



MARKET SURVEY ON E-COMMERCE by DG SANCO

II. Assessment of National Framework for E-Commerce

Q2 (e) We have concerns about contact lenses, especially plano cosmetic lenses, being sold over the internet which are not up to the required standards for successful contact lens wear. We also have concerns about counterfeit branded ophthalmic products, such as frames, being sold over the internet.

Many Member States impose restrictions on the supply of ophthalmic products because they are medical devices. As a European association we feel that national restrictions on the supply of medical devices should continue to be permitted where they are designed to protect the public, rather than to restrict consumer choice.

ECOO is available to discuss these concerns in more detail with DG SANCO.

III. Consumer Complaints

Q5: Other – As above under Q2(e), we have concerns about contact lenses (especially plano cosmetic lenses) and counterfeit branded ophthalmic products (such as frames) being sold over the internet.

In our experience, rather than complain about these products, consumers instead cease using them, which can lead to lower overall economic activity.

IV. Measures to Improve Conditions for E-Commerce in Goods

Q7: Comments – In our view four of these measures stand out as being the most important measure to increase consumer confidence in the field of eye care:

- public authorities should cooperate to ensure products sold online are safe, including plano cosmetic contact lenses or counterfeit products;
- online sellers should adhere to local codes of good conduct where the product is sold;
- customers should be encouraged to return faulty goods and sellers should be obliged to take them back and replace it at their expense or offer a full refund;
- public bodies should provide information on medical devices, for example similar to that provided by the FDA in the US on contact lens supply.



In order to supply ophthalmic medical devices, consumers require fitting and counselling about the products. In our experience this can only be achieved by proper verification of the associated prescription or specification (which must also be time limited – i.e. valid for a fixed period of time beyond which the holder should attend for follow up care).

ECOO is available to discuss or support the development of these initiatives with DG SANCO.

Q8

- Provision of clear and concise pre-contractual information online
- Sellers' obligation to take back a faulty product and repair or replace or give a refund
- Rules concerning unfair commercial practices

We would like to add that we have responded from the perspective of eye care professionals. In our view the suppliers of ophthalmic products, from whatever avenue, should comply with minimum rules designed to protect the public. We have examples of suppliers from third countries that do not conform to proportionate local regulations, for example in the field of contact lens supply, which we consider to be unfair commercial practice.

ECOO is available to discuss these concerns in more detail with DG SANCO.