

EAEP feedback to the call for evidence – Report on the General Data Protection Regulation

The **European Association of E-Pharmacies (EAEP)**, which represents online pharmacies and their patients on the European continent, welcomes the opportunity to provide its feedback on the implementation of the General Data Protection Regulation (GDPR), six years after its implementation.

The EAEP strongly believes that the **protection of the rights and freedoms of its members' patients is central with a view to establishing digital trust**. Indeed, online pharmacies, as healthcare providers, treat patients' sensitive data with high standards of protection and diligence. The **GDPR plays an important role in creating a unified framework to safeguard these rights of individuals**.

With the aim to support patients with their health needs and to improve overall public health, online pharmacies are required to process such sensitive data in a safe, lawful, transparent, and fair manner. In this context, the most significant challenges brought by the GDPR, especially in an international context, stem from the very diverse interpretation of the requirements in the EU Member States, at times even within the same Member State. **While some EU countries lean to a pragmatic, innovation-friendly interpretation, others interpret the guidelines in a very restrictive manner, making compliance and implementation complicated, or even unaffordable, for stakeholders.**

For businesses and innovation to flourish, a harmonised framework is a crucial pillar. Especially within the e-commerce domain, slightly diverging interpretations in a court judgement, or local law, can lead to significant operational and financial impacts on organisations. With clear guidelines on implementation and unified rules throughout all Member States, online pharmacies would be enabled to innovate and better fulfil patients' health needs, ultimately contributing to public health goals. **Concrete, pragmatic, and realistic guidelines, harmonised in all Member States, would enable organisations to fulfil their data protection obligations while ensuring the necessary legal certainty to foster innovation.**

In light of the above, the **EAEP wishes to underline the following major concerns:**

1. **Lack of uniform implementation of the GDPR:** in each EU Member State, and sometimes even within the same country, one deals with the application of the GDPR in a different, fragmented way. As an example, online pharmacies based in e.g. the Netherlands, but serving patients in Germany, are challenged by the different approaches to health data protection, which in Germany

is very strict. In other countries, provisions around health data protection are more pragmatic while still fulfilling the goal of ensuring the highest possible protection of sensitive data. Especially for organisations operating across borders, this represents a major challenge.

2. Concrete implementation guidelines vary greatly depending on the Member State and the European jurisprudence. Harmonised implementation guidelines that are applicable to all Member States would help online businesses enormously.
3. As healthcare providers, online pharmacies play a key role in providing health services, and enabling patients to manage their health, namely their medication. The current fragmented landscape for processing of health data is slowing down the development of new services to better support patients and contribute to public health objectives.

ABOUT US

The [European Association of E-Pharmacies](#) (EAEP) represents the interests of e-pharmacies on the European continent. The EAEP voices its interests mainly with political stakeholders, regional and business actors, with the ultimate aim to improve the health of Europe's citizens and strengthen the European healthcare system. E-pharmacies have digitalised the classical pharmacy, and therefore act at the crossroads of digitalisation, healthcare, e-commerce and sustainability. As pioneers in providing digital solutions and our innovative and secure processes in dealing with health data, offering medicinal products and digital healthcare service while complying with national and EU law, the EAEP members continuously seek for ways to enhance the quality, safety and efficiency of healthcare for Europeans.

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