**Venue: GtM Webinar**

**Date:** **21st September 2020**

**Time:** **13:30**

**CONFIDENTIAL**

***PRESENT ON THE CALL***

Peter Newport (PN) CBA - ACA Chairman

Lorna Williams (LBW) BASA - ACA Secretary

John Reid (JR) BACS

Patrick Heskins (PH) BAMA

Philip Malpass (PM) UKCPI

Tom Bowtell (TB) BCF

Emma Meredith (EM) CTPA

John Dorken (JD) BRPPA

Lisa Hipgrave (LH) IFRA UK

Peter Davidson (PD) TSA

Matt Davies (MD) BPF

Ellen Daniels (ED) BCGA

Lee Vousden (LV) BEIS (14:30)

***APOLOGIES***

Jo Bray (JB) BEIS

Philip Law (PL) BPF

Steve Elliott (SE) CIA

**Minutes**

1. **Welcome, competition law reminder and apologies for absence**

All attendees were reminded of the requirement to comply with Competition Law. Apologies were received from Jo Bray, Philip Law & Steve Elliot. Lee Vousden will represent BEIS and is scheduled to join the meeting at approximately 14:30.

1. **Minutes of the ACA meeting held on 26th June 2020**

Corrections/additions -amendments. There was some confusion regarding the section on Brexit issues, as the UK REACH section merged into the trade agreement discussion. PN asked LBW to resolve the headings and send to him for final approval. TB asked whether the details of the TiO2 discussion were now included and it was confirmed that they were in the circulated version 4.

ACTION - LBW will redistribute the approved corrected minutes with the draft minutes from this meeting.

1. **Approval of the Agenda for today including matters arising not on agenda**

Follow up actions

Humber Chemicals and Guidance – Catch – SE to chase up

LV actions return to them later in this meeting

CIA track and Trace

AOB – CDG SI (ED)

BPR – Hand sanitizer derogation? (LBW) - AOB

PH – UKCA marking

Round table EU TA

Ethanol CMR status - AOB

1. **Covid-19 Update**
   1. **Business Support Schemes**

The Government are now phasing out some bits and modifying others. There is lots of BEIS info coming out with some support info from HMRC.

* 1. **Social Distancing**

Most businesses are operating to the 2m distancing guidance, with some following the 1m+ special. There is a change over at the weekend to make this mandatory and enforceable with escalating fines.

The experience of test and trace in last few weeks has not been good, even the business portal for key workers has had big issues. Businesses with critical or key workers are having difficulty getting workers tested and private testing is £120 a throw which is acceptable for occasional key workers but not where larger numbers are involved. It would be quite nice to have some clear wording on the nuances.

There are some businesses that would prefer office workers not to come back yet, but many sites don’t have much interaction between plant and office, so this is not usually an issue.

In some industries, the plant workers don’t want the office staff back yet but where the site doesn’t have much interaction between the plant and office, they are phasing things in, and rotating staff where necessary.

* 1. **ACA Members Issues**

CBA have their office staff back

Issues with the Apprenticeship levy, lots of members of TSA have not been able to spend any of their levy pot. The request to extend by 6 months the 2-year period before you lose it was met with a flat no. We are advised to keep mentioning difficulties to Government as the idea of sending people off for training in the first 6 months of next year with Covid and Brexit is not likely, and PD was asked to raise this with BEIS later in the meeting.

The fate of the conferences for next year is still up in the air and many TAs still have decisions to be made. BCCG were unlikely to be holding their conference in April. The RSC have said that they will remain shut to July, so BACS won’t hold their annual lunch in May.

CBA’s Annual Lunch in April 2021 is difficult due to reduced Covid safe numbers and many TAs are doing two budgets, one with and one without their events.

In terms of which platforms are best for virtual events, feedback for what format works for what number of people, there appears to be no magic bullet, you get what you pay for. Commercial Zoom seems to be OK. You need decent bandwidth, decent microphones and cameras for all speakers.

Some TAs have managed to run some webinars that are paid for. CBA’s experience is that their evergreen events are average attendance levels, but any Brexit events are doing very well. CBA had made 180% of the annual event budget as the costs are less.

* 1. **Chemical Security**

The Government are extremely concerned with alleged Russian and Chinese cyber-attacks. There is lots of guidance from National Cyber Security Centre to raise the issue to make sure people don’t let their guard down, particularly around staff using own equipment at home.

Home Office offensive weapons act guidance. SE is working with the HO, looking for volunteers for a project on submissions (same umbrella but a different part OSCT).

The promised guidance last year has not been seen yet.

1. **Brexit Update including UK REACH**
2. **UK REACH**

We have all seen the change in submission and registration deadlines, which is welcome in that at least it will now be a staged implementation. The reality is that until it is possible to fix the data costs or get free access to EU data, then it is still hugely problematical. The UK fee structure remains the same as EU but for a hugely reduced marketplace.

