

Review of Porto Conference October 2008

By Katherine Allen

The annual conference of the Road Traffic and Whiplash EEG took place in the stunning city of Porto in Portugal on 3 and 4 October 2008. On the eve of the conference CBMM Advogados kindly sponsored a drinks reception at the conference hotel, the impressive Porto Palacio Hotel. The reception was all the more special because we had the opportunity to sample Portuguese “green wine” from the vineyard owned by the family of PEOPIL member Albino Botelho.

The conference the next day opened with a welcome from our President John Pickering and the President of the Bar Association of Porto, Dr Guilherme Figueiredo. We then heard from Dr Alvarez Quintero, the Chairman of the Motor Vehicles Committee of the GPCV, who provided a stimulating insight into the differences between levels of compensation arising out of bodily injury between EU Member States and the reasons for those differences, the changes in claims settlement procedures brought about by the 5th Motor Directive and new regulations governing the award of compensation in personal injury claims in Portugal.

The attention then turned to the case of *FBTO Schadeverzekeringen NV -v- Jack Odenbreit* and Rome II with brief suggestions as to how the domestic courts in Portugal (Dr Antonio Costa Basto), Germany (Wolfgang Frese), the Netherlands (Hanneke Comans-Diesfeldt) and England (Katherine Allen) would approach litigation under EC Regulation 44/2001 following the judgment of the ECJ in the *Odenbreit* case and following the implementation of Rome II. The focus then switched to medical and technical matters with Professor Duarte Nuno Vieira, President of the Portuguese Institute of Medical Jurisprudence, giving a fascinating overview of the medical aspects of whiplash injuries, and Stephen Wilson of BNH Associates informing the delegates of the role of the accident investigator in determining facts relevant to liability issues.

After lunch Dr Michael Freeman, Forensic Epidemiologist, gave us an entertaining and thought provoking lecture on the role of probability in crash injury litigation. Dr Freeman had travelled from the USA to attend the conference and the experience of our American colleagues in using probability to prove injury was new to the majority, if not all, of the delegates and certainly produced some interesting debate both during the lecture and afterwards in the beautiful roof top bar at the conference hotel!

That evening the delegates were whisked off to the Taylors port wine caves for a taster of Porto's best known export and a tour of the caves. We were then able to enjoy a fabulous meal in the restaurant there where yet more port was

consumed! The views across the Douro River to the city of Porto were spectacular. The next morning there were more cultural delights with a visit to the Palacio da Bolsa do Porto, a former Stock Exchange, described as a 19th century jewel in a neo-classical style. It certainly lived up to its billing as the architecture was stunning. A boat trip down the Douro River followed giving the delegates a last opportunity to view the beautiful city of Porto.

I am sure that I speak for all of the delegates when I thank the Portuguese members, Antonio Costa Basto and Albino Botelho, and Albino's wife, for a fantastic and most hospitable time in their country and the beautiful city of Porto. They were the perfect hosts and they also gave up significant amounts of their time to ensure that the Conference was interesting and well attended, and in ensuring that everything went to plan. I must also thank the conference sponsors, Fidelidade Mundial and Imperio Bonanca as without their support the Conference just would not have happened. I would also like to thank the President of the Road Traffic and Whiplash EEG, Hanneke Comans-Diesfeldt and our CEO, Wolfgang Resch for their invaluable role in organising the Conference. Finally I would like to thank the PEOPIIL members who attended – as always it was a pleasure to meet up with you all again in the pursuit of our shared professional and social interests!

I am already getting ready for Malta in June 2009!