

5.00 credits

18.0 h


Q2


This biannual learning unit is not being organized in 2026-2027 !

This learning unit is not open to incoming exchange students!

Teacher(s)	Durant Isabelle ;George Florence ;
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	<p><u>Formula</u>: oral exam at the end of the course term (and/or in September) This type of exam is better suited to students with a staggered timetable. Students are given time to prepare. The exam may include questions on restitution, comprehension, analysis, synthesis, case studies and case commentaries. The language of assessment is French. If an exceptional circumstance or the situation, particularly in terms of health, so requires, the examination may take another form (a face-to-face written examination or a distance examination, for example). <u>The student may use :</u></p> <ul style="list-style-type: none"> - a calculator (not mobile phone, smartphone or watch); - unannotated Codes; the Code essentiel Insolvabilité et garanties 2025 (Larcier) is recommended. <p>In the Code(s) taken to the exam, the student is allowed to :</p> <ul style="list-style-type: none"> - underline or highlight words or phrases; - circle words (not single letters); - indicate article-to-article cross-references by number, accompanied, where appropriate, by the initials of the corresponding standard (e.g. C. civ. for Code civil). Please note that these numerical references must be limited to what is strictly necessary. <p>Post-it" notes may be used, but must not include any annotations. <u>Assessment criteria:</u></p> <ol style="list-style-type: none"> a) the emphasis on the rigour of the reasoning and its legal justification are taken into account (reference to the Code in particular) and the conciseness of the answers). b) the quality of the expression and structuring of the answer is taken into consideration. c) the ability to refer to the Code and the main case law decisions to support and argue the answer is essential. <p>The final mark is not purely arithmetical and depends on the overall assessment.</p>
Teaching methods	<p>Teaching takes the form of a lecture, supported by a PowerPoint presentation (the presentation used is broadcast after each class session, via the Moodle platform).</p> <p>Attendance is encouraged. However, to help those who are unable to travel to Louvain-la-Neuve on certain evenings, the course will be broadcast simultaneously via Teams, and a recording will be available throughout the term.</p>
Content	<p>The primary objective of the course is to enable students to understand and assimilate the fundamental rules of Belgian insolvency law. Drawing on the knowledge acquired at the end of the bachelor's degree programme in law, the course enables students to mobilise this knowledge (law of obligations, property law, commercial law, judicial law, contract law). The course develops also students' skills in the practical application of legal rules. Finally, the course will encourage students to consider the rules critically.</p> <p>In terms of the knowledge taught, the first part of the course is devoted to an examination of the various collective insolvency procedures, distinguishing between those concerning companies (e.g., judicial reorganization</p>

	<p>procedures and bankruptcy) and non-company individuals (e.g., amicable debt mediation and collective debt settlement).</p> <p>The second part deals with security law. Firstly, the principle of the uniform subjection of the debtor's assets, this of forced execution 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 retention of title clause, the right of retention, the various types of pledge and privileges on movable and immovable property are examined in turn. The main conflicts between holders of security interests are also examined. Finally, attention is turned to personal securities. In this respect, surety bonds occupy a special place, but there are also other regulated securities such as passive solidarity and independent guarantee. The course presupposes knowledge of the law of obligations, contracts and property (real rights).</p>
<p>Inline resources</p>	<p>The powerpoint presentation that supports the lecture is distributed progressively after each class session via the Moodle platform.</p>
<p>Faculty or entity in charge</p>	<p>BUDR</p>

Programmes containing this learning unit (UE)				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Master [120] in Law (shift schedule)	DRHD2M	5		
Master [120] in Law (shift schedule)	DRLN2M	5		