

European Association of Health Law

Message of the President



EAHL President
Prof. J.D. Karl Harald Søvig

Dear EAHL members,

I hope that you all have had a peaceful Christmas celebration, and that the beginning of 2018 has been fruitful. One of the major activities of EAHL is the biannual conference. The board received three applications to host the 2019 conference. It was indeed inspiring to experience such an interest in organizing this event and to read so well-found applications. You can read more about the process and outcome in this newsletter. It was difficult to turn down two of the applications, but the board has aimed for a decision process as transparent as possible.

As some of you may be aware of, a committee has been appointed to reflect upon the most appropriate future EAHL activities and their set up (cf. also item 6 on the General Assembly). The committee consists of Mette Hartlev, Dean Harris, Nicola Glover-Thomas, Markus Frischhut, Stefan Callens and Santa Slokenberga. The board look forward to receive the report (which will be made public to EAHL members) and to discuss the recommendations put forward by the reflection committee.

The board has been working with the design and content of the EAHL website. We aim to launch a refreshed website during the spring. We can then offer features like the possibility for a closed forum for PhD-students and alternative forms for payment of the membership fee.

Best regards,

Karl Harald Søvig

Newsletter

February, 2018
Issue N^o 1

This Issue

Letter of the President.....	1
Information to the applicants.....	2
7th EAHL conference.....	3—4
Other events.....	5—7
About seminar for legal practitioners...	8
Legal news.....	9

Important information

- EAHL website:
<http://www.eahl.eu/home>
- Please contact us:
eurohealthlaw@gmail.com



EUROPEAN ASSOCIATION of HEALTH LAW

INFORMATION TO EAHL MEMBERS REGARDING THE 2019 EAHL CONFERENCE

EAHL received three applications to host the 7th EAHL conference within the deadline of 1 December 2017. The applicants were based in Toulouse, Manchester and Thessaloniki. Due to affiliation with two of the applicants the board members Athanasios Panagiotou and Annagrazia Altavilla did not take part in the selection and decision-making process.

The board decided to evaluate the applications based on five criteria

- a) relevance of conference topic for the promotion of health law research, teaching and practice throughout Europe
- b) potential of conference topic to attract health lawyers from all over Europe
- c) availability of (strong) cooperating partners at conference venue (e.g. to form a local organising team)
- d) attractiveness/reachability/suitability of conference venue
- e) experience from hosting similar events (both scientific and administrative)

Each board members scored the three applications based on a scale from 1 to 7 (where the latter is the highest), without knowledge of the scoring results of other board members. The total score should then be used for a discussion-platform for the final discussion.

Based on the scores the board had a discussion on the strength and weaknesses of the three applications. Based on this reflection process, the board has decided to offer Toulouse to host the 7th EAHL conference in 2019. The decision of the board is unanimous.

The board would like to thank all candidates for submitting such high-quality applications and would like to emphasize that all candidates are indeed capable of hosting an international health law conference. Thus, the board encourages applicants that did not succeed this time, to re-submit applications for upcoming EAHL-conferences or -events.

On behalf of the EALH Board,

Karl Harald Søvig
EAHL president

INNOVATION & HEALTHCARE: NEW CHALLENGES FOR EUROPE

7th EAHL Conference - Toulouse, 2019



Innovation in Healthcare is of crucial importance to Europe. Key European goals as set out in the Europe 2020 strategy and relating to economic growth and development, European competitiveness, healthcare, and quality of life, all hinge on continued and increasing innovation in healthcare in Europe.

Ageing populations and the increasing prevalence of chronic diseases are placing higher demands on healthcare systems at a time when public sector budgets are being reduced. European nations are thus facing both new opportunities with more expensive and innovative treatments and new challenges in their ability to provide better-integrated and sustainable health and social services.

Use of information and communication technologies – including access to timely, comprehensive digital health information, medical records, personal data– enables a more collaborative approach to care that promises better results. These new practices interrogate their further use notably in research and how they will be regulated.

Furthermore, future pharmacopeia is more complex moving away from allogeneic small molecules to complex autologous therapeutics and combinational strategies, utilising therapeutics and devices, stratified and personalised medicine approaches. Therefore, guidance and regulation must be continuously adapted and updated.

