



Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados



Съюзът на
Адвокатите
в София

Medical Malpractice

FRIDAY, JUNE 27 & SATURDAY, JUNE 28, 2014



SOPIA

BULGARIA



Seminar organised by the UIA in collaboration with the Supreme Bar Council (SBC) and the Sofia Bar Council (Sofia BC)



Introduction

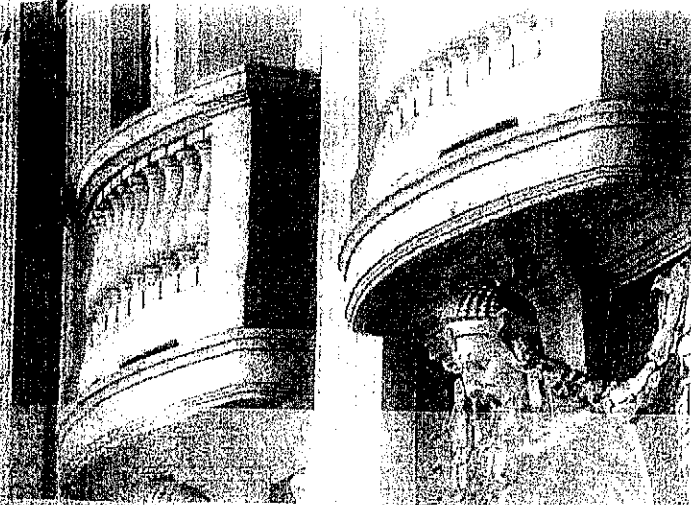
Technological advances, security considerations and the media publicity of certain cases in the area of healthcare have brought in an ever growing scrutiny of the citizens' protection and compensation. Practicing doctors have suddenly become more sensitive and suspicious of having their liability placed in dependence of scientific omissions in medicine, the obligations to be informed and the specific mandatory requirements for security in the area of medicinal products. Medical liability, considered simultaneously in its aspects deriving from civil law, criminal law, administrative law and disciplinary proceedings, has also demonstrated a significant legislative evolution and development of the jurisprudence in the past decade, which serves as the reason to dedicate these two days to the study of the so called medical malpractice phenomenon.

20:30 WELCOME COCKTAIL

Hosted by the President of the Sofia Bar Council

Hilton Sofia Hotel

1-Bulgaria, 1421-Sofia, Bulgaria



Friday June 27 2014

08:30 – 09:00 REGISTRATION OF PARTICIPANTS

Hilton Sofia Hotel
Musala Hall
1 Bulgaria, 1421 Sofia, Bulgaria

09:00 – 09:45 WELCOME AND OPENING OF THE SEMINAR

- Tchetin KAZAK, Chairman of Legal affairs committee of the National Assembly of Bulgaria, Attorney at Law, Sofia Bar Association
- Dr. Tsvetan RAYCHINOV, President of the Management Board of the Bulgarian Medical Association
- Dr. Antoniya PARVANOV, Bulgarian European Member of Parliament
- Jean-Jacques UETTWILLER, Attorney at Law, UIA First Vice-President and Director of Congresses, UGGC Avocats, Paris, France
- Ralitsa NEGENTSOVA, Attorney at Law, President of the Supreme Bar Council, Bulgaria
- Petar KITANOV, Attorney at Law, President of the Sofia Bar Council, Bulgaria

09:45 – 10:45 PRESENTATION OF THE ISSUE "MEDICAL MALPRACTICE" and a Comparative Legal Review of the Development in National Law Systems

Moderator: • Bernard VATIER, Attorney at Law, General Secretary of the International Conference of Bars of a Common Legal Tradition – CIB, Vattier & Associés, Paris, France

- Speakers:
- PhD. Olga TOMOVA-KUTSAROVA, Attorney at Law, Varna, Bulgaria
 - Sylvie WELSCH, Attorney at Law, UGGC Avocats, Paris, France
 - Prof. PhD. Darina ZINOVIEVA, Dean of the Faculty of Law, Plovdiv University, Attorney at Law, Sofia, Bulgaria
 - Eliezer PNEY-GIL, Attorney at Law, Tel Aviv, Israel

