**2003 AGREEMENT ON THE ASEAN HARMONIZED COSMETIC REGULATORY SCHEME**

1.The objectives of this Agreement are To enhance cooperation amongst Member States in ensuring the safety, quality and claimed benefits of all cosmetic products marketed in ASEAN; and

2.The objectives of this Agreement are 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.

3.The ASEAN Harmonized Cosmetic Regulatory Scheme has the following coverage: The ASEAN Mutual Recognition Arrangement of Product Registration Approvals for Cosmetics appearing as Schedule A of this Agreement; and The ASEAN Cosmetic Directive appearing as Schedule B of this Agreement.

4.Member States may implement the ASEAN Mutual Recognition Arrangement of Product Registration Approvals for Cosmetics, which shall be effective as of the date when and between the Member States who accede thereto.

5.Member States shall undertake necessary measures to fully implement the ASEAN Cosmetic Directive by 1st January 2008.

6.Member States may implement the ASEAN Cosmetic Directive earlier than the date referred in Paragraph 3 of this Article and this Directive shall be effective as of the date when and between the Member States who may accede thereto beginning 1st January 2003. In this case, the Member States shall inform the ASEAN Secretariat of their decision, who in turn shall promptly notify the other Member States.

7.Member States shall undertake appropriate measures to adopt and implement the following common technical documents which appear as Appendices and Annexes to the ASEAN Cosmetic Directive or the ASEAN Mutual Recognition Arrangement of Product Registration Approvals, as the case may be: ASEAN Definition of Cosmetics and Illustrative List by Category of Cosmetic Products; ASEAN Cosmetic Ingredient Listings and ASEAN Handbook of Cosmetic Ingredients; ASEAN Cosmetic Labeling Requirements; ASEAN Cosmetic Claims Guidelines; ASEAN Cosmetic Product Registration Requirements; ASEAN Cosmetic Import/Export Requirements; and ASEAN Guidelines for Cosmetic Good Manufacturing Practice.

8.Member States shall strengthen and enhance existing cooperation efforts in Cosmetics and cooperate in areas that are not covered by existing cooperation arrangements, which include but not limited to the following Establishing or improving infrastructural facilities; and Encouraging and promoting cooperation in the fields of technological development pertaining to labeling claims, product approvals and manufacturer’s license and training.

9.Any difference between Member States concerning the interpretation or implementation of this Agreement including the ASEAN Mutual Recognition Arrangement of Product Registration Approvals for Cosmetics and the ASEAN Cosmetic Directive, shall be settled amicably by consultation or negotiation among the Member States. If a settlement cannot be reached, thus, it shall be subjected to the Dispute Settlement Mechanism of ASEAN in accordance with the Protocol on Dispute Settlement Mechanism, which was signed on 20 November 1996 in Manila, Philippines.

10.An ASEAN Cosmetic Committee (hereinafter called “the ACC”), is hereby established, which shall be responsible for effective functioning of this Agreement. The ACC shall consist of one official representative from each Member State’s regulatory authority responsible for cosmetics. The representative may be accompanied by their delegation at meetings of the ACC. The ASEAN Cosmetic Industry, such as ACA, will be invited to meetings of the ACC and shall be consulted on all matters concerning the Cosmetic Industry.

11.The ACC, in performance of its functions, shall take its decision by consensus and shall be responsible for but not limited to the following: coordinating, reviewing and monitoring the implementation of this Agreement, including the ASEAN Mutual Recognition Arrangement of Product Registration Approvals for Cosmetics and the ASEAN Cosmetic Directive; and reviewing and updating the technical documents in Article 3 of this Agreement.

12.The ACC may establish or consult any body or bodies for purpose of giving advice on any matter of a scientific or technical nature in the field of cosmetic products.

13.The ACC shall adopt its own rules of procedures.

14.The ASEAN Consultative Committee for Standards and Quality (ACCSQ) and the ASEAN Secretariat shall provide support in coordinating and monitoring the implementation of this Agreement, including the ASEAN Mutual Recognition Arrangement of Product Registration Approvals for Cosmetics and the ASEAN Cosmetic Directive and assist the ACC in all matters relating thereto.

15.The provisions of this Agreement may be amended by written agreement of all Member States. All amendments shall become effective upon acceptance by all Member States.

16.This Agreement shall be effective upon signing by all Member States.

17.This Agreement shall be deposited with the Secretary-General of ASEAN, who shall promptly furnish a certified copy thereof to each Member State.