**Venue: Teleconference**

**Date:** **20 March 2020**

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

**CONFIDENTIAL**

***PRESENT ON THE CALL***

Peter Newport (PN) CBA - ACA Chairman

Lorna Williams (LBW) BASA - ACA Secretary

John Reid (JR) BACS

Peter Davidson (PD) TSA

Patrick Heskins (PH) BAMA (in part)

Matt Davies (MD) BPF

Philip Malpass (PM) UKCPI

Lisa Hipgrave (LH) IFRA UK

Tom Bowtell (TB) BCF

John Dorken (JD) BRPPA

Lee Vousden (LV) BEIS (11.10)

Aman Kundra (AK) BEIS (11:10)

Steve Elliott (SE) CIA

Emma Meredith CTPA

***APOLOGIES***

Philip Law (PL) BPF

Jo Bray (JB) BEIS

**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 Philip Law & Jo Bray

Lee Vousden will represent BEIS and is scheduled to join the meeting at approximately 11:30.

1. **Minutes of the ACA meeting held on 2019**

Corrections/additions -amendments to date, Chris Flower, ‘waster’

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

Matters arising:

Covid-19 actions

Essential / critical sector definition

BPR article 55

**Covid-19 Issues**

There have been some emails exchanged with BEIS regarding the definition of ‘Essential worker’. The suggestion is that Companies create letters of authorisation to cover their essential workers, but how wide does this go. It could result in the creation of a mass letter for the entire company for some small family companies who supply essential services.

The identified Critical National Infrastructure is just that - ‘infrastructure’, so does not extend to supply chains for critical components e.g. water treatment chemicals. The EU have a wider definition which includes the hygiene sector.

CIA have 11 businesses that fall within CNI and for CIA it is the consequences of things going wrong at a major hazard site.

JR has asked the questions about hand sanitisers being essential in the last couple of days (BEIS) – no-one come back to say that they are not included.

PM raised the issue of Biocidal products and Art 55 which allows for fast track without authorisation for a limited period. This seems to be working in current situation, but worth raising this with BEIS

The biocide derogation from EC comes to members states – this is a message to MS competent authorities – SE to forward today’s email (LBW forwarded during the meeting). Will HSE follow it? Seems to be agreement to get products out without specific authorisation.

The EU are struggling to cope with the situation and most actions are being taken by MS at National level to date. Ethanol has to be article 95 compliant (supplier has to be registered) but have the EU relaxed that requirement? ACA should try to argue for this as EU official guidance.

PN commented that this works if companies know what they are doing – but some do not, and there is a plethora of ‘new’ suppliers with no history or relevant experience, just looking at this as a business opportunity. This could result in issues with contact dermatitis, unsafe work practices etc. (Distilleries who have switched to manufacture and are offering it free to NHS). This can’t be stopped, as it is already happening. CBA advice is therefore not to supply to unknown new enquirers. Prioritise supply to normal sanitiser supplier market. Germany is saying to reputable manufacturing you don’t need pre-approval for deviations from approved formulas and are apparently relying on the competence of the formulators.

Our industry is a major supplier of alcohol, France is saying they will stop supply of alcohol out of France. No guidance from government on limiting export at this stage.

TB said that they have concern about ethanol for printing use on packaging.

We do need more specific guidance from government clarifying priority sector(s) as the whole alcohols supply chain is being disrupted. Inquiries for supply are going around to a number of distributors, so it looks like 6 orders, but it is maybe only 2 in reality.

Some EU suppliers are now insisting payment with order or they won’t ship. How can ACA best share all this information?

Government have to react very quickly – CIA told to send all questions into the BEIS team, but how are they going to structure themselves to acknowledge, deal and respond. We have a collective concern that BEIS team will just get overloaded.

We should ask LV how they will coordinate that which we are raising and make sure it is understood that there will be substances that if we don’t get delivered there will be major issues.