In this open innovation strategy, Intellectual property (IP) does need to be addressed, competition being also an important driver of quality and speed in developing novel medicines.

Innovation is not only concerned with new technologies and products but also about people, behaviour and the need for change in mindset of all stakeholders including patients to enable innovation to thrive.

Therefore solutions must go beyond investing in and regulating new technologies ; innovation is also about finding ways to improve the functioning of our healthcare systems and changing mindset of people and organisations. All stakeholders, governments, policymakers and service providers, have to strike a delicate balance together between delivering high quality and accessible healthcare, while containing costs and putting patients first.

INNOVATION & HEALTHCARE: NEW CHALLENGES FOR EUROPE

7th EAHL Conference - Toulouse, 2019

The next EAHL conference will be the occasion to address all these aspects taking into account legal, societal, ethical and economic issues in a fundamental and human rights perspective and with a comparative approach.

The conference, that will take place in 2019 at the University of Toulouse, will be organized in partnership with the Unit INSERM UMR 1027 University Paul Sabatier, Toulouse 1 Capitole University, the Research Institute of European International and Comparative Law (IRDEIC), the Jean Monnet Chair in European Health Law and Medicinal products as well as the Association for Research and Training in Medical Law (ARFDM). Specific event will be organized for young researchers and PhDs.

Workshops and satellite events will be encouraged. Members of the EAHL are invited to submit proposals to the scientific committee. National contacts will be involved in promoting this event.

All the EAHL members are welcomed in Toulouse, the 4th city of France, the City of Violets and Aeronautics (the cradle of Airbus and European High-tech industries in computer sciences and space) with a rich cultural heritage. A Student city of 94,000 students in universities, High Education schools and research institutes selected to be the European City of Science in 2018 by the European Science Open Forum.

For more information please contact :

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Anne Marie DUGUET : aduguet@clubinternet.fr

OTHER EVENTS:



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Invitation and call for abstracts

The European Scientific Network on Law and Tobacco (ESNLT) as led by the Global Health Law Groningen Research Centre of the University of Groningen, and the Leuven Institute for Healthcare Policy and the Leuven Centre for Public Law of the KU Leuven with support of the European Association of Health Law, cordially invite you to the conference:

Law and Noncommunicable Diseases:

The cross-cutting role of law in NCD control and regulating risk factors

31 May – 1 June 2018

**Academy Building UG (Broerstraat 5)/Norman Building (Lutkenieuwstraat 5)
Groningen, The Netherlands**

During this [two-day conference](#), we aim to bring together leading scholars, young researchers and practitioners from all over the world to share insights on recent research and developments on the cross-cutting role of law in NCD prevention and regulating NCD-related risk factors. Indeed, the global rise of chronic non-communicable diseases (NCDs) such as cancer, cardiovascular diseases, and diabetes, is one of the main concerns of global health. Law has a cross-cutting role in NCD prevention and regulating the tobacco, (excessive) alcohol use, unhealthy diets and lack of physical activity as the four main behavioral risk factors associated with the global NCDs crisis. This conference aims to distill and discuss the (future) role of law in NCD control in light of the multifaceted complexity of the NCD crisis in general (with a special emphasis on tobacco).

To assure a broad international and national exchange, we cordially invite you to submit your abstracts.

Please look at our detailed call for abstracts including four different tracks:

- Track 1: Recent developments and tensions in NCD laws
- Track 2: Scaling up: regulation of all risk factors and lessons learned from tobacco control
- Track 3: Translational law and policy: the effectiveness of NCD interventions
- Track 4: Slippery slope and the legitimacy and possible limits of NCD laws

Target audience and disciplines

The target audience includes law and policymakers, civil society and practitioners and academia. While the role of law is central and overarching discipline, this conference is open to a range of other disciplines that may inform (health) law. See for a non-exhaustive list below:

Law

(international, regional, domestic) Human rights law

(international, EU and domestic) Health law

Law and sociology, ethics, economics

Legal theory and philosophy of law

International relations and governance

Sciences

Medicine

Behavioral sciences

Health sciences

Health economics

Important dates and information

- [Abstract submission](#) by 7 April 2018
- Abstract notification by 21 April 2018
- [Registration](#) open by 1 March 2018 (*NB: Spaces are limited; registrations are accepted on a first-come first-in basis*)
- Limited travel grants are available for early career researchers working on law and tobacco control. *NB: Please send a short CV including publications and short motivation letter to esnlt@rug.nl when you submit your abstract and indicate “travel grant/fee waiver” in the subject line.*
- Depending on the number of abstracts, we might organize a PhD Seminar on Wednesday 30 May 2018

We hope this event is of your interest and please feel free to forward this message and attached flyer to anyone in your network for whom you think this event may be relevant.