10:45 – 11:00 COFFEE BREAK

11:00 – 12:00 CRIMINAL LIABILITY OF PRACTICING MEDICAL STAFF

Moderator: • Dimo V. DIMOV, Attorney at Law, Member of the Supreme Bar Council, Bulgaria

- Speakers:
- Assoc. Prof. PhD. Petko LISAEV, Doctor of Medicine, National Forensic Medicine Consultant, Professor in Pleven, Bulgaria
 - Olivier SAUMON, Attorney at Law, Vattier & Associés, Paris, France
 - Dr. Ivan RANCHEV, Judge on the Plovdiv Appellate Court, author of two scientific monographs, professor of criminal law and procedure, Bulgaria

12:00 – 13:00 TERMS OF CIVIL LIABILITY

Moderator: • Ivan PANEV, Attorney at Law, Former Vice-president of "Avocats Sans Frontiers", Paris, France

- Speakers:
- Ivan GEORGIEV, Judge on the Sofia Regional Court, Bulgaria, professor of civil procedure at the National Institute of Justice, author of numerous articles in medical law, Bulgaria
 - Olivier SAUMON, Attorney at Law, Vattier & Associés, Paris, France
 - Sylvie WELSCH, Attorney at Law, UGGC Avocats, Paris, France

13:00 – 13:30 LUNCH

13:30 – 15:30 LIABILITY OF HOSPITALS, CLINICS AND LABORATORIES

Moderator: • Silvi GAVRILOV, Attorney at Law, Sofia Bar Council, Bulgaria

- Speakers:
- Sylvie WELSCH, Attorney at Law, UGGC Avocats, Paris, France
 - Prof. PhD. Polia GOLEVA, Professor at the Faculty of Law, Sofia University "St. Kliment Ohridski" and Plovdiv University, Bulgaria, Head of the Civil Law Sciences Section of the State and Law Institute with the Bulgarian Academy of Sciences, Bulgaria
 - Maria STEFANOVA, Attorney at Law, Sofia Bar Association, Bulgaria

15:30 – 16:30 PROVISIONS FOR MEDICAL MALPRACTICE IN THE FRENCH SYSTEM (ONIAM)

- Speakers:
- Philippe TREGUIER, Legal Director of the ONIAM (Office National d'Indemnisation des Accidents Médicaux), Paris, France
 - Manuela MANOLOVA-ATANASSOVA, Representative of General Insurance, Bulgaria

16:30 – 17:00 COFFEE BREAK

17:00 – 18:00 LIABILITY OF PUBLIC AUTHORITIES AND THE PRECAUTIONARY PRINCIPLE

Moderator: • Jean-Jacques UETTWILLER, Attorney at Law, UIA First Vice-President and Director of Congresses, UGGC Avocats, Paris, France

- Speakers:
- Sylvie WELSCH, Attorney at Law, UGGC Avocats, Paris, France
 - Olivier SAUMON, Attorney at Law, Vattier & Associés, Paris, France
 - David SHREM, Attorney at Law, Tel Aviv, Israel

18:00 OPTIONAL DINNER

Happy Village Restaurant
3 Dragan Tzankov blvd., Sofia, Bulgaria

SYMPOSIUM

08:30 – 09:00 REGISTRATION OF PARTICIPANTS

Hilton Sofia Hotel
1 Bulgaria, 1421 Sofia, Bulgaria

09:00 – 10:15 CIVIL LIABILITY INSURANCE FOR PRACTITIONERS, MEDICAL STAFF AND VICTIMS OF MEDICAL MALPRACTICE

Moderators: • **Upanov ANEV**, Attorney at Law, Former Vice-President of *Avocats Sans Frontières*, Paris, France

