

# Industry News



## Failure to plan means...

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It will be interesting to see how Jacob Rees Mogg behaves now he has moved to the Department for Business, Energy and Industrial strategy, having taken his old portfolio of 'Brexit Opportunities' with him. Optimists are suggesting that Rees-Mogg, as an arch Brexiteer, might be better able than others to propose scrapping the costly UKCA mark, as part of his bonfire of EU retained laws.

GAMBICA's flammable atmospheres group has recently called for action on UKCA saying its introduction is not making products any safer and is only adding barriers to trade. "For flammable atmosphere products, an inability to supply safe products threatens the continued operation of the UK's critical national infrastructure. The government should be supporting businesses and helping to remove barriers to trade by seeking a mutual recognition agreement with the EU for product compliance."



Jacob Rees Mogg

Unfortunately, at present, that doesn't seem to be Rees-Mogg's focus, instead he is concentrating on the Retained EU Law (Revocation and Reform) Bill, which he is calling 'The Brexit Freedoms Bill' to amend, repeal or replace all retained EU legislation. He has announced that all retained EU laws will be sunset on 31 December 2023 and that as a result of the bill, around £1 billion worth of red tape will be removed. Over 2,000 pieces of law will be affected.

The Bill will allow for amending, repealing or replacing most of these retained laws by means of a statutory instrument (SI), rather than primary legislation and critics say it will

allow the government to make changes with insufficient scrutiny. But industry's main fear is that it will mean increasing the pace of regulatory divergence, with all the attendant costs of doing things one way for UK markets, and another for export and of keeping abreast of two different systems.

GAMBICA's Environmental Regulatory Group is making it its business to keep horizon scanning for divergences so that members can discuss them, and start to thrash out what the implications are for their businesses. At a recent meeting, significant upcoming divergences on UK REACH started to emerge, to the resigned sighs of all present.

Still, one thing the government has done lately, apart from frightening the pants off the city and anyone with a mortgage or a pension, is to provide some new guidance for those trading with the EU, about protecting their intellectual property there.

Registering your intellectual property (IP) in the UK no longer provides protection abroad, but for trade marks, designs and patents you have a number of options, you can file an application directly to the national trade mark office of each country; or try to hit all the member states in one go with a European Union Trade Mark or apply for international trade mark protection using the Madrid System, which covers over 120 countries, including all EU and EEA member states.

All that said, because of the difficulties associated with obtaining patent protection abroad, the government's advice is to consider seeking advice from a patent attorney or other professional adviser rather than taking a DIY approach. The guidance including where to access details on fees, can be found at <https://www.gov.uk/government/publications/protecting-your-uk-intellectual-property-abroad/protecting-your-trade-mark-abroad#international-trade-mark-protection>.

Somewhat surprisingly, the government has gone public with the results of a survey of traders, businesses and officials from port, health and local authorities on its border Target Operating Model (TOM). Completely unsurprisingly, the feedback was that they need to have a plan.

Respondents said that the government should set its programmes with sufficient time allocated for training and recruitment of staff, and ensure there is still adequate time to prepare once information and guidance is finalised - at least 6 months' notice would be required for training to convert Trusted Trader to implementation stage for example.

Traders told the government to consider delaying implementation of the TOM from end of

2023, to ensure smooth implementation and asked for at least 12 months' preparation for software development including testing, training and rollout.

But the point they really hammered home is the need for timely communication, especially internally. Respondents told the government that UK traders and businesses often have more awareness of changes than local Border Force officers, who aren't being fed information via the government machine.

Of course to get the communications out in good time, you need to have a plan and there was unambiguous scepticism about the effectiveness of current planning with requests for a clear roadmap of what will be delivered and when, between now and December 2023 and for a map of interdependencies between government initiatives.

## Get out of jail free card issued to exporters

HMRC had been intending to disable the Customs Handling of Import and Export Freight (CHIEF) system for imports on 1 October 2022, forcing businesses to switch to the allegedly incomplete Customs Declarations Service instead. However, bowing to the inevitable, HMRC has now announced that as 'some traders may not be able to migrate in time', CHIEF badge holders are to be allowed to seek permission for an extension to use CHIEF beyond 30 September, if they have a clear business reason.

## But in person right-to-work checks come sweeping back

The special right-to-work check guidelines, put in place to allow for remote working during the pandemic, ended on 30 September 2022. Employers, who had temporarily been able to carry out checks using video calls, emails or through apps, instead of using original copies of documents, must now return to more rigorous checks.

From 1 October, 2022 employers will need to complete their right-to-work checks in person or put in place appropriate alternative processes and systems with an IDSP (a certified identification document validation technology service provider) which can carry out digital identity checks for employers who are not in scope to use the Home Office online services.

The verification process provided by an IDSP will validate the identity of the applicant and their documents remotely. Initially, the verification process will only cover British and Irish citizens.

## GAMBICA members get help to plan for green growth

Many GAMBICA members had their best-ever years in 2020 and 2021 and are now planning how to maintain that performance in the coming, more turbulent, period.

The 2023 GAMBICA Lab Suppliers' conference in March is bringing together expert speakers to set out the political and economic framework lab companies will be working within, provide insights on customers' key purchasing criteria, and offer inspiration and pointers on establishing the sustainability



Stapleford Park Country House Hotel - home of the Lab suppliers' conference

credentials which will be essential for those who wish to supply the pharmaceutical, academic or health markets in the near future.

The pharma industry is taking to heart its UN Race To Zero targets and has started on lab certification in large numbers. In order to address their Scope 3 emissions (those not under their direct control) most of the major lab customers are now setting sustainability targets for their providers. So at the conference, delegates will hear about these targets from two major pharma clients, and then will get some information on how GAMBICA can help you can take your first steps to meet their expectations and benchmark your sustainability performance against your peers. It will also help you to retain value in your equipment even once sold.

Failing to meet clients' sustainability requirements will be as effective a barrier to trade as failing to meet current legal requirements. This conference will help you to get ahead of less forward-looking companies. To book your place at early bird rates, go to: <https://www.eventbrite.co.uk/e/gambica-2023-annual-laboratory-industry-conference-tickets-401211453257>.

## And finally - GAMBICA wage support survey

GAMBICA members have contributed their plans for salary increases to produce a picture of how the industry proposes to balance the need to help and retain staff, with the currently impossible-to-match interest rates. The survey works in the same way as all GAMBICA's data collections, members provide their confidential information to GAMBICA's statistician who keeps it absolutely confidential and produces an aggregate figure. This aggregate information is then shared only with those who input their data, and they can see how their proposals compare with the average for their size of company or specialism.

We will be repeating the survey in coming months, if you would like to receive the results, you are very welcome to join in - but you have to join GAMBICA first! You can contact me about the results, or any other matters or concerns on [jacqueline.balian@gambica.org.uk](mailto:jacqueline.balian@gambica.org.uk)



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