

European Association of Health Law 2009 Conference:
Learning Lessons and Making Differences: Improving the Future of Health Law in Europe
Royal College of Physicians, Edinburgh
15-16 October 2009

Draft Programme

Wednesday, 14 October 2009

6.30 pm Public Event - 'Should we legalise assisted suicide? Lessons from across Europe'. Debate with Expert Panel. Drinks reception to follow, Teviot House, University of Edinburgh

Thursday, 15 October 2009
Contemporary Challenges in Health Law in Europe

9:00 Registration and Coffee

9:30 Welcome & Opening

9.45 Keynote Address – Prof. dr. Henriette D.C. Roscam Abbing (Emeritus Professor of Health Law, University of Utrecht): *Patients' rights in a technology and market driven Europe*
CHAIR: Grame Laurie

10.30 Coffee Break

11.00 Parallel Sessions

Parallel-1: Stem Cell Research and Regulation: *Funding and patentability of stem cell research in the European Union - A critical legal review of European legislation*, Malene Rowlandson (University of Southern Denmark) and Janne Røthmar Herrmann (University of Copenhagen); *Abortion and human embryonic stem cell regulation in México, Italy and Spain: ethical, legal and political conflicting issues*, Maria de Jesus Medina (University of Manchester)
CHAIR: Lukas Prudil

Parallel-2: Genetic Engineering and Embryo Screening: *Genetic engineering: playing with genes or playing God?*, Vera Lúcia Raposo (Coimbra University); *The legal challenges of selective procreation and embryo screening*, Alexander Schuster (University of Trento)
CHAIR: Elisabeth Rynning

Parallel-3: Organ Donation: *Healthcare professionals' experiences in applying presumed consent legislation in organ donation in three European countries: a phenomenological study*, Barbara Neades (Napier University); *The potential tension between the safeguarding role of organ donation legislation and the need to increase the availability of donor-organs through organ donation legislation*, R. Copen (NIVEL, Utrecht), R.D. Friele (Tilburg University) and J.K.M. Gevers (University of Amsterdam)
CHAIR: Salla Lötjönen

Parallel-4: Access and Governance: *Is access to advanced therapy medicinal products egalitarian in the European Union?*, Aurélie Mahalatchimy (INSERM), *Biobanking and regulation – Portuguese solutions in a comparative perspective*, Rafael Vale e Reis (Coimbra University)
CHAIR: Nils Hoppe

- 12:00 Lunch (Advisory Board Lunch)**
- 13.30 Keynote Address – Dr Anne-Maree Farrell** (School of Law, University of Manchester): *Governing risk: examining the politics of EU regulation of human material*
CHAIR: Anne-Marie Duguet
- 14.15 Parallel Sessions Parallel-5: Rights to Health and Healthcare:** *Nature of health care and the right to health care*, Percivil Carrera (University of Heidelberg); *On the relationship between competition law and the right of a patient to quality of care*, Diego Fornaciari and Stefaan Callens (KU Leuven); *The rights and obligations of patients and physicians: towards a European treatment contract?*, Tom Goffin (KU Leuven)
CHAIR: Anne-Marie Duguet
Parallel-6: Professional Discipline, Complaints and Reporting: *Reforms of the Dutch disciplinary rules in health care*, F.Y. Alhafaji, B.J.M. Frederiks and J. Legemaate (F.Y. Alhafaji presenting) (Vrije University); *The role of complaints handling in regaining complainants' trust in health care, an empirical analysis*, Roland D. Friele (Tilburg University); *Blame free reporting: international developments*, Johan Legemaate (Vrije University)
CHAIR: Herman Nys
Parallel-7: Data Protection: *Securing access to medical data: European constraints and the Belgian case*, Jean Herveg (University of Namur); *The NHS and data-protection best-practice for European healthcare research*, Jamie Grace (University of Derby); *Is consent the best way to conduct medical/clinical trials with regard to personal data protection?*, Jean-Marc Van Gyseghem (University of Namur)
CHAIR: Oddný Mjöll Arnardóttir
- 15.45 Coffee Break**
- 16:00 Plenary session:** Dr Mihail Kritikos (Research Programme Manager - Ethics Review Sector Directorate for Science, Economy and Society - Directorate General for Research - European Commission): *Health as an object of ethical and legal inquiry at the EU level: the role of the Commission's Ethics Review procedures.*
CHAIR: Herman Nys
- 16:30 General Assembly**
- 19:00 Conference Dinner – The Royal College of Surgeons Logo Competition**

Friday, 16 October 2009

Comparison and Harmonisation in Health Law in Europe

- 9:00 Coffee**
- 9.30 Keynote Address – Professor Mette Hartlev** (Professor of Health Law and Bioethics, University of Copenhagen) *Diversity and Harmonisation in European Health Law - Trends and Challenges*
CHAIR: Graeme Laurie

