Prof. Dr. Meliha Povlakić

Security Rights in (Im-) movables in SEE

Syllabus

Schedule of classes:

21 January 2013, 14:30 – 19:00
22 January 2013, 09:00 – 13:30

Venue: SR 15.03 (BE)

Class description:

Credit plays a central role in a market economy. For this reason the reform of the law on security rights has been regarded as a priority in all transitional countries, therefore in SEE countries as well. Within this reform solutions deriving from legal orders of developed Western European countries have often been adopted and transferred into legal orders of transitional countries with the aim to improve the position of the secured creditor. The goal of this class is to enable the students to comprehend the different aspects of security rights regulations, which is multidisciplinary and involves rules of the property law, contract law, as well as procedural law (enforcement law, insolvency law, notary law). The students should acquire knowledge in the complex of issues regarding cross-border securities in rem in SEE countries and comprehend how the complexity of harmonisation and approximation of the European Civil Law reflects upon the law on security rights in SEE.

As an introduction, some general issues of modern law on secured transactions as well as the importance of this branch of law in the transformation process shall be discussed. A short overview of the European secured credit law will be given, with the aim to enable students to recognize and set forth the presented general issues in the legislation and the practice of SEE countries. The focus will be placed on the law of the successor states of former Yugoslavia, as well as on the Albanian law. The most important pillars of law on secured credit in different countries will be presented: different types of securities, especially securities in rem in immovable and movable assets and the position of the secured creditor in enforcement and insolvency procedure.
Learning outcomes:

- To recognize the importance of credits in the transformation process as well as to identify which steps of reform need to be taken;
- To recognize the aspects of the reforms of property law, law of obligations and procedural law but particularly of enforcement and insolvency law in order to establish a framework for an effective system of securities in SEE countries;
- To state the common features/characteristics of securities in rem in SEE countries and to possibly criticize the adopted solutions in general, or in individual states;
- To compare the status and the tendencies of securities in rem in SEE countries with those in EU member states;
- To identify and analyse the issues of cross-border securities in order to understand the need of creating a European secured credit law, i.e. the need of harmonising the rules of SEE countries as well as the problems related to that.

Class requirements:

The time frame for this seminar is 9 contact hours, and it carries 2.5 ECTS points. Students are required to prepare for and actively participate in the class.

Materials for the lecture preparation:

Please see the additional information that has been distributed via email.

Grading:

The final grade consists of the grade for participation in class and the grade for the written exam. The oral participation amounts to 30% of the final grade. It is recommended that students, in order to prepare themselves for discussion, analyse and research the rules on security rights in movables of their own countries. It is expected that students have relevant legal texts in the classroom and are able to deal with it in order to participate in discussion. In that way 5 contact hours will be devoted to the interactive comparative analysis of the regulation of the security rights in movables in the countries from which the students are coming from.
Materials for the exam preparation (Obligatory reading materials):


Additional, facultative reading materials:


Security Rights in Movables – national reports (SR Movables) and Security Rights in Immovable – national reports (SR Immovable), in: Civil Law Forum for South East Europe, collection of studies and analyses, First Regional Conference, Cavtat, 2010

Please see the readers DE/EN and BKS in the download area for both obligatory and facultative reading materials.