



FOOD AND DRUGS AUTHORITY

GUIDELINES FOR IMPORTATION OF COSMETICS AND HOUSEHOLD CHEMICAL SUBSTANCES

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1. INTRODUCTION

In pursuance of Section 148 of the Public Health Act, 2012, Act 851, these Guidelines are hereby made to provide guidance to prospective importers on the procedure for importing products into Ghana. Importers are required to familiarize themselves with this document and the above law before initiating product importation.

These guidelines must be read and used in conjunction with the enabling legislation, the Public Health Act, 2012, Act 851, Part 7, as well as any other relevant Guidelines and Regulations issued by the Food and Drugs Authority.

2. DEFINITION OF TERMS

In these Guidelines, unless the context otherwise states,

“**Authority**” means the Food and Drugs Authority

“**Product**” means any article that is regulated under the Food and Drugs Law, which includes drugs, cosmetics, medical device and household chemical substances or any articles that are used in the manufacture of these.

“**Non-compliant product**” means unregistered, counterfeit, substandard and any other product that shall be determined by the Authority.

“**Banned product**” means a substance which is forbidden to be a component of a cosmetic or household chemical substance

“**Reasonable quantities**” shall be determined by the Authority

“**Approved port**” means Tema Harbour, Takoradi Harbour, Kotoka International Airport and any other sea, air or land borders, as may be approved by the Authority from time to time.

3. REQUIREMENTS

3.1 General Requirements

- (a) Only Corporate bodies duly registered by the Registrar-General's Department and licensed by the Authority shall be permitted to import a product.
- (b) All products imported shall have at least 60% of its shelf-life remaining on arrival at the port. This notwithstanding, products with a shelf-life of less than 24 months shall have at least 80% of its shelf-life remaining, on arrival at the port of entry.
- (c) Only registered products shall be permitted to be imported.

4. PRODUCT IMPORT PERMIT

- 4.1 Except otherwise provided by these Guidelines, import permits shall be granted before the importation of a product.
- 4.2 When applying for a permit, the following documents shall be submitted:
 - (a) Three (3) copies of the supplier's invoice.
 - (b) Three (3) copies of appropriately filled permit application forms.
- 4.3 Permits issued for importation of products shall be presented to Customs, Excise & Preventive Service (CEPS) ONLY ONCE, and shall not be re-presented for a second time in case goods are short-landed.
- 4.4 At the point of clearance, the copies (clients' copy) of the permit should be handed over to the FDA port official, and the original copy taken to clear goods with customs.
- 4.5 Where goods are short-landed, a new import permit shall be obtained from the Authority.
- 4.6 Permits shall be valid for **ONE CALENDAR YEAR** from the date of issue.
- 4.7 A fee shall be charged for the processing of a permit submitted for importation. This shall be determined by the Authority from time to time.
- 4.8 Vetting of an application for importation and accompanying pro-forma invoices may take up to ten (10) working days

4.9 Applications which are found to fall short of any of the requirements in 4.4 above, shall not be approved.

5. COMPLETION OF IMPORT PERMIT APPLICATION FORM

5.1. All import permits shall bear the following:

- a) Full name, postal address and premises address of both the importer and exporter
- b) Name/description of product
- c) Total quantity of product, in dosage units
- d) Product registration number
- e) Name of manufacturer and country of origin
- f) Batch number
- g) Total CIF value
- h) Name of port of shipments and approved port of entry
- i) Date, company stamp and signature

5.3. Products imported shall be inspected by officials of the Authority at the port of entry before they are released to the importer.

5.4. The above notwithstanding, any statute governing importation procedures and tax liabilities shall apply to an imported product.

5.5. An application for importation of a product may be rejected for several reasons. This may include, but not limited to:

- a) A product not registered with the Authority.
- b) A product with a potential for abuse
- c) A product found to be fake, substandard and/ or adulterated.

5.6. All importers are required to renew their company license with the Authority annually.

6 SANCTIONS AND PENALTIES

6.1 Non-Compliant Products

The Authority may apply the following in case of the importation of a non-compliant product after detention and issuance of appropriate detention notice:

- a) Order the re-export of the product at the cost of the importer.

- b) Confiscate a non-compliant product, which may be destroyed and the cost of destruction borne by the importer, who may be prosecuted accordingly.

6.2 Bringing Into Compliance

- a) The Authority may permit an importer to bring an imported non-compliant product into compliance with the law. Any sorting, processing, labeling/ re-labeling or analysis shall be supervised by an officer of the Authority at the expense of the importer.
- b) Where the non-compliant product is unregistered, the importer shall be made to submit the product for registration and pay the appropriate fees in addition to a penalty to be determined by the Authority.

6.3 Restricted Cosmetics/ Household chemical substances

- a) Products containing steroids are considered as drugs and shall not be permitted to be imported and used as cosmetics.
- b) Banned/hazardous substances shall not form part of ingredient list

6.4 Banned Products

- a) Any banned product shall be confiscated and destroyed at cost to the importer and attract a penalty.

b) **Schedule 2 BANNED PRODUCTS**

- 1) Iodochlorhydroxyquinoline and its derivatives (0.1-0.5%)
- 2) Methaqualone and its salts
- 3) Phenylbutazone, its salts and derivatives
- 4) All mercury-based products
- 5) Hydroquinones and its derivatives
- 6) Sercobarbital (Quinalbarbitone)
- 7) Dichlorvos
- 8) Organochlorides
- 9) Persistent Organic pollutants
- 10) Refer to (GS 227-2:2006) Ghana Standard for List of substances not permitted in cosmetics products