

4.00 credits

30.0 h + 4.0 h


Q2



**This learning unit is not open to incoming exchange students!**

Teacher(s)	Durant Isabelle ;
Language :	French
Place of the course	Louvain-la-Neuve
Main themes	<p>The first part of the course examines the various insolvency procedures (bankruptcy, judicial reorganisation, transfer under court authority, collective debt settlement).</p> <p>The second part is devoted to security interests: general principles of creditors' rights of action, security interests in rem and personal security interests. Both security interests (pledges, preferential right, mortgages and practical security interests) and personal security interests (suretyship contract, joint liability and practical security interests) are systematically defined and examined. The main hypotheses of conflicts between security holders are solved.</p>
Learning outcomes	
Evaluation methods	Assessment: written examination in term-time
Teaching methods	Face-to-face teaching
Content	<p>The first part of the course is devoted to examining the various insolvency procedures: bankruptcy, transfer, judicial reorganization, collective debt settlement, deficit liquidation. For each of these procedures, the conditions for opening, the method of operation and the rights of creditors are examined.</p> <p>The second part deals with the law of securities rights. Firstly, the principle of the uniform subjection of the debtor's assets and the principle of the equality of creditors will be studied. The course continues with a systematic study of the main security interests. After analysing the common features of these securities, the various types of pledge and preferential rights on movable goods and real estate are examined. The main conflicts between holders of security interests are also examined. Finally, we study personal security interest. In this respect, suretyship contract occupy a special place, being the only personal surety regulated as such by law. There is also a place for joint and several liability and for personal sureties that have arisen in practice, in particular first-demand guarantees. The course presupposes knowledge of the law of obligations, contracts and property (real rights).</p> <p>Lecture course.</p>
Inline resources	A detailed syllabus is distributed as the course progresses. It is available on Moodle.

<p>Bibliography</p>	<p>OUVRAGES</p> <p><u>Insolvabilité</u></p> <ul style="list-style-type: none"> <li>• A. Zenner, <i>Traité de l'insolvabilité</i>, Limal, Anthemis, 2019.</li> <li>• I. Verougstraete, <i>Manuel de l'insolvabilité de l'entreprise</i>, Waterloo, Kluwer, 2019.</li> <li>• F. George, <i>Le droit des contrats à l'épreuve de la faillite</i>, Bruxelles, Larcier, 2018.</li> <li>• C. Alter (coord.), <i>Le nouveau livre XX du Code de droit économique consacré à l'insolvabilité des entreprises</i>, coll. UB<sup>3</sup>, Bruxelles, Larcier, 2018.</li> <li>• M. Grégoire, <i>Procédures collectives d'insolvabilité</i>, Bruxelles, Larcier, 2012.</li> </ul> <p><u>Sûretés</u></p> <ul style="list-style-type: none"> <li>• F. T'Kint, <i>Sûretés et principes généraux du droit de poursuite des créanciers</i>, Bruxelles, Larcier, 2004.</li> <li>• M. Grégoire, <i>Publicité foncière, sûretés réelles et privilèges</i>, Bruxelles, Bruylant, 2006.</li> <li>• E. Dirix et R. De Corte, <i>Zekerheidsrechten</i>, Malines, Kluwer, 2006.</li> <li>• E. Dirix, <i>La réforme des sûretés réelles mobilières</i>, Waterloo, Kluwer, 2013.</li> <li>• J. Baeck et M. Kruithof (eds), <i>Het nieuwe zekerheidsrecht</i>, Anvers, Intersentia, 2014.</li> <li>• I. Durant, <i>Les sûretés réelles mobilières</i>, coll. CUP, vol. 173, Limal, Anthemis, 2017.</li> <li>• J. Caemaex, T. Cavenaile, <i>Manuel des sûretés mobilières</i>, Bruxelles, Larcier, 2019.</li> </ul> <p>ARTICLES</p> <ul style="list-style-type: none"> <li>- Articles à paraître sur la transposition de la directive sur les cadres de restructuration préventive (à paraître à la RDC et au JT)</li> <li>- Numéro spécial de la Revue des entreprises en difficulté (REDI) sur la transposition de la directive sur les cadres de restructuration préventive</li> <li>- W. Derijcke, « La réforme des sûretés réelles mobilières », <i>R.D.C.</i>, 2013, pp. 691-722.</li> <li>- F. Georges, « La réforme des sûretés mobilières », <i>R.D.F.L.</i>, 2013, pp. 319-368.</li> <li>- 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.</li> <li>- 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.</li> <li>- J. Baeck, « Het nieuwe pandrecht », <i>R.W.</i>, 2015-2016, pp. 1209 à 1222</li> <li>- J. del Corral, « Zekerheidsrechten », <i>N.j.W.</i>, 2014, pp. 578 à 596</li> <li>- 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</li> </ul>
<p>Faculty or entity in charge</p>	<p>BUDR</p>

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Master [120] in Law	<a href="#">DROI2M</a>	4		
Master [120] in Management [Double degree Management- Law : for management graduates]	<a href="#">GEST2M</a>	4		