**Venue: GtM Webinar**

**Date:** **4th December 2020**

**Time:** **10:30**

**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

Tom Bowtell (TB) BCF

Emma Meredith (EM) CTPA

John Dorken (JD) BRPPA

Lisa Hipgrave (LH) IFRA UK

Peter Davidson (PD) TSA

Ellen Daniels (ED) BCGA

Jo Bray BEIS (11:30) (JB) BEIS

Steve Elliott (SE) CIA

***APOLOGIES***

Philip Malpass (PM) UKCPI

Matt Davies (MD) BPF

Phillip Law (PL) BPF

**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 Phillip Malpas, Matt Davies, Phillip Law and Lee Vousden who has retired.

Jo Bray will represent BEIS and is scheduled to join the meeting at 11:30.

The issue of attendee substitution was raised, and it was explained that when ACA set up there was a lot of discussion that ACA was designed to include the main decision makers for each represented association with substitution only as an exception. As we received a BPF request for substitution of a substitution it was felt that this should be revisited. In the case of BPF, the substitute attends so regularly that the view from some ACA members was that he was the representative. It was suggested that we should ask PL why he doesn’t attend any longer. The ACA preference is for the representative to be CEO level (or the most senior manager). It was decided that we would discuss this again at the next meeting after discussion with PL.

**ACTION: SE to discuss with PL**

**ACTION: LW to place on next meeting agenda**

1. **Minutes of the ACA meeting held on 21st**

No corrections, minutes approved.

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

Most of the actions related to a request to LV to pass on concerns on a number of issues so this would be raised with JB later in the meeting.

**Additions to Agenda**

Common Frameworks under 5a

Rematch project email from Imperial College (Responsive Manufacture of Target Chemicals) – circulated to ACA members during the meeting - AOB

1. **Covid-19 Update**

As we all have members in various tiers this inevitably causes confusion / difficulties. The return to work remains problematical as government messaging perhaps encourages employees to stay at home ‘if they can’ which is a difficult message for business to explain to employees as there are different perspectives regarding working from home vs return to office.

PD - info from sector panel meeting for downstream oil – will key workers be prioritised for vaccines? The message appears to be ‘no’.

The first big CIA event will possibly be mid-June next year. CBA have decided that all H1 meetings and events will be virtual. The real vaccine rollout is not likely before middle of year so full capacity not likely in H1, so future restrictions, if any, not clear. This will impact all of us and it is also a case of not being able to market and sell event tickets with confidence. Most intend to make decisions at the end of January.

What will the role of employer’s be regarding vaccine take up and will they educate and encourage?

Another issue is the need for RIDDOR reporting if positive cases on shifts? If the infection was through social interaction outside of work, then this is not RIDDOR, however this may not always be straightforward to ascertain or prove.

1. **Brexit Update including UK REACH**
* Liz Truss Chairs the Chemicals sectoral trade advisory groups which seems good, but in practice because some discussions are running in the background, some TAG members are being told what is happening, rather than being able to proactively comment on regulations.
* Progress on the FTA with the US will slow down now that Biden is coming in
* In respect of tariffs the collective industry position is to go to full and immediate zero rates.
* In practice we all want simple rules of origin so that members can simply demonstrate local content.
* The Chemicals annex being proposed but this is more about the future look on cooperation.
* There is quite a bit of progress on FTAs, but the process of engagement needs to be looked at so that it is not simple window dressing.
* Next meeting for US deal is late January, so ideally want a better process by then. Life sciences have expressed similar concerns.
* FTA with Japan is done
* There is a rollover of Canada/EU for the UK to give space
* AU & NZ deals looking OK and this gives better chance of joining the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) which is something that Japan would like the UK to join.
* The elephant in the room is the UK / EU deal which is the most important!
* NI has not been mentioned at all in these discussions.

**Common Frameworks**

The objective is to try to create mechanisms to achieve when possible a common outcome for areas of control by devolved administrations.

Environmental aspects of control of major accidents is one area with a separate annex.

Land use planning & Hazardous Substances consent – some issues where HSE cannot deal within the legally defined timescales. There are problems with this legislation and have been since back to the coalition government. Hazardous substance consents continue to cause issues with planners who are unfamiliar with the regulations.

What aspects are likely to be impacted by the common framework? Anything environmental for a start. Single use plastic wipes and transport rules are a couple of examples that are under discussion. Hazardous substances planning consent CP333 principal seems OK , but should involve some of the stakeholders who are having issues. CBA will put this into the HoC review.