• **Stefanov IVAN**, Attorney at Law, *UGG Avocats*, Paris, France

• **Mladenov IVAN**, • **STANASSOVA**, Representative of General Insurance, Bulgaria

• **Dr. Milena PETKOVA**, Doctor and Attorney at Law, Sofia Bar Association, Legal Advisor at Non-Governmental Organisations Protecting Patients' Rights, Bulgaria

• **Prof. Dr. Ivan RUSHEV**, Professor at the Academy of the Legal Sciences, Varna and Plovdiv Universities, Bulgaria

• **Jean-Marie TILF-WILDER**, Attorney at Law, *ONIAM*, Vice-President and Director of *UGG Avocats*, UGG Avocats, Paris, France

10:15 – 10:30 COFFEE BREAK

10:30 – 12:30 ROUND TABLE: FORESEEABLE FUTURE DEVELOPMENT AND LEGAL PROVISIONS FOR MEDICAL MALPRACTICE

Moderators: • **Bernard VATIER**, Attorney at Law, General Secretary of the International Conference of Bars of a Common Legal Tradition, O/B, *Vatier & Associés*, Paris, France & **Prof. DSc. Yanko KUNCHEV**, Professor at the Faculty of Law, Sofia University "St. Kliment Ohridski", Professor at the Varna and Plovdiv Universities, Attorney at Law, Sofia Bar Association, Bulgaria

Speakers:

• **Prof. Petko SALCHEV**, Bulgarian Medical Association, Sofia, Bulgaria

• **Sylvie WELSCH**, Author of studies on medical malpractice, Attorney at Law, *UGG Avocats*, Paris, France

• **Olivier SAUMON**, Attorney at Law, *Vatier & Associés*, Paris, France

• **Philippe TREGUIER**, Legal Director of the ONIAM (Office National d'Indemnisation des Accidents Médicaux), Paris, France

• **Ludmil RANGUELOV**, Attorney at Law, President of Disciplinary Court of Sofia Bar Association, Bulgaria

13:00 – 14:15 LUNCH

Hosted by the President of the Supreme Bar Council of Bulgaria

Terrasse Restaurant Hilton Sofia Hotel

1 Bulgaria, 1421 Sofia, Bulgaria

14:30 – 22:00 EXCURSION TO KOPRIVSHITSA

19th Century Town Museum



Organising Committee

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General Information

SEMINAR VENUE

HILTON SOFIA HOTEL
1 Bulgaria, 1421 Sofia, Bulgaria
T +359 29 335-000

REGISTRATION FEES

	UIA Member		Non Member	
	≤ 02.06.2014	> 03.06.2014	≤ 02.06.2014	> 03.06.2014
STANDARD REGISTRATION	€ 340*	€ 390*	€ 390*	€ 440*
YOUNG LAWYER (<35)**	€ 290*	€ 340*	€ 340*	€ 390*
BULGARIAN LAWYER	€ 200*	€ 250*	€ 200*	€ 250*

*The VAT (20%) can be applied to the amount here above according to the European Directive 2006/12/CE of November 28, 2006. For more information, please contact the UIA.

**Please attach proof of age to the registration form to benefit from young lawyers fee.

These fees cover participation in the welcome cocktail, participation in the seminar, coffee breaks, lunches on Friday, June 27 & Saturday, June 28, 2014, as well as the documentation of the seminar. The dinner on Friday night, June 27, is optional and at additional charge. Please note that the number of places at the seminar is limited. The organisers reserve the right to refuse registrations in the event of excess applications.

CONTINUING LEGAL EDUCATION

Every participant attending the seminar will receive a "Certificate of Participation" at the end of the event that may be used for obtaining "Credits" for "Continuing Legal Education" – "Continuing Professional Development" purposes, depending on national rules. For more information, please contact the UIA.

LANGUAGE

The working languages will be **French** and **English** with a simultaneous translation.

HOTEL ROOM RESERVATION

A limited number of rooms has been pre-booked at a preferential rate. Reservations should be made directly through the hotel. Credit card details must be given in order to secure your reservation. Please note that the number of rooms is limited. We recommend that you proceed with your reservations as soon as possible.

