

Translation

COSMETICS ACT (NO.2),
B.E. 2565 (2022)*

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN

Given on the 11th Day of October B.E. 2565 (2022);

Being the 7th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to amend the law on cosmetics;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 26 in conjunction with section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of the provisions of law;

Whereas the reasons and necessity for the restriction of rights and liberties of a person under this Act lie in prescribing the cosmetic consideration process which is suitable to the situation and development of technology, including the expansion of trade and industries related to cosmetics, by allowing experts, expert organizations, State agencies or private organizations, both within the country and in a foreign country, to perform the duties of carrying out the analysis and technical examination by charging the fees from the applicant, which will make the consideration under such process more speedy and consistent with the principle of good public governance, and also ensure that people are safe when using cosmetics that are of high quality and conform to the international standards; in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

* Published in the Royal Thai Government Gazette, Vol. 139, Part 63 Kor, page 10, dated 12th October B.E. 2565 (2022).

Disclaimer: This translation is provided by the Food and Drug Administration as the competent authority for information purposes only. Whilst the Food and Drug Administration has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows.

Section 1. This Act is called the “Cosmetics Act (No.2), B.E. 2565 (2022)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The definition of “cosmetic consideration process” shall be added between the definitions of “notifier” and “Committee” in section 4 of the Cosmetics Act, B.E. 2558 (2015).

““cosmetic consideration process” means the consideration of an application, the examination of the correctness of documents, the evaluation of technical documents, the analysis, the inspection of a premises for the manufacturing, import, sale or storage of cosmetics, or the examination for the issuance of a notification receipt, as well as any consideration pertaining to cosmetics;”

Section 4. The following provisions shall be added as (12/1) and (12/2) of section 6 of the Cosmetics Act, B.E. 2558 (2015).

“(12/1) rules, procedures and conditions on the listing, maximum rate of listing fees and listing fees to be charged from experts, expert organizations, State agencies or private organizations, both within the country and in a foreign country;

(12/2) maximum rate of fees, types and amount of fees to be charged from an applicant, including rules, procedures and conditions on the cosmetic consideration process;”

Section 5. The provisions of section 21 of the Cosmetics Act, B.E. 2558 (2015) shall be repealed and replaced by the following:

“**Section 21.** The following official, person, organization or agency shall perform duties in the cosmetic consideration process:

(1) an official of the Food and Drug Administration as assigned by the Secretary-General;

(2) an official of an agency affiliated with the Ministry of Public Health as assigned by the Minister or the person entrusted by the Minister;

(3) an expert, an expert organization, a State agency, or a private organization, both within the country and in a foreign country, with the expertise in the cosmetic consideration process which is listed by the Food and Drug Administration and assigned to perform such duties by the Secretary-General, provided that in case of an expert, he or she must be or previously be a person performing duties in the expert organization, State agency or private organization or a person having an achievement related to the cosmetic consideration process or having an achievement in the cosmetic field.”

Section 6. The following provisions shall be added as section 21/1, section 21/2 and section 21/3 of Chapter II Notification and Acknowledgement of Notification of Cosmetics of the Cosmetics Act, B.E. 2558 (2015).

“**Section 21/1.** For the purpose of the cosmetic consideration process, the Minister, with the recommendation of the Committee, shall have the power to prescribe in the Notification the following:

(1) rules, procedures and conditions on the listing of experts, expert organizations, State agencies or private organizations, both within the country and in a foreign country, provided that the Notification must prescribe qualifications, standards and work performance of such persons, agencies or organizations, having regard to the protection of trade secrets;

(2) listing fees to be charged by the Food and Drug Administration from the expert, expert organization, State agency or private organization, both within the country and in a foreign country, provided that the amount to be charged must not exceed the maximum rate of listing fees;

(3) types and amount of expenses to be charged from the applicant by the Food and Drug Administration or an agency attached to the Ministry of Public Health assigned to perform the missions under the duties and powers of the Food and Drug Administration, as the case may be, in the course of the cosmetic consideration process, provided that the amount to be charged must not exceed the maximum rate of fees;

(4) rules, procedures and conditions on the cosmetic consideration process.

The maximum rate of listing fees and the maximum rate of fees under (2) and (3) shall become applicable upon consent of the Council of Ministers.

The Notification under paragraph one may prescribe the exemption of rules, procedures and conditions under (1), listing fees under (2) or fees under (3), in whole or in part, or prescribe the listing fees or fees in a different manner as may be necessary and appropriate.

Section 21/2. The proceeds of the listing fees chargeable under section 21/1 (2) shall be vested in the Food and Drug Administration, and the proceeds of the fees chargeable under section 21/1 (3) shall be vested in the Food and Drug Administration or the agency attached to the Ministry of Public Health assigned to perform the missions under the duties and powers of the Food and Drug Administration, as the case may be, without having to be remitted to the Treasury as State revenue, and shall be paid for the objectives as follows:

(1) as remuneration for experts, expert organizations, State agencies or private organizations under section 21 (3);

(2) as expenses for the implementation of public interest work plans or projects for the protection of consumers with respect to cosmetics;

(3) as expenses for the improvement of competencies of the agency or officials, for development of work system in relation to the cosmetic consideration process, or for the enhancement of work efficiency;

(4) as other expenses which are related to and necessary for the implementation of the cosmetic consideration process as may be prescribed in the Notification by the Minister.

Section 21/3. The receipt of fees under section 21/1 (2) and (3), the payment of fees under section 21/2 and the maintenance of fees shall be in accordance with the rules, procedures and conditions prescribed in the Notification by the Minister with the consent of the Ministry of Finance.”

Section 7. Notifications issued under the Order of the Head of the National Council for Peace and Order No.77/2559, Re: Enhancement of Efficiency in the Process of Consideration and Granting Licenses of Health Products, dated 27th December B.E. 2559 (2016) in the part concerning cosmetics which are in force on the day prior to the date on which this Act comes into force shall apply to the cosmetic consideration process under the provisions of the Cosmetics Act, B.E. 2558 (2015) as amended by this Act insofar as they are not contrary to or inconsistent with the Cosmetics Act, B.E. 2558 (2015) as amended by

this Act until the Notifications issued under the Cosmetics Act, B.E. 2558 (2015) as amended by this Act come into force.

Upon the entry into force of the Notifications issued under the Cosmetics Act, B.E. 2558 (2015) as amended by this Act, the Notifications issued under the Order of the Head of the National Council for Peace and Order No.77/2559, Re: Enhancement of Efficiency in the Process of Consideration and Granting Licenses of Health Products, dated 27th December B.E. 2559 (2016) in the part concerning cosmetics, shall be repealed.

Section 8. The Minister of Public Health shall have charge and control of the execution of this Act.

Countersigned by
General Prayut Chan-o-cha
Prime Minister

Remark: The grounds for the promulgation of this Act are as follows. Whereas the present cosmetic consideration process consists of the steps of analysis and technical examination which are complicated and require experts, expert organizations, State agencies or private organizations, both within the country and in a foreign country, to perform the duties in such steps to ensure they are in line with rapidly developing knowledge and technologies, it is expedient to amend the provisions relating to the cosmetic consideration process with a view to enhancing its efficiency so that the process is more speedy, efficient and able to keep pace with the situations. It is therefore necessary to enact this Act.