



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	The first part of the course examines the various insolvency procedures (bankruptcy, judicial reorganisation, transfer under court authority, collective debt settlement). 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.
Learning outcomes	
Evaluation methods	Assessment takes the form of a traditional closed-book written examination (with the exception of unannotated Codes, which students may bring with them). The Code essentiel Insolvabilité et garanties 2025 (Larcier) is recommended. In the Code(s) brought to the examination, in accordance with the guidelines suggested by the Master of Laws Commission, the student is allowed to : - underline or highlight words or phrases; - circle words (not single letters); - indicate references by number from article to article accompanied, where appropriate, by the initials of the corresponding Code (e.g. C. civ. for Code civil). Please note that these numerical references must be limited to what is strictly necessary. Post-it notes' may be used, but they must not include any annotation. The students can bring a calculator (neither his cell phone or smartphone nor his watch). The examination will cover the entire course, i.e. both the lecture and the monitoring sessions. The examination may include questions on restitution, comprehension, analysis, synthesis, case studies and case law commentaries. The final grade is not purely arithmetic and depends on the overall assessment. The language of assessment is French. If the situation, particularly in terms of health, so require, the review may take a different form
Teaching methods	Teaching takes the classic form of a lecture in the auditorium, supported by a powerpoint presentation (the presentation used is distributed after each class session, via the Moodle platform), as well as four hours of monitoring in the auditorium. The monitoring sessions are conducted by assistants, under the responsibility of the professor. If the situation, particularly in terms of health, so requires, the course (including the monitoring courses) may be given at a distance.
Content	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. With regard to the knowledge taught, the first part of the course is devoted to examining the various collective insolvency procedures, distinguishing between those concerning companies (e.g., judicial reorganization procedures or bankruptcy) and non-company individuals (e.g., collective debt settlement). 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).

Inline resources	The powerpoint presentation that supports the lecture is distributed progressively after each class session via the Moodle platform.
Bibliography	Des références bibliographiques sont indiquées, au besoin, dans la présentation PowerPoint du cours.
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		