


4.00 credits

30.0 h

Q1

Teacher(s)	Durant Isabelle ;George Florence (compensates Durant Isabelle) ;Wéry Patrick (compensates Durant Isabelle) ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	The course is divided into three parts. The first part is devoted to the economic role of security interests and to general principles concerning the creditors' right to sue debtors. Then real security interests are studied and, finally, personal security interests. Regarding real security interests (pledge, liens, mortgage and real security interests generated by practice) as well as personal security interests (suretyship, joint and several liability and personal security interests generated by practice), the course defines each of them and examines systematically their working. The course also examines the most common disputes between secured creditors.
Learning outcomes	<p>At the end of this learning unit, the student is able to :</p> <p>The course "Law on Security Interests" aims at letting acquired by students the basic knowledge relating to mechanisms providing a guarantee effect. It aims also at making students well suited not only to choose the most appropriate mechanism in a specific situation but also to resolve conflicts between secured creditors. More specifically, at the end of the course, students should be able: - to define security interests, - to show the economic importance of security interests, - to describe the features and the working of each kind of security interest, - to determine the rank of each secured creditor in cases of conflict between several creditors, - to choose the most appropriate guarantee in accordance with given factual elements, - to resolve conflicts between secured creditors. Students, which have for some of them to follow practical work, may express the wish to do it in the field of security interests.</p>
Evaluation methods	Written exam.
Bibliography	<p>OUVRAGES</p> <p>Sûretés</p> <ul style="list-style-type: none"> • F. T'Kint, <i>Sûretés et principes généraux du droit de poursuite des créanciers</i>, Bruxelles, Larcier, 2004. • M. Grégoire, <i>Publicité foncière, sûretés réelles et privilèges</i>, Bruxelles, Bruylant, 2006. • E. Dirix et R. De Corte, <i>Zekerheidsrechten</i>, Malines, Kluwer, 2006. • E. Dirix, <i>La réforme des sûretés réelles mobilières</i>, Waterloo, Kluwer, 2013. • J. Baeck et M. Kruithof (eds), <i>Het nieuwe zekerheidsrecht</i>, Anvers, Intersentia, 2014. • I. Durant, <i>Les sûretés réelles mobilières</i>, coll. CUP, vol. 173, Limal, Anthemis, 2017. • J. Caemaex, T. Cavenaile, <i>Manuel des sûretés mobilières</i>, Bruxelles, Larcier, 2019. <p>Insolvabilité</p> <ul style="list-style-type: none"> • I. Verougstraete, <i>Manuel de la continuité des entreprises et de la faillite</i>, Waterloo, Kluwer, 2011. • F. George, <i>Le droit des contrats à l'épreuve de la faillite</i>, Bruxelles, Larcier, 2018. • C. Alter (coord.), <i>Le nouveau livre XX du Code de droit économique consacré à l'insolvabilité des entreprises</i>, coll. UB³, Bruxelles, Larcier, 2018. <p>ARTICLES</p> <ul style="list-style-type: none"> - W. Derijcke, « La réforme des sûretés réelles mobilières », <i>R.D.C.</i>, 2013, pp. 691-722. - F. Georges, « La réforme des sûretés mobilières », <i>R.D.F.L.</i>, 2013, pp. 319-368. - Z. Pletinckx, « Réforme du droit de l'insolvabilité : le nouveau livre XX du Code de droit économique », <i>J.T.</i>, 2018, pp. 465-480. - M. Grégoire, « La modification du Code civil en ce qui concerne les sûretés réelles mobilières », in F. Georges, <i>Insolvabilités et garanties</i>, CUP, 153, Bruxelles, Larcier, 2015, pp. 9-32. - J. Baeck, « Het nieuwe pandrecht », <i>R.W.</i>, 2015-2016, pp. 1209 à 1222 - J. del Corral, « Zekerheidsrechten », <i>N.j.W.</i>, 2014, pp. 578 à 596 - E. Dirix, « De wet van 11 juli 2013 betreffende de zakelijke zekerheden op roerende goederen », <i>Nieuwsbrief Notariaat</i>, 2014/1, pp. 1 à 6
Faculty or entity in charge	BUDR

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Master [120] in Law	DROI2M	4		
Master [120] in Management [Double degree Management- Law : for management graduates]	GEST2M	4		