



FAQs

How to import the pretty looks to India?

The cosmetics industry in India is a rapidly growing industry as Indians direct extra attention towards skin care and health care products irrespective of their sky-high prices. Cosmetics are gaining quick dominance in the market today and this revolutionary demand is not being missed by the efficient business minds. More and more cosmetic products, brands, supplies are being imported into the country to keep up with the demands. As our contribution to this beauty regime, we review and simplify for our readers, the laws, procedure and dossier required to easily bring your beauty or healthcare product on the front shelves at the Indian Supermarkets

What are cosmetics?

Section 3(aaa) of the Drugs and Cosmetics Act 1940 and Rules 1945 defines, Cosmetic as ‘any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic’.

Can Cosmetics be imported to India for sale and circulation?

Yes, cosmetics can indeed be imported for sale in India. All cosmetic products that are imported for sale in India are to be registered with the licensing authority as under the Drugs and Cosmetics Rules 1945 under Form 42 and a registration certificate is to be acquired from the Central Drugs Standard Control Organization (CDSCO) Head Quarters , Ministry of Health and Family Welfare, Government of India for such import under Form 43.

Which law governs the import of cosmetics into India?

The import of cosmetics into India is governed by the *Drugs and Cosmetics Act 1940 and Rules 1945* [Gazette notification G.S.R 426(E)] and The Drugs Controller General (India), Central Drugs Standard Control Organization (CDSCO)Head Quarters, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India is the regulatory authority under this Act.

Who can apply for registration for import of cosmetics?

The following persons can apply for a Registration Certificate for importing cosmetics in India.

- i) the manufacturer itself having registered office in India;
- ii) the authorized agent of the manufacturer;
- iii) the subsidiary of the manufacturer ; or
- iv) any other importer

What all documents are required for the registration with the licensing authority?

The following documents are required to be submitted for grant of registration certificate:



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| i. covering letter by the applicant | viii. product specification and testing protocol. |
| ii. Form 42 | ix. list of countries where market authorization or import permission or registration was granted. |
| iii. treasury challan | x. pack insert, if any |
| iv. Power of Attorney | xi. soft copies of the information about the brands, products and manufacturer |
| v. schedule D iii (Guidelines) | |
| vi. original or a copy of the label. | |
| vii. Free Sale Certificate (FSC)/Marketing Authorization letter/Manufacturing License, if any | |

In case where there is no provision for license to manufacture cosmetics in the country of origin, the importer will provide a declaration on an affidavit to that effect.

Is it possible to track the application online?

Yes. The status of the Application can be tracked online on SUGAM.

What is SUGAM?

SUGAM is an online portal for access to the application and its status. It is a database of the various permissions and licenses issued by CDSCO. Manufacturer can view their consolidated data about permissions issued to them from CDSCO.

One has to sign up on this online portal and upload all the required documents. An email ID is to be registered for future communications with regards to the status of the application. After this, the hard copies of the Application form are to be submitted to the CDSCO Office for further verification.

Who can register on SUGAM?

Following users can register on CDSCO online portal:

1. Importer (Application in Form 8)
2. Indian Agent
3. Foreign Enterprise holding Indian Subsidiary
4. Corporate

Where are these documents to be submitted?

An application for registration in Form-42, along with all requisite documents, shall be submitted to Drugs Controller General (I), CDSCO, FDA Bhavan, Kotla Road, New Delhi 110002. Within 6 months of receiving application.

Can the documents be prescreened before making application?

Yes, the application will be prescreened as per checklist available [here](#).



Validity of Registration Certificate?

The validity of the Registration Certificate is 3 years.

Many Brands, Single Application?

Yes, if the manufacturer of the many different brands is the same person, a single application may be made in Form 42 for any number of brands manufactured at one or more locations by a single manufacturer. A single registration certificate under Form 43 may be issued.

What is the fee to be accompanied with the application for registration?

Each application will be accompanied by a fee of USD 250 or its equivalent Indian rupees for each Brand viz. each category of cosmetics as mentioned Annexure attached to the Guidelines on Registration of Import of Cosmetics as published by the CDSCO. If the applicant seeks to import the same brand belonging to different manufacturers, he needs to submit separate application for each manufacturer and has to pay separate fees therefor.

Why is a Power of Attorney required?

When a manufacturer wants to import into India through an authorized agent, then a Power of Attorney is to be executed with such agent. An authorized agent is a person or entity authorized by the manufacturer. The authorized agent will be responsible for the business activities of the manufacturer in India including compliance to the provisions of the Act. The authorization by a manufacturer to his authorized agent in India will be documented by a Power of Attorney.

Who can authenticate this Power of Attorney?

The power of attorney shall be (a) executed and authenticated either in India before First Class Magistrate, or in the country of origin of the manufacturer before such an equivalent authority. or (b) attested by the Indian Embassy of the said Country or (c) Apostille from Hague convention member countries is also acceptable. The original of the same will be furnished along with the application for Registration Certificate.

Whom should one inform regarding the changes in the product specification?

The Licensing Authority is to be informed of any change in product specification, ingredients, variant, etc after grant of Registration Certificate, by submitting revised Schedule D III at least 30 days before the date of import.

What information is required to be displayed on the label of a cosmetic product?

The Label must display:

- a. registration certificate number of the brand;
- b. name and address of the registration certificate holder;
- c. name and address of the manufacturer;
- d. name of the country where the product has been manufactured;



- e. if the product has not been manufactured in a factory owned by the manufacturer, the name and address of the actual manufacturer or the name of the country where it has actually been manufactured should be there on the label and

distinctive batch number, Manufacturing Date, Best Before along with manufacturing license number (if any)

The import of pre-packaged commodities such as raw materials, bulk imports, etc., that need to undergo further processing before they are sold to end consumers are not included under this labelling requirement.

NOTE: Besides these requirements the requirements under the Legal Metrology (Packaged Commodity) Rules, 2011 are also to be adhered to.

Is it mandatory to include 'Directions for use' upon the product?

Yes. 'Directions for use' and warning or caution should be mentioned on the inner label. The names and quantities of hazardous ingredients should also be mentioned.

Does one need to get registration certificate even for importing the cosmetics for R&D purposes?

For Import of cosmetics for R&D purposes like packaging trials, consumer studies, shelf life studies and transport studies, registration certificate is not required. In such cases the importer has to obtain necessary permission from CDSCO Head Quarters. Importer must give written undertaking that these products are not released for domestic sale.

Is testing of the cosmetics on animals prohibited?

Yes. Testing of cosmetics on animals is prohibited and to ensure this an undertaking from the manufacturer is to be submitted by the importer at the time of clearance of the consignment stating that the cosmetic has not been tested on animals.

What is the estimated duration within which registration certificate is usually issued?

A registration certificate is usually issued within 6 months provided the documents submitted are accurate and authentic.