

## **PEOPIL CONFERENCE – VALENCIA 2008**

It was not so much “We’re off to sunny Spain” as “The rain in Spain falls mainly on the plain” for the PEOPIL members arriving in Valencia for this year’s annual conference! The torrential rain that greeted the arrival of delegates on Thursday afternoon and evening, however, proved to be short lived and Friday morning saw the re-appearance of the more customary Spanish sunshine and blue skies to herald the first day of lectures.

The location for this year’s conference was the beautiful city of Valencia, and the fabulous Westin Hotel. The conference began with an opening reception at the beautiful El Palau de la Exposicion where delegates were welcomed by Spanish Board member Jose Maria de Lorenzo. The informal drinks reception gave the delegates the opportunity to re-acquaint themselves with old friends in stunning surroundings before the conference.

The first day of the conference was opened by our President, John Pickering. The Dean of the Valencia Bar Association, Francisco Real Cuenca welcomed us to Valencia, and then Giuseppe Abbamonte, Head of the Health & Consumer Protection Directorate General at the European Commission, spoke to delegates about the ongoing reform of EU consumer contract law and the efforts of the Commission to further improve consumer protection. This was followed by an update from Diana Wallis on the progress of PEOPIL’s limitation proposal and a thought provoking lecture on the issue of collective redress. Diana has become a regular fixture at PEOPIL conferences and when she indicated that due to forthcoming European Parliamentary elections, she would only be able to attend next year’s conference if she is re-elected, she gained a willing band of candidates to join her election campaign!

PEOPIL members were then extremely privileged to hear from Prof. Dr. Camelia Toader, a Judge at the European Court of Justice (ECJ), who provided a précis of recent case law of the ECJ, including the ground-breaking case *FBTO Schadeverzekeringen NV –v- Jack Odenbreit*, a case in which she was one of the presiding Judges. This was followed by a more practical session delivered by French member Bruno Paris on the impact on jurisdictional matters of the *Odenbreit* case, EC Regulation 44/2001 and the Rome II and Hague Conventions.

Given that we were in Spain it was only right that the afternoon session opened with the focus firmly on Spanish issues, and Jose Maria de Lorenzo began with an overview of Spanish damages in personal injury cases. Professor Miquel Martin Casals then followed with a stimulating lecture on Spanish liability rules for tourists, and he illustrated his points with some case studies, the facts of which were all too familiar to those delegates who act for Claimants in cases involving accidents and illness during holidays abroad. A practical session on the use of EU law and the Human Rights Convention in legal proceedings ended the lectures for the day, with Prof. Dr. Tom Barkhuysen of Leiden University giving delegates useful ideas as to how to enhance litigation in their own jurisdictions by reference to EU Law.

After a very packed day the delegates were all keen to enjoy themselves at the drinks reception and Gala Dinner which did not disappoint. The food was excellent and the Spanish wine was free flowing. The brilliant band gave us the opportunity to dance the night away, although PEOPI's harmonica player extraordinaire, Marco Bona, was sorely missed!! Thanks must go to Advokatfirmaet Haver and Irwin Mitchell Abogados for kindly sponsoring the drinks reception and gala dinner respectively.

The interest in the following morning's session was great enough to tempt delegates down from their hotel rooms despite sore heads. The topic for discussion was punitive damages, and the experience of our colleagues across the Atlantic in this area was shared with us by Kathleen Flynn Peterson, President of the American Association for Justice (AAJ). Marco Bona (still without his harmonica!) gave us the European overview, and Prof. Dr. Ina Ebert of Munich Re delivered an inciteful lecture on the arguments for and against punitive damages which gave delegates a lot to think about. Current product liability issues was the topic after the coffee break with Dutch member John Beer and AAJ President Elect Les Weisbrod sharing their very different experiences of the Viox and Hormone Replacement Therapy litigation, which provoked a considerable amount of political discussion!

The conference concluded with a session on the compensation of victims of cross border road traffic accidents within the EU, during which John Pickering and members Clive Garner and Marco Bona provided some startling statistics as to the numbers of people killed and injured in such accidents, and information on a European Commission Project currently underway to make recommendations for further reform to and harmonisation of the way in which litigation arising out of such accidents is approached in different Member States.

Thanks to the excellent organisational skills of Julie Pickering, Wolfgang Resch and Sheila Hall the conference was, once again, a great success. It provided stimulating lectures and lively debate, as well as the opportunity to enjoy all that the wonderful city of Valencia has to offer. As usual, it was at an end all too soon and delegates went away looking forward to the repeat performance in Malta in 2009!