- 10.15 Parallel Sessions**
Parallel-8: Advance Directives: *Advance directives for health care: is a common European policy possible?*, Roberto Andorno (University of Zurich); *Advance directives – is a common European position required and feasible?*, Amina Salkic (IMGB, Universities of Heidelberg and Mannheim)
CHAIR: Herman Nys
Parallel-9: Unborn and Newborn: *The legal position of the unborn child in health care in a children’s rights perspective*, Jozef H.H.M. Dorscheidt (University of Groningen); *Euthanasia and the new born*, Helena Moniz (University of Coimbra)
CHAIR: Henriette Roscam-Abbing
Parallel-10: Negligence, Harm and Compensation: *Claims for loss of a chance in medical negligence - building on the French experience*, Gemma Turton (University of Leicester); *A half-million baby mix-up: compensation of immaterial harm in Czech health law*, Ondrej Dostal (Charles University in Prague)
CHAIR: Lukas Prudil
- 11.15 Coffee break**
- 11.30 Parallel Sessions**
Parallel-11: Quality of Care, Consolidation and Competition Law
SESSION CANCELLED - The presentation by Diego Fornaciari and Stefaan Callens has been moved to Session 5
Parallel-12: Health Privacy: *The Protection of privacy interests in genetic information particularly in research biobanks: the results of the Privileged Project*, David Townend (Maastricht University) and Mark Taylor (University of Sheffield); *Clinical photography in healthcare: aspects of patient privacy and confidentiality*, Ian Berle (formerly of Barts and the London NHS Trust)
CHAIR: Salla Lötjönen
Parallel-13: Consumerism and Healthcare: *Is the medically examined applicant for insurance a patient? His legal status compared*, Sarah Defloor (KU Leuven); *Purchasing ‘additional care’: blurring the boundaries between NHS and private provision?*, Amy Ford (University of Manchester)
CHAIR: Maria Bottis
- 12.30 Lunch (Working Lunch for Working Groups)**
- 14.00 Keynote Address – Professor Toma Birmontiene** (Professor of Law, Mykolas Romeris University, and Judge of the Constitutional Court of Lithuania): *The Development of Health Law as a Way to Change Traditional Attitudes in National Legal Systems. Influence of International Human Rights Law, What is Left for the National Legislator?*
CHAIR: Anne-Maree Farrell
- 14.45 Coffee Break**
- 15:00 Parallel Sessions**
Parallel-14: Human Rights: *Why UK health lawyers should embrace the margin of appreciation*, Marleen Eijkholt (University of Manchester); *From biology to society: The Convention on the Rights of Persons with Disabilities and international non-discrimination law*, Oddný Mjöll Arnardóttir (Reykjavik University); *Death worship – A European perspective. How should the law acknowledge the different social statuses of Death?*, Thomas Deutch (University of Helsinki)
CHAIR: Nils Hoppe
Parallel-15: The State and the Individual: *The criminal protection of collective*

legal interests: the example of public health, Susana Aires de Sousa (University of Coimbra); *The use of physical restraints in the care of the elderly*, Nicole P.Y.M. de Bijl (Laurentius Ziekenhuis Roermond); *Confidentiality in mental health care in prisons – the ethical dilemma and the legal context in Switzerland*, Bernice Elger (University of Geneva)

CHAIR: Sjef Gevers

Parallel-16: Intellectual Property: Patenting medical methods: a controversy at the crossroads of health law and intellectual property, Maria Bottis (Ionian University); *Patentable innovation in the NHS: more than your job's worth?*, Amanda Odell-West (University of Manchester); *IP, precaution and public health*, Phoebe Chienwen Hung (University of Edinburgh)

CHAIR: Henriette Roscam-Abbing

16.30 Thank You & Closing Prizes for Posters

Poster Presentations

1. *Choice of Foreign Care: Issues and prospects for the German patient*, Percivil Carrera (University of Heidelberg)
2. *The use of medical information outside health care: Medical examination within the framework of private insurances*, Sarah DeFloor (KU Leuven)
3. *The role of human dignity in divergent legal regulation of human embryonic stem cells: Mexico, Costa Rica, France and the UK*, María de Jesús Medina (University of Manchester)
4. *Economic Rights for Sale: Protecting Patient Rights in a Market-Oriented Health Reform*, Ondrej Dostal (Charles University in Prague)
5. *"Patients' rights" in the Directive on the application of patients' rights in crossborder healthcare. A misleading concept*, Tom Goffin (KU Leuven)
6. *PHEIC in International Public Health Law*, Phoebe C. Hung (University of Edinburgh)
7. *Direct-to-consumer (DTC) genetic tests. A necessary strive for regulation? Selected remarks from an international and comparative law perspective*, Julia Kapelanska-Pregowska (University of Nicolaus Copernicus in Toruń)
8. *Health Security and Maritime Transportation: An Analysis of the International Legal Framework*, Saiful Karim (Macquarie University)
9. *Radiological Informed Consent: a particular case of risks communication*, Maria Manuel Meruje (Independent Commission for Radiological Protection and Nuclear Safety)
10. *Deceased not protected in Latvia. Lack of legal protection and violence of bodily integrity after death*, Solvita Olsena (University of Latvia, Riga Stradins University)
11. *Advance Directives in Europe - and its Regulation in Portugal*, Fabiana Rego (University of Coimbra)
12. *Disclosure of genetic information to at-risk relatives – a Swedish perspective*, Ulrika Sandén (Umea University)
13. *The Right to Know One's Genetic Origins: Portuguese Solutions in a Comparative Perspective*, Rafael Vale e Reis (Coimbra University)
14. *Patient mobility and medical tourism in Hungary*, Eszter Varga (ESKI, Budapest)
15. *Legal aspects of health program "Polish 400 Cities Project" as an example of government impact on decreasing the inequality in health*, Lubomira Wengler, Piotr Popowski, Tomasz Zdrojewski, Marzena Zarzeczna- Baran, Agnieszka Wojtecka (Medical University of Gdansk)

16. *Important Key Issues for Improving European Law Relating to Privacy and the Use of Genetic Databases and Biobanks in Research*, Jessica Wright (University of Sheffield)
17. *Autonomy, reproduction and the European Court of Human Rights – a jurisprudential enquiry*, Katri Lõhmus (University of Edinburgh)
18. *Securing Stable Participation in Biobanking by Safeguarding Subjects' Collective Altruism*, Kuan-Hsun Chen (University of Edinburgh)