Scotland (SEPA) have more resource so are taking a more active devolution position and seem to want to stay close to EU so may be tougher to deal with, but Wales and NI don’t appear to have the resources so tend to take a lead from England. If you look at smoking and Covid, it is clear that this causes real confusion when the devolved administrations each do something different.

1. **UK REACH**

The latest set of revisions have gone through with a number of questions. UK vs GB REACH – it is UK REACH even though NI protocol – there is still large chunks of guidance missing with DEFRA FAQ’s issues with missing answers; the HSE guidance is better but not comprehensive as the how to is missing. CBA now raising a set of questions as there is a view that current guidance is not substantive and if we have a deal, then some of the guidance will need to be re-written.

The biggest issue is transitioning existing EU Reach registered substance into UK REACH. The thinking of some ACA members is that having a chemicals annex will mean that full data does not have to be submitted. There was some disagreement on this point, and it was said that UK REACH will still require registrants to submit full data. PN did not agree that a chemicals annex will resolve the data problems unless the data owners agree that the data can be shared, perhaps at best for a small administrative charge. Others believe that HSE gets a log in to EU REACH database and therefore access to the data it needs to make a decision. EU has a right to share the data under Article 120 with Governments, but there is a disagreement about the specifics.

One point is that EU based distributors want to be able to appoint an OR in the UK, but it has been pointed out that UK REACH is effectively a cut and paste replica of EU REACH and non-EU distributors into EU from rest of world cannot appoint an OR, so UK REACH replicates this. Why would we do anything different whilst UK distributors have the same problems into the EU after 31st December?

1. **UK CA Marking**

There are issues with the re-issuing of test reports that cannot be resolved without a mutual recognition agreement. The NI protocol adds another set of issues with three marking schemes in place until the end of 2021 (CE, CE + UKNI & UKCA), the use will depend on whether a current UK NB is used for the testing. The same issues translate to the voluntary CE marking via an EAD (with the issue of an ETA, by TAB). And again, because the national accreditation bodies (in the UK this is UKAS) are being told that they cannot allow the Approval bodies / Notified Bodies to re-issue a test report if they want to keep their accreditation!

**ACTION: LBW agreed to share BASA Guidance on UKCA marking under the CPR**

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

LBW gave some details regarding the work that BASA are doing and explained that in conjunction with BCF and CBA are trying to establish if the role of Only Representative can take on responsibility for PC notifications (therefore freeing an EU customer from any burden). Until this can be resolved BASA are strongly recommending that members do their notifications before 1st January 2021 to benefit from the 2025 transition period. This arrangement was made in relation to CLP, so it should be possible.

Germany, Ireland, and The Netherlands have all confirmed the poison centre notifications made to them before the end of December 2020 via a UK legal entity will benefit from the till 2025 transition period. Sweden are also believed to be honouring this, this will be confirmed in due course. The rest have been contacted but as it stands an EU legal entity is required (this can be done using your EU customer/distributor)

We have also received some news that the Belgian Poison Centre is advising against introducing product notifications for plant protection products through the ECHA submission portal and BASA are looking into this to see if there is any wider impact to other products eg adhesives or it is simply related to Plant Protection Products.

On this basis BASA is advising members to submit notifications to the important individual PC’s before 31st December.

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

No news about Cogent etc and nothing has progressed since them.

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

No comments

1. **BEIS Report (Jo Bray joined the meeting at 11:34)**

Unfortunately, LV had not passed on the outstanding actions to JB before his retirement and JB will follow up outside the meeting.

**ACTION: JB will look at the actions from the last meeting and revert with answers**

**ACTION: JB will send LBW details of Lee’s replacement at BEIS**

Nadhim Zahawi has been taken off business sectors to became Minister for Vaccines until next summer. Lord Grimstone has been appointed industry minister. Has had some exposure to chemicals before and Heather Thomas is urgently working on business engagement.

BEIS is waiting to see what happens out of the Brussels talk – JB doesn’t know where these have got to but the fact that they are still talking is hopeful. A deal will help with tariffs but not necessarily rules of origin. The BEIS focus has been very much on Brexit. There is no real idea when or if a deal is likely – they are negotiating in a tunnel; it sounds like they are close but still some issues that are sticking points. If there is a deal this will require a lot of engagement with industry. BEIS is looking at more webinars.

Heather is working on the Q&A, but please keep asking questions.