1. **Brexit Update including UK REACH**

The EU negotiating position is maintaining environmental and human protection standards.

The UK want to maintain access to EU chemicals database and have proposed an Annex on Chemical draft legal text for discussion with EU. CIA/CBA have asked for a preview but been informed any sight of it will be for information only.

UK will not be following EU REACH, we will have UK REACH and hopefully the legislative clock will reset to the end of the implementation period on 31st December 2020, with two years from then for review. If they can access the EU database, then this reduces some of the costs and complexity.

On the topic of fees replication (€ to £) – DEFRA already actively reviewing the cost model as it potentially disadvantages the UK. What happens if we don’t get access to EU database? Answer ‘all up for review’. There are other methodologies that could work if UK were prepared to operate a phase-in approach.

Is DEFRA going to give in to our point about data? There is a feeling that perhaps DEFRA may move their position as there is a growing recognition that if UK cannot get data access then we need some common sense in the interests of both EU-27 and UK-1.

There seems to be increasing optimism that the tone is changing and reassurance for DEFRA that future chemicals strategy will be sensitive to the need for growth and innovation. What is the possibility of an extension to the 31st December deadline? Message is still that the UK / EU FTA will be done in time and no hint of any consideration to an extension.

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

There are reported security issues linking the MS with ECHA systems. Only two MS so far meet the security requirements, and others have said that they don’t believe they will have this ready by the January 2021 deadlines for Consumer and Professional products.

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

There are lots of actions to extend the deadlines for time limited skills training and refresher certifications due to Covid-19 This should be raised with the necessary Ministry – but replies may be delayed.

Is there any news who the new head of Cogent is? No-one had any information.

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

Still possible to register substances to EU REACH. CBA looking at post Brexit implications. There is the possibility to swap registrations to EU entities for large suppliers. Some smaller ones have opened small offices to be able to transfer. Micro companies, looking to establish EU entities to run as importers and OR. CBA looking at that to gather data and come up with an invitation to tender to set something up as a cost reduced model for small / micro companies.

Polymers requiring Registration are a concern for BASA Members and BASA are inputting into the process via FEICA, who are members of DUCC.

**[Lee Vousden, BEIS joined the call at 11:21]**

**COVID-19**

Revisit Covid-19 Definition of key workers. Companies will give letters to staff to identify them and under what criteria, but what about the roles that support, say the delivery drivers? Before you know it, the essential workers are not just the drivers but also their support staff.

LV stressed that the definition being used is in the context of children going to school next week for this announcement. His question was what do these people do in school holidays? Ie this should not be used as a mechanism for anything else. The idea is anyone who does not need to use this definition to send children to school should not do so. If anyone can make other arrangements even if a key worker, then in that case they should do so. The Government are relying on people’s common sense to take a sensible approach and only define what is really critical. It may be similar to no panic buying, and a new way of defining critical worker may have to be used. We have a week immediately to deal with, and then Easter, then another 9 weeks to deal with. BEIS are looking at these issues.

Essential worker – defined as essential workers with children who need to go to school. Will need to be more than just CNI.

Financial support package available to business, Chancellor to make another statement on this afternoon.

**Biocidal products (JR)**

BACS have written to HSE, saying that some other MS are using a provision Art 95 allowing products to be put on the market based on certain alcohols. So, products based on ethanol can be put on the market. BACS made specific proposal to HSE saying that relaxation of compliance with Art 95 would be most helpful but have received nothing back form HSE yet. LV knows that Cabinet Office and HSE both working on it. LV will look and see what progress has been made on this.

JR – will share what they have sent with ACA

Relaxation on denatured alcohols use in hand sanitizers (HMRC) – BEIS looking at that.

Heather had asked CBA to identify chemical shortages – PN has some info on this, scope is mostly industrial alcohols, new customers trying to source, new distillers looking to see if they can come into the industrial market. CBA trying to prioritise supply based on hard facts and not rumour. This will continue to evolve. If BEIS need anything further, CBA will try to help where they can access credible information.