A recent Chemical Watch survey indicated that 7% of UK companies said that they did not intend to register and 27% of companies outside of the UK also do not intend to register substances. We have to 7th October in the Lords to consider latest comments. This 27% for our DU is hugely concerning as it may make UK manufacturing unviable. At least the phasing buys us time to negotiate a better solution.

Some retailers are saying that they expect their suppliers to register and do not intend to register anything themselves.

1. **UK CLP**

The latest HSE information is that after the end of the transition period GB CLP will adopt the United Nations Globally Harmonized System of the classification and labelling of chemicals (UN GHS) in a similar way to EU CLP. From 1 January 2021, GB will be free to make its own decisions about mandatory hazard classification and labelling, including whether or not to align with decisions made in the EU or other countries. Such decisions will be made by the Secretary of State with the consent of the Scottish and Welsh ministers.

<https://www.hse.gov.uk/brexit/clp.htm>

<https://www.hse.gov.uk/brexit/clp-scenario-table.pdf>

For UK CLP, those functions carried out by ECHA will be carried out within HSE with help from the Welsh and Scottish government.

1. **UK Poison Centres**

It is important for businesses to understand that to benefit from the extended transition to 2024, the current submission (to be made by 31st December 2020) must be made through an EU entity. Existing UK submissions would need to be resubmitted via an EU entity before 1st January 2021.

**Lee Vousden from BEIS joined the meeting at 14:30**

1. **Other Brexit Issues including BPR, NI Protocol & Guidance**

We have to comply with detailed guidance in time, but we can’t do that until we see them! The time for industry to prepare for anything is getting shorter and shorter. There are concerns about no deal with the inevitable implementation of global tariffs and these regimes will mean charges on key raw materials.

The stock response is ‘still working towards a deal’, but time is running out.

**ACTION: LV asked to pass on our concerns about diminishing opportunity to react to any guidance**

1. **EU Poison Centres Update (ALL)**

Nothing to add to earlier commentary

1. **Training and Skills Update (ALL)**

No update apart from earlier levy concerns.

PD raised this with LV to again express industries inability to spend the current levy pot within the timeframe as a direct result of Covid difficulties.

**ACTION: LV please pass on our request to consider whether employers could be given more opportunities to spend their pot rather than losing it.**

1. **EU REACH Update (ALL)**

We are where we are and are still dealing with quality of dossiers and information gaps. EU is still looking at polymers. UK can have polymers without registration but will need to have the monomers registered in UK and it will be down to manufacturers whether there is sufficient commercial justification to register again all the EU registered monomers for the UK market. There is felt to be a definite risk that the UK will lose access to some vital monomers.

1. **BEIS Report (11:35)**

LV confirmed that our concerns about the apparent ‘plenty of time’ views from government had been passed on.

LV commented that they are just taking the time they need to take to provide the guidance, but it is still useful to have the general badgering to feed in to keep the pressure up. Hopefully with pressure from all parties things will speed up.

It was advised to LV that it is important to recognise that getting IT systems in place to apply any new rules is not quick and we would ask that this point is made to Jo Bray to ask for a minister to attend a sector call asap to hammer these points home.

ACTION: LV please bring this up with JB to urgently request ministerial involvement in a sector call.

If we go to the wire on negotiations it may be another month before guidance is issued, and then there is insufficient time to implement any changes.

There has been an attempt to provide coherent guidance regarding Covid. The devolved governments are causing issues, but we need to continue to provide clearer guidance to employers in relation to the changes to enforceable social distancing. It would be useful to know precisely what you can and can’t do after a positive test in the workplace.

In terms of the 2019/720 NI protocol clarification LV was asked whether there was any clarity. Some information has been issued by HSE last week but there are still many questions

**LV ACTION TO CARRY FORWARD - 2019/720 NI protocol clarification**

There was discussion regarding RIDDOR Reporting if an employee falls sick – not clear if it is a RIDDOR, as it is not clear where the infection was?

**BEIS Report**

EU negations - round 8 is concluded with fisheries and state aids still the sticking points. Statements from both sides still not optimistic. Middle of Oct Council of Europe is last chance to table an FTA from a UK perspective. There is nothing new on Chemicals annex so it is still not clear on how this will play out.

Exit guidance, with the UK REACH timeframes adjusted, was published last week. There is still frustration on the lack of guidance. More is expected including the NI protocol. HMRC tutorial videos to be produced.

Check list to be produced next month and one stop actions to take – BEIS will ask us to pass on to our members. Readiness events will be done early November. If we are running any events get Ryan Diggory (BEIS) to help out.

RoW negotiations, Japan agreement reached. US round 4 closed last Friday. Proposed one is similar to Mexico deal. Any deal unlikely to be before the US elections.

Australia second round starting soon.

Canada – continuity agreement end Oct.

Turkey etc negotiations ongoing.

Latest BEIS guidance (Covid) sent this morning. LV will send out to us as they come out.

Sector deal/industrial strategy is a bit up in the air. Most ideas are fundamental and will still be part of the strategy.