Sincerely,

University of Groningen:
Prof. Brigit Toebes
Dr. Marie Elske Gispen

KU Leuven:
Prof. Steven Lierman
Mathijs van Westendorp, Msc, LL.M

For more information, contact Dr. Marie Elske Gispen via m.e.c.gispen@rug.nl

This conference is organized with financial support from the Dutch Cancer Society and Kom op tegen Kanker



Law and Noncommunicable Diseases

The cross-cutting role of law in NCD control and regulating risk factors

(flyer)*



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faculty of law

Law and Noncommunicable Diseases

The crosscutting role of law in NCD
 control and regulating risk factors

31 May & 1 June 2018

Groningen, The Netherlands

rug.nl/law/law-and-ncds

The global rise of chronic noncommunicable diseases (NCDs) such as cancer, heart diseases, and diabetes, is one of the main concerns of global health. Understanding law not just as the baseline but rather the red line of the debate, this conference aims to distill and discuss the (future) role of law in NCD control in light of the multifaceted complexity of the NCD crisis in general.



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Bioethics and Human Rights: Recent ECtHR Case Law

SEMINAR FOR LEGAL PRACTITIONERS

Strasbourg, 19-20 April 2018

Language: English



Objective

This seminar will provide the participants with an update on the case law as developed by the European Court of Human Rights (ECtHR) on medical ethical issues relating to human rights, focusing on judgments since 2015.

Key topics

- Oviedo Convention on Human Rights and Biomedicine
- End of life
- Embryo and gamete donation
- Informed consent
- Access to medical care or treatment
- Biological data
- Right to know one's biological identity
- Surrogacy

Optional Visit to the European Court of Human Rights

The visit will include the screening of a documentary.

Special 25% discount for EAML members

Please use the voucher code "Bioeth2018" if you register.

Contact

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Council of Europe

Decision by the European Court of Human Rights

The European Court of Human Rights (Grand Chamber) has decided the case *Lopes de Sousa Fernandes v. Portugal* (application no. 56080/13) concerning the death of a patient from post-operative complications (judgment 19 December 2017).

The case concerned the death the husband of the applicant following a series of medical problems that arose after a routine operation. The applicant alleged that her husband's death had been caused by negligence and carelessness on the part of the medical staff, and that the authorities had not elucidated the precise cause of the deterioration in her husband's health.

With regard to the husband's death, the Court considered that the present case concerned allegations of medical negligence rather than denial of treatment. That being so, Portugal's obligations were limited to the setting-up of an adequate regulatory framework compelling hospitals, whether private or public, to adopt appropriate measures for the protection of patients' lives. Having regard to the detailed rules and standards laid down in the domestic law and practice of the Portuguese State in the area under consideration, the Court found that the relevant regulatory framework did not disclose any shortcomings with regard to the State's obligation to protect the right to life of the applicant's husband.

As to the domestic proceedings, the Court found, in particular, that the domestic system as a whole, when faced with an arguable complaint by Ms Lopes de Sousa Fernandes of medical negligence resulting in the death of her husband, had failed to provide an adequate and timely response regarding the circumstances of husband's death.

The European Court of Human Rights held:

- by a majority (15 votes to 2) that there had been *no violation* of the substantive limb of Article 2 (right to life) of the European Convention on Human Rights, and
- unanimously, that there had been a *violation* of the procedural limb of Article 2.

The judgment is available at the Court's homepage: <http://hudoc.echr.coe.int/eng?i=001-179556>

EAHL

Membership of the EAHL is open to health lawyers in Europe.

To become a member of the EAHL, please, send your electronic application to eurohealthlaw@gmail.com.

EAHL secretariat organizes decision on admission and informs applicants about further procedure.

For more information, please, visit:

<http://www.eahl.eu/membership>

**Note*

EAHL Members are kindly invited to proceed 2018 membership fee payment. An email with payment details will be sent during the next week.