sectoral Cooperation; (iv) A Resilient, Inclusive, People-Oriented, and People-Centred ASEAN; and (v) a Global ASEAN.

The ASEAN Consultative Committee for Standards and Quality (ACCSQ), in its role as the main body responsible for the overall coordination of matters related to metrology, standards, technical regulations and conformity assessment procedures in the region, has developed the ASEAN Standards and Conformance Strategic Plan 2016-2025 in response to the ASEAN vision 2025. The ACC, in support of the realisation of the ASEAN Standards and Conformance Strategic Plan 2016-2025 has developed its action plan.

At the 47th meeting of the ACCSQ held on 25-27 April 2017, the ACCSQ revised its terms of reference (TOR) in line with the mandate provided under the ASEAN Trade in Goods Agreement (ATIGA) and to be in line with the ASEAN Economic Community (AEC) Blueprint 2025 and ASEAN Standards and Conformance Strategic Plan 2016-2025. The ACCSQ then mandated the working group and product working groups under its purview to review their terms of references to align with ACCSQ TOR.

Article 2: Objective and Scope of the ACC

The ACC shall be responsible for:

1. Coordinating, reviewing and monitoring the implementation of the Agreement on ASEAN Harmonized Cosmetic Regulatory Scheme, and the ASEAN Cosmetic Directive;
2. Monitoring the implementation of the following technical documents and reviewing and updating these documents when necessary:
 - a) ASEAN Definition of Cosmetics and Illustrative List by Category of Cosmetic Products;
 - b) ASEAN Cosmetic Ingredient Listings;
 - c) ASEAN Cosmetic Labelling Requirements;
 - d) ASEAN Cosmetic Claims Guideline;
 - e) ASEAN Guidelines for Cosmetic Good Manufacturing Practice;
 - f) ASEAN Botanical Safety Assessment Guideline;
 - g) ASEAN Guidelines on Limits of Contaminants for Cosmetics;
 - h) ASEAN Sunscreen Labelling Guideline;
 - i) ASEAN Cosmetic Methods;
 - j) ASEAN Guideline for Product Information File (PIF);
 - k) ASEAN Guideline Safety Assessment of Cosmetic Product;
 - l) Guide Manual for Adverse Event Reporting.

3. Providing a forum for discussion of issues that may arise concerning the implementation of the Agreement;
4. Considering measures to enhance the operation of the Agreement, such as development of Question and Answer (Q&A) on the specific provision of ACD.
5. Engage stakeholders and related sectoral bodies on cosmetics in the development and implementation of programs.
6. Implement the action plan 2016-2025 of the ACC in support of the realisation of the overall ASEAN standards and conformance strategic plan 2016-2025.
7. Promote ASEAN position, wherever possible, at relevant international and regional fora.

Article 3: Structure of the ACC

The ACC will be composed of:

1. The Chairperson and Vice- Chairperson. Both Chairperson and Vice- Chairperson shall not represent the same ASEAN member state.
2. One representative from each Member State's Regulatory Authority responsible for cosmetics. The representative may be accompanied by their delegation at meetings of the ACC.
3. The representative(s) from the ASEAN Secretariat
4. The representatives from the ASEAN Cosmetic Industry, such as ASEAN Cosmetic Association will be invited to meetings of the ACC and shall be consulted on all matters concerning the Cosmetic Industry. Participation of private sectors organisations/councils shall follow the Rules of Procedure for Private Sector Engagement (PPE) under ASEAN Economic Community, endorsed by 23rd AEM Retreat on 9 March 2017, Pasay City, Philippines. **(ANNEX 1)**

The Committee may form or consult any body or bodies for purposes of giving advice on any matters pertaining to cosmetic products.

Article 4: Terms of Office

The tenure for the ACC chairmanship shall be for a period of one year and followed by alphabetical order. In the event an AMS cannot take up the position of Chair or Vice-Chair, the next AMS by alphabetical order will be offered the position.

Article 5: The Duties and Responsibilities of the Chairperson, Vice- Chairperson and Secretary

The Chairperson of the ACC shall preside at every meeting of the ACC and ensure that all interests are heard, keep discussion to the point, judge when a consensus of opinion has been reached and express it by a summing up progress in order that the minutes are clear and precise.

Prior to any discussion, the Chairperson shall consult with the members of the ACC on the subject to be covered during discussion.

The Vice-Chairperson shall assist the Chairperson in implementing the above duties and responsibilities and shall assume these duties and responsibilities when the Chairperson is not available.

The Secretary shall be appointed by the Chairperson of the ACC to provide secretariat support.

In the event both the Chairperson and Vice-Chairperson including the representatives from their regulatory authorities are absent due to unavoidable circumstances, a representative from regulatory authority of the host member state shall chair the Meeting and the next host will act as the Vice-Chairperson

Article 6: Procedures

The ACC is to provide a forum and mechanism for discussing issues, sharing information and reaching decisions associated with the operation of the Agreement on ASEAN Harmonized Cosmetic Regulatory Scheme.

In respect of a dispute referred to it in accordance with Article 5 of the Agreement. The ACC will:

- a) receive supporting documentation for the dispute that has been referred to it;
- b) distribute copies of such referral and supporting documentation to all Participating Member States so that interested Participating Member States may provide written comment on the dispute to be resolved;
- c) convey requests for clarification, and the responses to such requests to the relevant Participating Member States;
- d) seek advice, as appropriate, from the ACCSQ;
- e) resolve the disputes referred to it and, in conjunction with the disputing Participating Member States, make available to Participating Member States a summary of the outcome of the deliberations.

During the implementation and maintenance of the Agreement, the ACC through the ASEAN Secretariat will receive and distribute notifications from Participating Member States in respect of:

- a) intention of participation in the Agreement
- b) intention of withdrawal from the Agreement.

Article 7: Mode of Operation

The ACC will:

- a) report to the ASEAN Consultative Committee for Standards and Quality.
- b) make decision based on consensus and in line with ASEAN rules and procedures.
- c) meet at least once a year. Notice of the meeting will be sent to members at least 30 days before the date of the meeting. The agenda and supporting documents will be sent to members at least 15 working days before the date of the meeting.
- d) be represented by at least six member states to constitute a quorum.

Mrs. Narupa Wongpiyaratthanakul
Chairperson, ASEAN Cosmetic Committee

Dr. Nguyen Van Loi
Vice-Chairperson, ASEAN Cosmetic Committee

15 November 2017