Hotels	Rates
HILTON SOFIA HOTEL (5*) <i>Venue of the seminar</i> 1 Bulgaria 1421 Sofia, Bulgaria T +359 2 933 5000 F +359 2 933 5111 www3.hilton.com	Single room € 84 Double room € 106 Breakfast and taxes included <i>Please download the hotel reservation form from our Website: www.uianet.org</i>
DOWNTOWN HOTEL (4*) <i>5 minutes walk from the seminar venue</i> Bulevard "Vasil Levski" 27-A 1040 Sofia, Bulgaria T +59 2 930 5200 F +59 2 930 5300 E reservations@hotel-downtown.net www.hotel-downtown.net	Single room € 57 Double room € 74 Breakfast and taxes included <i>Please download the hotel reservation form from our Website: www.uianet.org</i>

CANCELLATION CONDITIONS

VISAS

All cancellations will be subject to a 50% deduction and will have to be sent in writing, to be received by the Union Internationale des Avocats no later than June 2, 2014. No refund will be made for cancellations received after this date.

Anyone who requires a visa invitation letter in order to attend the seminar should register and pay their registration fees no later than June 2, 2014 to ensure there is enough time to obtain a visa.

All cancellations will be refunded in full, minus €50 + VAT to cover administrative costs, provided that the UIA has received the registration documents and total registration fees no later than June 2, 2014.

If you register after this date, only 50% of the amount paid minus €50 + VAT to cover administrative costs will be refunded for cancellations due to visa refusals.

All cancellations due to a visa refusal must be sent in writing and reach the UIA before the seminar. Cancellations must be accompanied by a proof of visa refusal.

If your visa is issued after the seminar date or if you do not have proof of visa refusal, you will not be entitled to a refund.

GENERAL CONDITIONS

All registrations received by the Union Internationale des Avocats (UIA) along with the full payment of fees corresponding to the events selected will be confirmed in writing.

The UIA reserves the right to cancel or postpone the seminar to a later date, change the seminar venue and/or programme, make any corrections or modifications in the information published in the seminar programme and cancel any invitation to participate in the seminar, at any time and at their entire discretion, without having to provide any reasons for the same.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature, suffered (directly or indirectly) by a delegate, accompanying person or a third party following any cancellations, changes, postponements or modifications.

The UIA strongly advises participants to subscribe to modifiable and/or refundable services, as well as to take out a cancellation insurance.

Neither the UIA, nor any of its managers, employees, agents, members or representatives shall be held responsible for any loss or damage, of any nature whatever, suffered (directly or indirectly) by a delegate or accompanying person, except in case of death or personal injury due to gross negligence by the UIA.

The contractual relations between the UIA and each participant (delegate or accompanying person) in relation to the seminar are subject to French law and jurisdiction, to the exclusion of any other law. Paris is the city of jurisdiction.

FORMALITIES

It is the responsibility of participants to ensure compliance with police, customs and health formalities for their journey. Participants unable to take part in the seminar because of their inability to take a flight or any other means of transportation due to being unable to provide the documents required (passport, visa, vaccination certificate, etc.) cannot claim any reimbursement.

FORCE MAJEURE

"Force majeure" means any events external to the parties, of both an unforeseeable and insurmountable nature that prevents either the client or the participants, or the agency or service providers involved in organising the seminar, from executing all or part of the obligations provided for in the present agreement. By express agreement, such will be the case in the event of a strike affecting the means of transport, hotel staff, air traffic controllers, an insurrection, a riot or any prohibition whatever decreed by Governmental or public authorities.

It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

HEALTH

The organisers decline any responsibility in case of any health problems existing prior to the seminar that may lead to complications or be aggravated during the entire period of the stay: pregnancy, cardio-vascular problems, any allergies, special diets, any disorders under treatment and not yet consolidated on the day the seminar starts, psychic or mental or depressive illness, etc. (Non exhaustive list).



