

Treating Cosmetics as Pharmaceuticals in Qatar: Time For A Makeover?

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Despite the absence of formal regulations, the Pharmacy and Drug Control Department at the Ministry of Public Health (the 'Drug Control Department') has in place an approval process for the importation and sale of certain cosmetic products. Since there are no clear guidelines for the classification and registration of these products, the Drug Control Department makes its decision on a case-by-case basis, based on the category of the product, its function, and composition. Whilst there is no regulation to support such classification procedures, the Qatar Customs Authority will usually not permit the importation of cosmetic products without the Drug Control Department's approval.

Products are considered to be 'cosmetics'

The Drug Control Department considers some products that are intended to be used or applied to the human body as cosmetic. While an official list is not available, products classified as cosmetics requiring registration with the Drug Control Department include: non-medicated shampoos; soaps; sanitary products; contact lens solutions; perfumes; non-medicated skin moisturisers; nail polishes; makeup; and toothpaste.

The process for registration of cosmetics

The Drug Control Department has put in place an application process that requires the completion of a form which, in part, requires: the identification of the country of origin of the product; list of ingredients; instructions on how the product should be used and stored; details of any side effects or warnings; and a sample of each product to be imported.

Following the submission of the application form, a committee at the Drug Control Department (the 'Committee') will determine whether the product falls under a particular classification, or does not require registration, and issue a report reflecting the same. Depending on the classification and the ingredients of the products, additional approvals or laboratory tests may be required. The Committee does not usually perform laboratory tests on the samples provided by the applicant; however, it may request the same if it suspects that the products may contain certain ingredients that are not permitted in Qatar (e.g. pork derivatives).

A foreign company can register and sell their cosmetic products in Qatar by importation through a local agent who is registered and entitled under the laws of Qatar to import such products, or directly by establishing a legal presence in the country.

Non-compliance

Since there are no specific laws or regulations organising the importation and distribution of cosmetic products in Qatar, there are also no specific penalties prescribed for non-compliance. However, as indicated above, in order for the products to clear customs, the importer will have to provide the Customs Authority with a copy of an approval by the Drug Control Department permitting the concerned products to be imported into the country. In some cases (e.g. shampoos), the product is required to be accompanied

by a certificate of compliance from an accredited laboratory showing the product's conformity to the relevant Gulf Standardisation Organisation standards.

In addition to the Drug Control Department's role in approving and classifying cosmetic products, the Drug Control Department, with the Consumer Protection Department, also regulate the display of products in the market to ensure compliance with the applicable regulations relating to, among other things, labelling requirements and that no changes to the product's details were made since the approval of the Drug Control Department was obtained. Ministry of Public Health officials, from time to time, investigate non-compliance issues (especially where a complaint is made or there is a general concern) by entering into shops or distributors' facilities and collecting random samples to be tested. If non-compliance is found, the products may be withdrawn from the market.

Conclusion

The Ministry of Public Health is considering regulating the importation of cosmetics more comprehensively. However, whilst such regulations are not in place, the regulatory requirements and process for cosmetics importation and sale in Qatar will be subject to the Drug Control Department's discretion. Importers and suppliers will need to make enquiries with the Drug Control Department on a case by case basis to ensure that all requirements are met and that there will be no problems when products attempt to clear customs.