We don’t want to scaremonger and raise fears. But companies in the industry will already be aware. It is common sense that there will be a shortage in the market given the demand for sanitiser. Anything else needed by BEIS? LV said to carry on talking to Heather particularly on key workers, shortages, relaxation of rules. Don’t hold back – any advance warning of things becoming a problem is useful.

LV was asked whether anyone was looking at creating a list of strategic sectors? Some other MS are doing this – but is this something that the UK are looking at? LV has not seen this, but these are probably being worked at in Cabinet Office and will be released when they come to a conclusion.

CEFIC exercise across Europe in terms of the way that critical industries are treated. CNI definition in the US is different to what is used here. It would be great to know how all the information is being managed.

The chemical sector is understood as important for all of the other critical sectors, but there is no actual definition of strategic sectors. The Chemicals sector is relatively complex so how can we help? If government don’t contact us, then the highly integrated supply chains may fall down. Have to move fast – but if this is without consideration then may fall down.

A letter template or guidance notes from BEIS would be useful.

1. **BEIS Report**

**BREXIT**

In terms of the EU negotiations, the idea of a Chemical annex is a priority. There is a thought that some sort of support package can be put in place to better manage the burdens between the two regimes. The UK doesn’t want to diverge just for the sake of diverging.

The negotiations are moving to video/teleconferencing format, but it is not clear how that will work with so many people in the room. LV said that it would be useful to have ACA members help to lobby for the draft annex for access to data.

**Construction Products CPR/CE Marking and UK CA Marking.**

LBW raised the issue of the Construction products Regulation (CE marking) and BASA members desire not to duplicate what is regarded as a fatally flawed regulation that offers little to users and specifiers of product. The BSI Kitemark and BBA certification were always regarded as much better voluntary schemes to be able to demonstrate performance. Because of the weaknesses in the requirements for full performance declarations in EU CE marking on construction products CE marking is not helpful.

LV will feed this into the relevant team.

**11:54 BEIS team left the call.**

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

The CSBG have scheduled a call on Monday to discuss what key messages we take from research and what should we do with it.

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

Next meeting was scheduled for 24/6 in London. Chances of this going ahead are pretty slim, but it is not thought that it can easily work by teleconference. The Steering group meeting due next week has been scrubbed, no decision as to a new date.

January was the last meeting and was another good meeting.

* Update on chemicals strategy
* Info on CC proposed sector deal
* James Clark – chemistry for green economy
* Sustainable chemistry presentation
* Chemical products waste subgroup
* International policy development report

There are no new meeting dates.

1. **The Chemistry Council (SE)**

SCI outline the CC proposed sector deal at the CSF – JR does not have annex B to hand to brief ACA so there is no update on where that has got to but suspect there are now other priorities.

Leave topic on the agenda.

1. **AOB**

CBA Industry Lunch cancellation has just been announced. There is an issue for event bookings with lots cancelled now> there are issues with the flexibility of venues and speakers, contract terms of hotel restricted unilateral cancellation. Because advisory not actual legal advice from government, this was an issue. Lots of events rescheduled lto ater in the year from second week of September to second week of December. Lots of TA not best positioned to withstand the outcomes of the Covid-19 – advice from CBA is to get as much money owed in as possible. CASH IS KING!

MD – BPF have set up a Covid-19 webpage with advice and guidance and links to information.

UKCPI Covid-19 links: <http://www.ukcpi.org/ukcpi-news/latest-coronavirus-covid-19-guidance>

**2020 meeting dates**

Friday 26th June 2020 – Teleconference, FORMAT OF EACH SUBSEQUENT MEETING TO BE DECIDED ON AN ON-GOING BASIS

Friday 2nd October 2020

Friday 4th December 2020

There being no further business the Chairman closed the meeting at 12:05 thanking everyone for their participation.