

Abstract

Cosmetic industry came into being late in China. The Chinese cosmetic industry has begun since 1980's and developed rapidly since 1990's. It was not until 1989 that the first regulation on cosmetic administration-----*Cosmetic Hygiene Inspection Statute* was issued, indicating that Chinese cosmetic hygiene administration has been on her track of according to law. After over ten years, China has made great strides on cosmetic administration, but there are still some defects in it. Especially that the Chinese cosmetic industry is experiencing a rapid growth with a yearly increase over 15% in sale, but the regulations drawn in 1990's have appeared out of date. Otherwise, China is on the process of restructuring economy, both the market and the system are in their infancies, so the Chinese cosmetic industry has revealed quite a few problems during her development and are in urgent need of direction from government. In addition, China has entered the WTO and economic globalization has grown further, requirement for internationalization of law and administrative system has been placed on the agenda.

U.S.A. and EU are ahead of cosmetic industry. Their legality buildings are also consummate. There are many advanced experiences on the aspect of cosmetic administration worth learning. On the other hand, there are essential differences among China, U.S.A. and EU. on legal system and legal culture, as well as on social system, political belief, cultural background, history and economic developing stage. So when we learn their experiences, we shall take account the current situation of China and base on the result of an in-depth study, get the cream purposefully and selectively, then can we find a suitable way to promote the overall progress of the industry.

There are significant differences among China, U.S.A. and EU on cosmetic administration. China has successively issued over ten cosmetic regulations, there are several regulations relate to cosmetic, too; the Chinese cosmetic administrative system relies mainly on an examination and approval system but not a registration and recording system, belittles market supervision; there are several services in charge of the cosmetic industry. Whereas, both U.S.A. and EU have single complete act to administrate cosmetic; their administrative systems rely mainly on a registration and recording system, they stress on enterprises' self-discipline and has set up strong market supervising system to ensure cosmetic safety and market order; only one service is in charge of

cosmetics. After comparison we find that there are several problems on the Chinese cosmetic administration:

1. Cosmetic regulations are out of date. There are quite a few defects in the basic law-----*Cosmetic Hygiene Inspection Statute* and its *enforcement regulation*; regulations on cosmetic definition, classification, labeling, hygiene standard, manufacturing and market supervising are all in need of further improvement; there are conflicts in the contents of some regulations.
2. The examination and approval system has tied up a great deal of human and non-human sources and made against cultivating enterprises' self-discipline to develop the industry; the weak market-supervising power can not properly control adulterating occurrence.
3. Several departments in charging of cosmetics lead to duty conflict or buck-passing, administrative efficiency and effect are both poor; therefore, enterprises are at loose ends or take advantage of loopholes which hampering an orderly environment of competition to form.

OBJECTIVES

This thesis bases on current situation of China, makes an objective and intensive compare study of China, U.S.A. and EU cosmetic administrative systems, set forth suggestions and strategies about how to improve and how to accelerate the internationalization process of China cosmetic administrative system. I hope this thesis can be of help to related administrative departments of government and cosmetic enterprises.

1. To show differences of fundamentals of law among China, U.S.A. and EU.
2. To thoroughly understand the cosmetic legal and administrative system of three areas.
3. To find out defects of our cosmetic law and administrative system by comparing the legal and administrative systems of three areas.
4. To bring forward suggestions about how to amend the *Cosmetic hygiene inspection statute* and its *enforcement regulations*; and set forth strategies about how to improve and how to accelerate the internationalization process of China cosmetic administrative system.

METHODOLOGY

Comparative method Policy study Literature survey study

Comparative method is often used in social science, especially in realm of jurisprudence. This study uses comparative method to compare differences of cosmetic administrative substantive laws and systems of the three areas; Use policy study method, the main research materials are policy and regulation documents from government and official websites of the three areas; Use literature survey study method, thoroughly survey literatures and data on cosmetic hygiene inspection to provide evidences for my study.

RESULTS AND STRATAGIES

1. Discuss flaws and make suggestions on *Cosmetic hygiene inspection statute* and its *enforcement regulations*, provide clear and strong basis for other regulations in the law system to consummate.
2. Comparative study found that the cosmetic definitions in several regulations are disaccord; oral hygiene products have not been in cosmetic range in actual administration. Set forth that cosmetic definition should be unified; oral hygiene products should be within cosmetic range no matter in law or in actual administration, making their labels and advertisements according to cosmetic standard are urgent affairs.
3. We shall put into practice an ingredient declaration and strengthen the demand for warnings in cosmetic labeling standard to help increase the admittance of cosmetic industry.
4. Some contents in cosmetic hygienic standard can not be put into effect limiting to our current economic and technique level, we should quicken research pace on method of hygienic chemical test, strengthen technique communication and cooperation among government, scientific institutions and advanced enterprises to optimize resource utilizing and promote technical progress.
5. Put forward strategy on how to consummate government administrative system: gradually transit current administrative mode of several services coordinating into single service taking full charge; reform administrative execution process and system to improve efficiency and effect; increase quality of law-executors to strengthen ranks building.
6. Bring forward strategy on how to improve cosmetic manufacture and distribution quality criterions: apply HACCP method to increase quality of manufacturing management; build

distribution criterion by enhancing propagation and training to distributors to improve their legal consciousness.

7. Found that our current administrating mode to adulterate products is time consuming and inefficient, set forth that we shall benefit from successful experiences of U.S.A. recall policy, expedite alerts speed and broaden alerts range to protect public health better and effectively punish illegal enterprises from aspect of social image.
8. Suggest government to establish cosmetic administration network information system to increase administrative efficiency and effect completely, also to promote administrative modernization.

KEY WORDS

Cosmetic Administrative system Legal system China U.S.A. EU