JB is not optimistic about data sharing on chemicals and felt that any deal is likely to be more basic. DEFRA are continuing to work on the likely issues that no data sharing will cause. If there is no access to data this would be disappointing, but it would be important to know why it fails, if it does. TB asked Is there any scope that this could be addressed beyond the scope of the current deal under negotiation? Can it be kept alive? Need to be transparent about why this is not a runner. Once we get through 1st January there is a question about the relationship with the EU with or without a deal that will need to be addressed.

If at end of Q1 and data sharing is definitely off the table – what is the appetite to reconsider whether what we are embarking on with UK REACH as the best way to achieve what we want to achieve with chemicals. We are pleased with the implementation timescale changes that DEFRA have made to spread the pain, but there are serious concerns about the effect of not having a data sharing agreement to reduce costs to UK industry.

**ACA would like to enforce the view that if we don’t make it as easy as possible to transition chemical registrations into UK REACH then there won’t be a UK chemicals industry.**

JR advised at the last UK Chemicals legislation DIT round the unworkability with UK BPR was emphasised. This is similar to UK REACH issues that affect the viability of the UK biocides industry. Timescales are the issue once again. Article 95 list – everyone has to resubmit in 2 years to stay on the list and this is not commercially viable. Surveillance and compliance are missing.

**ACTION: JB Please emphasise the issue with timescales for UK BPR**

In relation to delays at ports we asked if BEIS were looking at different scenarios? The biggest risk is borders so everyone needs to understand and BEIS are trying to work with DfT to look at this

In relation to UK Poisons centres, the last discussion with HSE was that the UK had no intention of duplicating the PCN system but a throw away comment at the DIT meeting the previous day had worryingly suggested that NPIS were looking at setting up a new system.

**ACTION: JB to confirm with HSE that there was no intention for NPIS to set up a new poison centres notification system to replace the very straightforward current data sheet submission system.**

There is a Parliamentary debate on 9th for BPR, PICC, CLP and CIA are briefing MPs on this.

ACA thanked JB for the BEIS efforts and said that we can see that the BEIS inputs are having a demonstrable impact by the changes to SI’s etc. JB wished us all a Happy Christmas and we will all see what 2021 brings!

**11:00 end of BEIS report & JB left the webinar**

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

TB confirmed that all activity is postponed until 2021

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

Steering group meeting discussed WG. There were some concerns about the Essential Use WG. Before EU REACH there was replication of SEAC/RAC, so not clear on what the role will be in comparison with HSE. JR stated it is a good forum for everyone to air their views.

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

Still working on various aspects. Steve Foots (Chairman) had issued a 2-page state of play of the Council – can this be circulated?

**ACTION TB to send LBW a copy to circulate to ACA members.**

1. **AOB**

**Rematch**

LBW had circulated the email from Imperial College, London during the meeting and PN explained that Imperial is applying for an ambitious Industrial Strategy Challenge funded project to build a Centre for Responsive Manufacture of Target Chemicals – REMATCH.

They were keen to have Alliance of Chemical Associations as a named partner in the proposal and contribute funding and or provide in-kind contributions. Unfortunately, any interest in the proposal had to be submitted in time to meet the deadline for the application on 17 December. The general ACA response was lukewarm, and ACA itself and most members will not be able to contribute, so it will be down to individual members to respond. The reality is that with everything else going on the deadline is far too short.

**ACTION: LBW Draft an ACA response – done and sent**

**ACTION: ALL – each Association to respond to Dr Feng Li as they see fit**

**Appointment of ACA Chairman**

We have received two volunteers to take over as ACA Chairman and it was decided that the 8 of us left on the call should not make the decision

**LBW put out email to all ACA members, and to ask them to vote for one of the two candidates - John Reid and Tom Bowtell**

The closing date for the vote is Friday 11th December at 5pm, and the link to the vote is:

<https://www.surveymonkey.com/r/ACA-chairmanvote>

PN will chair the next meeting, Tim Doggett is the CBA CEO designate, becoming CEO from 1st May 2021but it is not certain whether he will attend the next ACA meeting as this has yet to be discussed internally. The formal last day for PN is Friday 30th April & Saturday 1st May TD will take over.

**2021 meeting dates - 12th March 2021**

Further dates will be set by the new Chairman at this meeting and there being no further business the Chairman closed the meeting at 13:00 thanking everyone for their participation and wishing all a happy Christmas.