



Strasbourg, 13 May 2008

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EUROPEAN CONFERENCE

THE EVER-GROWING CHALLENGE OF MEDICAL LIABILITY: NATIONAL AND EUROPEAN RESPONSES

**2-3 June 2008
Council of Europe, Strasbourg**

Room 1

DRAFT PROGRAMME

www.coe.int/medical-liability

Monday 2 June 2008

OPENING SESSION

08.30 Registration of participants

09.30 Opening of the Conference

Welcoming remarks by **Mr. Philippe Boillat**, Director General, Directorate General of Human Rights and Legal Affairs (DG-HL), Council of Europe

Welcoming remarks by **Mr Edwin KILBY**, General rapporteur of the Conference, representative of the European Committee on Legal Co-operation of the Council of Europe (CDCJ), Head of European Policy, Ministry of Justice (United Kingdom)

SESSION I
Overview of Medical liability
in Council of Europe member states

Chair: Member of the Parliamentary Assembly of the Council of Europe (PACE)

10.00 Medical Liability in Europe: an ever-growing challenge

Rapporteur: **Mr Herman Nys**, Professor of biomedicine, ethics and law, Department of Public Health, Faculty of Medicine, University of Leuven (Belgium)

10.20 Actors involved in medical malpractice and their synergies

- Legal professions: **Mr Gilles Devers**, lawyer, medico-legal profession (France)
- The Judiciary

Discussion

11.00 Coffee Break

11.15 Actors involved in medical malpractice and their synergies (Cont.d)

- Medical Professions : **Ms Françoise de LARRARD**, Doctor, specialising in evaluation of physical injury and medical responsibility (France)
- Non Governmental Organisations : **Ms. Radmilla Yu. Hrevtsova**, President of the Ukrainian NGO Medical & Legal Association (Ukraine)

Discussion

12.00 The ongoing work of the European Union in the field of cross-border healthcare

Discussion

12.30 Lunch

SESSION II
Legal approach to medical liability issues

Chair: **Ms Isabelle Erny**, Chair of the Steering Committee on Bioethics (CDBI)

14.00 The legal approach to medical liability

Rapporteur: **Mr Carlos Romeo Casabona**, Professor of Criminal Law, Head and Chair of Law and the Human Genome, University of Deusto and University of the Basque Country (Spain)

14.20 Dealing with medical liability claims using a principle of no-fault

Mr Giovanni Comandé, School of Law, Scuola Superiore Sant'Anna, Pisa (Italy)

14.35 Existing challenges in medical liability: causation, burden of proof and the informed consent

Mr André Gonçalo Dias Pereira, University of Coimbra (Portugal)

14.50 Medical practice and Convention principles: recent case-law of the European Court of Human Rights

Ms Ann Power, judge to the European Court of Human Rights, elected in respect of Ireland

15.05 Defining the extent of liability

Hans-Georg Bollweg, Head of division on Liability Law, Ministry of Justice (Germany)

Discussion

16.00 Coffee break

16.15 Round table on damage and compensation through two case studies:

- Nosocomiale infection
- Wrongful diagnosis regarding foetal development

Participants:

- **Mr Israël Nisand**, Professor of gynaecology and obstetrics at SIHCUS-CMCO, Strasbourg (France)
- **Ms Roxana Radulescu**, Policy Officer, European Patients' Forum
- **Mr Pascal Garel**, Chief executive, European Hospital and Healthcare Federation (HOPE)
- **Mr Christian Katzenmeier**, Head of the Institute of Medical Law, University of Cologne (Germany)

17.30 End of the first day Sessions

Tuesday 3 June 2008

SESSION III
Existing remedies in Council of Europe member states

Chair: **Ms Sandra Barnes**, Chair of the European Committee on Health (CDSP)

09.00 Means of settling medical disputes prior to the judicial system

Rapporteur: **Mr Kaj Essinger**, CEO, The Regions Medical Injury Insurance (Sweden)

09.20 The role of effective reporting systems in preventing medical error

Mr Asier Urruela Mora, Criminal Law professor at University of Zaragoza (Spain)

09.40 The Council of Europe approach to patient safety and medical liability

Mr Pirjo Kristiina Pennanen, National Authority for Medico legal Affairs (Finland)

10.05 Impact of Council of Europe Recommendations on mediation

Ms Maria da Conceição Oliviera, Mediator and Lawyer, Member of the European Committee for the Efficiency of Justice (CEPEJ) (Portugal)

Discussion

10.45 Examples of good practices of alternative dispute resolution

- Reconciliation: **Mr Steve Walker**, Chief Executive, NHS Litigation Authority (United Kingdom)
- Specialised tribunals

11h15 Coffee break

11.30 Examples of good practices of alternative dispute resolutions: (Cont.d)

- Administrative procedures: **Mr Dominique Martin**, Director of the *Office Nationale d'indemnisation des accidents médicaux* (ONIAM) (France)
- Ombudsman

Discussion

12.30 Lunch

**SESSION IV:
The role and responsibility of the private and public sectors for
financing medical liability claims**

Chair: **Mr Pekka Nurmi**, Chair of the European Committee on Legal Cooperation (CDCJ)

14.00 Economic implications of medical liability claims: Insurance and compensation schemes

Rapporteur: **Mr Jürgen Simon**, University of Lüneburg (Germany)

14.20 Insurance of the medical profession: a legal obligation for medical professionals and health care services?

Mr Christophe Fourcadier, "Médicale de France" (France)

Discussion

14.55 Round table on cost-effects of compensation schemes in the members states

Participants :

- **Mr Nicolas Gombault**, General Director of "Le Sou Medical" (France)
- **TBC**, European insurance and reinsurance federation (CEA)

15.45 New perspectives and the harmonisation of systems

Mr Jean Vilanova, Insurance lawyer, La Médicale de France (France)

Discussion

16.15 Coffee break

CLOSING SESSION

16.30 Conclusions by the General Rapporteur

Mr Edwin KILBY, General rapporteur of the Conference, representative of the European Committee on Legal Co-operation of the Council of Europe (CDCJ), Head of European Policy, Ministry of Justice (United Kingdom)

17.00 Closing of the Conference