

Alliance for Safe Online Pharmacy EU

Directive 2011/62/EU

Implementing Act on a common logo for legally-operating online pharmacies/retailers offering medicinal products for human use for sale at a distance to the public.

Comments on Concept Paper

London, 15 January 2013

Background Information

ASOP EU is a loose coalition of patient, professional and industry participants, formed in March 2012. Participants include many of the global leaders in the internet space, from ISPs and platforms, through search engines, payment providers and delivery service providers. All are united in their objective of increasing patient safety online and ASOP EU welcomes the Commission's action in this area. Further background information can be found at www.asop.eu.

Comment on Consultation item No 1

We believe that there are two critical elements to the successful implementation of the common logo. The first is that the system employed to link the logo to the national list(s) must be secure and future-proofed against forgery. Similar national logos have, in the past, been forged. The second is that, in order to understand the meaning of the logo, EU citizens must be informed of its existence and the reason for that existence. From discussions with the Commission and Member State Drug Regulatory Authorities, we have concerns regarding the amount of funding that will be made available for this.

In our opinion, the technical aspects of the logo and the architecture to secure and link it, should be subject to discussion and proposals from a small group of experts in this area. We feel that this would greatly assist the Commission and we would be prepared to suggest participants, convene such a group and submit detailed proposals for consideration.

Whilst we accept that such proposals might or might not meet the requirements of every Member State, we do believe that they might help to prevent the unnecessary expense of devising and implementing up to 27 different generic versions that could be of varying quality and security.

Comment on Consultation Item No 2

We feel that option 2 is too reminiscent of a national flag and does not communicate compliance or approval. Conversely, the “tick” in option 1 is a universal sign of approval. Therefore, we support the introduction of option 1, though we would have welcomed more than two choices from which to pick a favourite.

Comment on Consultation Item No 3

We believe that it is critical that the national flag and text elements are included. In particular the text will be the only clue to the potential customer that there is indeed a secure checker tool. We also feel that there is a potential missed opportunity if the common logo simply links to a national register. There is no indication in the suggested text of WHY the common logo is there. We suggest that the destination web page containing the register, also has a link to further information about the dangers of falsified medicines, the benefits of the system and broader elements of the Directive (such as security features). This would effectively communicate to the potential customer, the reason for the common logo in the first place, and increase vigilance once the medicines arrive.

Comment on Consultation Item No 4

In our opinion, it is essential that a minimum size and prescribed location for the common logo, be specified in the Implementing Act. If a potential customer is to be expected to find and use the common logo, then the least that customer should expect is consistent size and placement across all legally-operating online pharmacies.

One option to maintain consistency might be to have the common logo open as a small pop-up window, prompting the potential customer click to check the website prior to entering the homepage of the pharmacy.

Other issues / comments

- 1) As previously mentioned, we are concerned about how the costs of the awareness-raising elements, will be covered. The concept paper is vague on this subject and our own discussions with interested parties have done little to inspire confidence in the likelihood of an effective, co-ordinated campaign of public awareness.
- 2) In the United States, the National Association of Boards of Pharmacy (NABP) has submitted an (unopposed) application for the right to control the domain name suffix “.pharmacy” We believe that this presents a tremendous opportunity to ensure that only legitimate legally operating online pharmacies can access that suffix. The NABP will look to regional partners to distribute the right to use .pharmacy domains and we would urge the Commission to discuss with the EMA, whether the EMA could act in this capacity. Of course, nobody could compel all legally operating online pharmacies to adopt a .pharmacy domain, but we would at least know that any pharmacy using .pharmacy, was legitimate.