Guidance – we asked LV to look at REACH data sharing guidance from DEFRA/HSE as it is 4 sides of A4 compared to the 200-page ECHA guidance. We urgently need the detail if BEIS are looking to us to roll out to members. We simply do not have the resource to wait and then suddenly have to deal with an avalanche of guidance.

FTA – comments have been made that Australia and NZ are not important, but this misses the point. They may be less important at the moment, but there are opportunities. Need to chase the opportunities rather than the history.

PD – Apprenticeship levy, have had huge difficulties recruiting apprenticeships over the last 6 months. Lose the levy pot if unable to spend. Potential to have a temporary extension would be very helpful.

**ACTION LV to raise this**

Checklists for one stop shop will cover both no deal and deal. If get a deal everything produced will suddenly be re-written. If suddenly get a deal HMG will have to revise the plans.

Covid – tomorrow’s new restrictions – what are they likely to be? No ideas.

**15:06 end of BEIS report and** LV left the meeting.

1. **Cross sector preservatives group update (TB)**

Still in discussion about lobbying strategy. Doesn’t make sense to do now. How we use the MORI research? Not much momentum due to Covid and Brexit efforts. Come back to it in the New Year perhaps.

1. **Chemical Stakeholders Forum (JR)**

Next CSF virtual 1st October (zoom circa 100 attendees expected).

Highlight will be discussions from subgroups (WG) of the forum. Set up ideas for WG. One chaired by RSC looking at how other countries in the world deal with chemical strategies. WG looking at sustainable resources. WG chaired by Chemtrust, essentiality, why chemicals are essential. Chemical Strategy work was paused when Covid struck. Defra will restart, more emphasis on framework rather than strategy. E.g. ED might be one part. Chemical mixtures might be another. This would be a better approach rather than trying to start again from scratch with a chemical strategy.

JR Roger Pullin at Steering Group meeting (CSF) and said that CIA have produced a vision for UK chemicals strategy. Is this on the website? Have a look and feed comments back to CSF.

1. **The Chemistry Council & Sector Plan (SE)**

No information received.

1. **AOB**

**DG SI** – the draft regulations in case of no deal outlines a standstill of 2 years for rho mark and pi mark. They would have to be dual marked and dual inspected. Legislation should be laid in next few weeks and in place by October 20th.

**UK CA Marking** – there are difficulties with duplicating an already flawed regulation, and issues with EU NB and retesting products. The wording of some of the current government guidance is incorrect referring to certificates of conformity, which is not a terminology used for CPR CE marking.

Anything CPR related is complicated

**EU relationships**

UKCPI Philip Malpas, from 2021 AISE. Work plan agreed and – all EU not relevant for UK to find the value.

BAMA change in statutes, option for associate member. No option for full membership. Have binary choice – in or out. BAMA threatened to leave. Have offered a settlement. If don’t agree to discount there is a strong possibility BAMA will leave. There is a lack of understanding in terms of the way that TAs need to work.

BASA - needs to see value as we spend 25% of subscriptions income on FEICA membership, so will need to carefully consider this in future. No immediate drive to leave.

Cosmetics Europe – want to remain a full member, changes to statutes to allow former EU members to remain.

BCF – all members are direct members of CEPE and BCF collect and pass on. Do think regulation will affect UK companies so need to have an input. Will have a strain in resources as BCF will need to work on two sets of regulations. Next week CEPE have to agree to extend to include non-EU, also voting on whether to kick BCF out!

FETSA (TSA) – great relationship, mutual recognition of value. Main issues are the same whether in or out of EU.

EIGA (European industrial gases association), membership gives opportunity to pass information on to smaller members. No limits on who can join

FECC - CBA – amalgam of comments. Not great relationship at moment with the new DG (from large chemical company). New DG more interested in direct members. PN resigned as Treasurer last year. Some difficulties with the current board. CBA’s problem is the direction of travel. Some on CBA are desperate to remain members but they are Remainers. Significant number do not really care what happens in Europe. At the moment CBA have withdrawn from the FECC technical work.

BPF – PE EUPC, plan is to continue. Feeling is that EU counterparts are still keen that BPF are integral.

**BPR derogation**

HSE application to EU rejected and the derogation runs out on 25th September – HSE could have opted to do a back to back article 55. We have only got to survive until 1st January then can do what we want.

The supply of ethanol now back to normal – so shops are awash with hand sanitizer so there is no need to support the new manufacturers. If there is a big spike in demand, this could change the situation, but at the moment raw material suppliers seems confident that this will not happen. Conversion of alcohol from distilleries continues.

**ACA Chairman**

PN retires April next year and the CBA successor has been appointed. We have 2 more meetings between now and then Dec and March so the agenda in December will need to include the election of an ACA chairman going forward.

Any volunteers should nominate themselves to LBW!

**2020 meeting dates**

Friday 4th December 2020 – GtM 10:30

There being no further business the Chairman closed the meeting at 16:04 thanking everyone for their participation.