



Current Management System of Online Cosmetics in China and Future Trend



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Overview of Main Regulations about Management of Cross-Border E-Commerce Trading



- ❑ 15 Jun 2015, [Management Measures on Cross-Border E-Commerce Inspection and Quarantine](#) (Shanghai CIQ Notice, available on 15 Jun 2015)
- ❑ 16 Oct 2015, [Bonded Mode of Cross-Border E-Commerce Imported Food Safety Supervision and Administration Rules](#) (AQSIQ, draft version)
- ❑ 24 Nov 2015, [Standards for Record-Keeping Management of Cross-border E-commerce Operators and Products](#) (AQSIQ Notice 137, available on 1 Jan 2016)

Overview of Main Regulations about Management of Cross-Border E-Commerce Trading



- ❑ 15 Jun 2015, [Management Measures on Cross-Border E-Commerce Inspection and Quarantine](#) (Shanghai CIQ Notice, available on 15 Jun 2015)
 - 1) Record-keeping of enterprises and cosmetic products, quarantine and verification, product review, risk monitoring and oversight are required for cross-border e-commerce.
 - 2) Products included in negative list are not available for cross-border e-commerce.
 - 3) Product name, brand name, HS code, size, country of origin, supplier name, etc required for the record-keeping of products before sale of retail goods via cross-border e-commerce.

- ❑ 16 Oct 2015, [Bonded Mode of Cross-Border E-Commerce Imported Food Safety Supervision and Administration Rules](#) (AQSIQ, draft version)

- 1) Article 6: Requirements for online bonded imported food:
 - Pre-market approval and safety assessment required for food supplement, genetically modified food, new food ingredient, food containing new food material or other foods without national food safety standard
- 2) Available to the supervision of cross-border imported cosmetics
- 3) The products delivered into China via international courier or mail are not included in the scope of these Detailed Rules

- ❑ 24 Nov 2015, [Standards for Record-Keeping Management of Cross-border E-Commerce Operators and Products](#) (AQSIQ Notice 137, available on 1 Jan 2016)

- 1) Qualification info requested for the record-keeping of products includes:
 - Certification of authentication, registration or record-keeping of products or enterprises

Case Study



Jiangsu FDA asked for instructions to CFDA regarding the solution of unapproved imported cosmetics sold by personal shopper on the third-party platform of e-commerce.

Details: The flagship store named “Fashion Koreatown” sold 328 cosmetics between Nov 2014 and Apr 2015. 234 products are approved by CFDA. But 94 products are not approved.

国家食品药品监督管理总局办公厅

食药监办稽函〔2015〕621号

食品药品监管总局办公厅

关于通过网上交易平台销售（代购）

未经批准进口化妆品适用法律有关问题的复函

江苏省食品药品监督管理局：

你局《关于通过网上交易平台销售（代购）未经批准进口化妆品适用法律有关事项的请示》（苏食药监稽〔2015〕227号）收悉。经研究，现函复如下：

根据《化妆品卫生监督条例》第十五条的规定，首次进口的化妆品应当经批准后方可进口。利用互联网销售或以网络代购方式销售未经批准进口的化妆品，按照《化妆品卫生监督条例》第二十六条规定，认定为“进口或销售未经批准或者检验的进口化妆品”行为，应依法予以查处。



（公开属性：依申请公开）

江苏省食品药品监督管理局文件

苏食药监稽〔2015〕227号

签发人：胡晓村

江苏省食品药品监督管理局关于通过网上交易平台销售（代购）未经批准进口化妆品适用法律有关事项的请示

国家食品药品监管总局：

2015年1月，我省南京市栖霞区市场监管局接到群众举报，称其怀疑在苏宁易购平台上购买的由江苏团聚新媒体发展有限公司销售的进口化妆品为假冒化妆品。随后，该局执法人员到位于南京市栖霞区紫东路1号4幢的江苏团聚新媒体发展有限公司进行了现场检查。

经查，江苏团聚新媒体发展有限公司在苏宁易购平台上开设了名为“时尚韩国城旗舰店”的网店，该网店销售的化妆品均为

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韩国产化妆品，主要品牌有“美迪惠尔”、“雪花秀”、“兰芝”、“菲诗小铺”等。该公司负责人称，其所经营的化妆品均为海外直邮，国内的少量现货仅用于顾客退换货。该公司的运营模式大致为：买家通过第三方网络交易平台下单后，付款至江苏团聚新媒体发展有限公司，江苏团聚新媒体发展有限公司再将订单转至韩国供货商，由韩国供货商直接将产品发至买家手中；江苏团聚新媒体发展有限公司定期与韩国供货商进行资金结算。该公司自2014年11月至2015年4月经营的化妆品种类共328种，其中234种经查询国家食品药品监管总局数据库显示有进口化妆品批准证书；其余94种无法查询到进口化妆品批准证书。

近日，南京市食品药品监督管理局及栖霞区市场监管局向我局请示如何处理。我们认为，该案是典型的通过网络交易平台销售（代购）未经批准进口化妆品的行为，案件的处理结果对今后此类案件查办会产生指导性作用。针对上述行为，应按照《化妆品卫生监督条例》第二十六条“进口或者销售未经批准或者检验的进口化妆品的，没收产品及违法所得，并且可以处违法所得3到5倍的罚款”进行定性处罚。

妥否，请批复。

- 附件：1.未查询到进口批准信息的涉案产品目录
2.调查笔录（影印件）
3.“时尚韩国城旗舰店”在网络交易平台的网页截图

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15 Oct 2015, CFDA published a Reply Letter to Jiangsu FDA regarding the applicable regulation for unapproved imported cosmetics sold through on-line transaction platform (personal shopper)

<p>CFDA attitude on cross-border cosmetics</p>	<p>Pre-market approval required for cross-border cosmetics as well. Possible reasons:</p> <ul style="list-style-type: none">- It is unfair for the traditional channels.- Undertaking more responsibilities of safety issue of cosmetics placed in China market compared with AQSIQ
<p>AQSIQ attitude on cross-border cosmetics</p>	<p>Pre-market approval not required for cross-border cosmetics. Possible reasons:</p> <ul style="list-style-type: none">- Conducive to Chinese economic development- The import of bonded online-shopping products only available to specific areas- Cross-border cosmetics could not enter the physical stores for secondary sale
<p>Future trend on cross-border cosmetics</p>	<p>According to AQSIQ Notice 137, pre-market approval of cosmetics will be optional for the record-keeping of cross-border cosmetics in port CIQ.</p>
<p>Future trend on other online cosmetics</p>	<p>Pre-market approval required as well. CFDA will strengthen the supervision of online cosmetics.</p>

Thank You!