Union Internationale des Avocats
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COMMISSION
FOR EUROPEAN
LAWYERS

Medical Malpractice

Friday, June 27 & Saturday, June 28, 2014

SOFIA, BULGARIA

REGISTRATION FORM

Register online at: www.uianet.org

or please complete and return this form before June 13, 2014, by email, fax or post, to:

UNION INTERNATIONALE DES AVOCATS

25 rue du Jour, 75001 Paris, France

Tel: +33 1 44 88 55 66 ■ Fax: +33 1 44 88 55 77 ■ Email: uiacentre@uianet.org



Register online

UIA INDIVIDUAL MEMBERS

Please specify your membership number (Please check your membership card or membership fees):

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Family Name:

First Name:

Firm:

Address:

Post Code: City:

Country:

Tel: Fax:

Email:

Date of Birth:

EU VAT ID – Number:

Special requests (special diet, allergies, handicap...):

A. SEMINAR REGISTRATION FEES

	UIA Member		Non Member	
	≤ 02.06.2014	> 03.06.2014	≤ 02.06.2014	> 03.06.2014
STANDARD REGISTRATION	€ 340*	€ 390*	€ 390*	€ 440*
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* The VAT (20%) can be applied to the amount here above according to the European Directive 2006/12/CE of November 28, 2006.
For more information, please contact the UIA

** Please attach proof of age to the registration form to benefit from young lawyer fee.

B. SEMINAR SOCIAL ACTIVITIES

Please indicate below whether you plan to attend the following events **included** in the cost of your registration.

- ☐ Welcome Cocktail – Thursday, June 26, 2014
☐ Lunch – Friday, June 27, 2014
☐ Lunch – Saturday, June 28, 2014
☐ Excursion – Saturday, June 28, 2014

C. OPTIONAL ACTIVITY

(not included in the registration fees)

- ☐ Optional Dinner – Friday, June 27, 2014

• Please book person(s) for the dinner on Friday, June 27, 2014

€ 50 (Excl. VAT) x ____ / pers

Total (C) (Excl. VAT) €

D. TOTAL

TOTAL (A) Excl. VAT – Registration Fees €

TOTAL (C) Excl. VAT – Optional Activity €

TOTAL (A+C) Excl. VAT €

VAT if applicable (20%)* €

TOTAL (A+C+VAT) €

* The VAT (20%) can be applied to the amount here above according to the European Directive 2006/12/CE of November 28, 2006. For more information, please contact the UIA.

E. CANCELLATION CONDITIONS

I, the Undersigned, confirm that I have read and accepted the **cancellation conditions** as well as the **general conditions** given on page 6 of the registration programme. My registration will only be taken into account on receipt of the payment.

Participants are aware that their image and/or voice may be photographed, recorded or filmed throughout the duration of the seminar. They hereby assign to the UIA, with the signature of this form, the right to exploit, reproduce and disseminate the images and recordings by all means, both known and unknown, using all media, for an unlimited term and free of charge.

F. METHOD OF PAYMENT

- ☐ By cheque in € payable to the UIA, addressed to: UIA – 25 rue du Jour – 75001 Paris – France
☐ By bank transfer in €, without charges to the payee, in favour of the Union Internationale des Avocats, quoting "2014 Sofia Seminar", to the following bank and account:

Société Générale – Paris Elysées Entreprise
91 avenue des Champs Elysées – 75008 Paris – France
BIC / SWIFT N°: SOGEFRPP
IBAN: FR76 3000 3033 9200 0503 4165 164

Kindly attach a copy of your bank transfer order to your registration form

- ☐ By credit card: ☐ Visa ☐ Eurocard / Mastercard

Card N°: _____

Expiry date: ____ / ____ 3 digits: ____

Name of card holder:

I authorise the Union Internationale des Avocats to debit the above mentioned credit card in the amount of € (EUR)

Date: / /

Signature: