How is the UK different to other countries?

BHBIA ETHICS & COMPLIANCE | Quick Guide

BHBIA members are often asked to undertake the UK arm of an international market research survey. They then find that compliance expectations of what can and can't be done are different overseas to the UK. To help members understand these differences, the BHBIA has produced this Quick Guide.

With the kind permission of EphMRA, the BHBIA has used EphMRA's Code of Conduct September 2020 in conjunction with the BHBIA's Legal and Ethical Guidelines 2020 to identify key differences.

This Guide provides an overview of differences in guidelines between the UK and countries covered within EphMRA's Code of Conduct – Australia, Brazil, Canada, Denmark, Finland, France, Germany, Greece, Italy, Japan, Mexico, Netherlands, Norway, Poland, Russia, South Korea, Spain, Sweden, Turkey, UK and the USA.

Topic	In the UK….	BHBIA Section	Elsewhere…..	EphMRA Section
Recruitment agreements	Documented recruitment agreements are required for all study types irrespective of methodology.	E 4.2	Recruitment agreements are required for face to face market research, longitudinal studies and the use of panels. Single stage online, telephone or postal surveys that involve only minimal remuneration do not require recruitment agreements.	4.24
Disclosure	Disclosure of non-HCP payments is mandatory within the ABPI's 2021 Code of Practice, for payments made from 2022 onwards (when the identity of the MR respondent is known to the commissioning pharmaceutical company).	E4.3	EFPIA's 'Working together with payments' guidance does not make disclosure of non-HCP payments mandatory.	E4.29 – 4.31
Employer Permission	Employer permission (to participate in MR) is not a regulator requirement in the UK		In France, Germany and Italy, there are employer permission requirements; although the German requirements are no longer included in EphMRA's Code as it is an FSA Code recommendation not a legal requirement.	4.28.1 – 4.28.2
Incentive types allowed	Cash, cheques, bank transfers, vouchers, donations to charity and prize draws may all be used.	E 4.9	The range of incentive types allowed varies across countries. Please refer to Incentives Overview Country Differences and Summaries by Market Published in 2019 and available at www.ephmra.org for members	4.50 - 4.53
Viewing fieldwork via video-relay	Data Protection Act 2018 requirements for viewing fieldwork live or later/delayed, via video-relay require that detailed and specific conditions are met.	E 6.3	Generally speaking requirements in other countries are very similar however in Germany MR regulations dictate that the respondent may never be identifiable.	5.29 - 5.36

Updated May 2021
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Adverse event reporting	All AE/PC/SRS cited in the context of an individual patient or a group of patients should be collected and forwarded to the MAH.	E6.2 AE/PC/SRS Guidance Notes 4.1.1	The minimum criteria for valid ICSRs include an identifiable patient or group of patients; the following definition of patient is given - characterised by at least one of the following qualifying parameters: initials, data of birth, age/age group, or gender/sex. Refer to EphMRA Adverse Event Reporting Guidelines	EphMRA AE Reporting Guidelines Sep 2020 Minimum criteria for valid ICSRs
Children and young people - Definition	In research terms, a 'child' is a minor i.e. 15 years old or under. A 'young person' is 16 or 17 years old. This reflects the UK MRS's definition but is different to the ESOMAR definition.	F3	ESOMAR advises that in the absence of a national definition a child is a minor 12 years old or less and a young person is aged 13 to 17 years of age.	8.7
Email recruitment	Market research emails are not defined (legally) as commercial communications so clients can forward customer email addresses to agencies (for recruitment purposes) unless individuals have opted-out.	G 4	This is not the case in all countries.	7.28

Further Information

For further detail on all guidelines please see the BHBIA Legal & Ethical Guidelines for Healthcare Market Research at www.bhbia.org.uk/guidelines-and-legislation/legal-and-ethical-guidelines and EphMRA Code at www.ephmra.org/standards/code-of-conduct/.

If you have any queries about this Quick Guide or the BHBIA Legal & Ethical Guidelines for Healthcare Market Research, please visit **www.bhbia.org.uk** and submit your query via **'My BHBIA'** Please note: this ad hoc advisory service is available to full BHBIA members only.

Disclaimer

This guidance is provided by the BHBIA for information purposes only and is not intended and should not be construed as regulatory or legal advice. It does not cover all legislative and regulatory requirements pertaining to Members and it is the responsibility of all Members to familiarise themselves with these.

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A Private Limited Company Registered in England and Wales No: 9244455

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