

EAEP feedback to Consultation on the EU toolbox against counterfeiting

The EAEP, which represents the voice of leading e-pharmacies on the European continent, welcomes the opportunity to provide feedback on the initiative “EU toolbox against counterfeiting”. We look forward to continuing to engage in this and other policy initiatives stemming from the EC [IP Action Plan](#).

Patient safety and quality of care have the highest priority for the EAEP members. As pioneers in providing digital solutions, members continuously seek for ways to enhance the quality, safety and efficiency of healthcare for Europeans. Our DNA builds on two core principles:

1. **Online pharmacies comply with the same legislation and regulations and the high standards of safety as set for traditional pharmacies.** To ensure consumers and patients know they are dealing with a legally operating e-pharmacy that complies with local regulations, the EU has introduced the obligatory EU Common Logo, which all EAEP members naturally adhere to. It vouches for the authenticity of the websites and guarantees the safety of the products which are sold on the websites.
2. **The medicines distributed by e-pharmacies have the same origin as the ones distributed by brick- and-mortar pharmacies.** Only registered authentic medicines are distributed in the country of destination. The 2D barcode together with the central verification system, introduced in the [EU Falsified Medicines Directive](#), guarantee the authenticity of the medicines.

As such, EAEP members positively distinguish themselves from self-proclaimed online pharmacies. Therefore, the EAEP strongly supports the intention of the EC to **step up the fight against counterfeiting**, especially online.

The spread of illegal medicines online is particularly worrying for the members of the EAEP. With an estimated 130 million EU citizens buying medicines online¹, the EU must promote tailored measures addressing this domain. For e-pharmacies which operate legally, sales losses occur due to counterfeit drugs: it is estimated by the EU Intellectual Property Office (EUIPO) that nearly €10 billion of direct sales, within the pharmaceutical sector, are lost through counterfeiting per year². Not only does this pose a serious threat to public health, but it also contributes to creating a misleading perception of e-pharmacies. While we strongly believe that e-pharmacies have demonstrated their contribution to the continuous safe and secure supply of medications, especially during the pandemic, we share the EC’s assessment that counterfeiting is still thriving and counterfeiters are quickly adapting the way they operate to changing circumstances.

¹ <https://op.europa.eu/en/publication-detail/-/publication/7d16c267-7f1f-11ec-8c40-01aa75ed71a1>

² https://euiipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/resources/research-and-studies/ip_infringement/study9/pharmaceutical_sector_en.pdf

In this sense, the EAEP believes that the “EU toolbox against counterfeiting” has the potential to contribute to the **development of a sound and future-proof legislative framework** that effectively tackles the spread of counterfeits online, fostering trust in the digital environment.

To achieve this goal, together with appropriate steps addressing the offline domain, the EAEP believes that such framework should focus on five elements:

1. Together with the Digital Services Act, **establish clear rules on EU e-commerce – building on an extended Know Your Business Customer obligation**, in which the well-functioning, trustworthy online web shops and platforms like e-pharmacies are set apart from those with bad intentions;
2. **Incentivise information campaigns**, both at the EU and Member State level, aimed at the general public on the dangers of both counterfeit medicines and falsified medicines;
3. **Further raise the awareness of the existence of the EU Common Logo** and what it stands for, as already foreseen under the [EU Medicinal Products Directive](#);
4. **Promote awareness-raising campaigns** to make consumers, IPR holders, and other stakeholders aware of existing measures tackling Domain Name Systems abuse³;
5. Support a **stakeholder dialogue involving all players** that can directly or indirectly prevent counterfeits, especially medicines, from being sold online.

The EAEP is and remains committed, together with other stakeholders, to combating counterfeit drugs.

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³ <https://op.europa.eu/en/publication-detail/-/publication/7d16c267-7f1f-11ec-8c40-01aa75ed71a1>