

# Securities in Movables in Ge rman Law:An Outline

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**Eva-Maria Kieninger**



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for a business debt incurred by family members friends or employers These suretyships are commonly banking guarantees contracted by means of standard terms Sometimes the guarantor signs the contract while he she is not aware of the financial risk related to the guarantee He or she may not even know what a suretyship is But in other circumstances the guarantor may be well aware of the risk but may nonetheless assume it because of strong emotional ties which exist between him her and the main debtor How then if at all does the law address the potential for unfairness in such situations Some systems choose to rely on objective criteria such as identification of a manifest disproportion between the guaranteed amount and the surety s income and assets while others are more open to subjective inquiry The key point is variation Different jurisdictions in Europe operate different models with different priorities This book provides a comparative overview of the remedies against unfair obligations of non professional guarantors available in 22 EU Member States based on a questionnaire which has been completed by an expert in each particular jurisdiction and covering both legal rules and the economic context of different credit markets and banking practices *Comparative Law Casebook* Stefan A. Riesenfeld, Walter J.

Pakter, 2023-11-27 This casebook represents the extraordinary scholarship vision organizational and translation skill of the renowned international law scholar the late Professor Stefan Riesenfeld The cases and materials contained in this volume were developed by Professors Riesenfeld and Pakter for a seminar they taught on Comparative Law at Boalt Hall from 1986 1998 The cases have been updated for the purposes of this edition The volume consists of four parts covering the following topics Part 3 Security for Performance The print edition is available as a set of four volumes 9781571052209 **Personal**

**property law in Nigeria** Mike A.A. Ozekhome, 2019 This book addresses core issues of personal property law in Nigeria from a comparative perspective It offers a detailed account of the laws governing personal property and the different lightweight reforms undertaken mainly through case law before the enactment of the Secured Transactions in Movable Assets Act in 2017 The book draws insights from the United States UCC article 9 being unarguably the first law that introduced the concept of modern secured transactions law and was influential to many common and civilian law systems in reforming their personal property laws Given that personal property law is fairly new in Nigeria and also in Africa in general the main aim of the book is to provide judges and academic researchers with a rich collection of tested solutions from jurisdictions that have experimented with modern secured transactions law for several decades The primary and secondary works that were referenced in the book have tracked the different epochal shifts in legal thinking and their significances This may assist scholars and judges in Nigeria to come up with bespoke interpretations of the Act and solutions to underlying problems on credit and security that will satisfy the local conditions as opposed to copying the unaltered solutions from the United States and other advanced systems *Security Rights in Movable Property in European Private Law* Eva-Maria Kieninger, 2004-08-26 For every transnational lawyer it is vital to know the differences between national secured transactions laws Since the applicable law is determined by the place where the collateral is situated it may change when movables are

brought from one state to another Introductory essays from comparative lawyers set the scene The book then presents a survey of the law relating to secured transactions in the member states of the European Union Following the Common Core approach the national reports are centred around fifteen hypothetical cases dealing with the most important issues of secured transactions law such as the creation of security rights in different business situations the relationship between debtor and secured creditor the nature of the creditor s rights and their enforcement as against third parties each case is followed by a comparative summary A general report evaluates the possibilities of European harmonisation in the field of secured transactions law

English and European Perspectives on Contract and Commercial Law Louise Gullifer, Stefan Vogenauer, 2014-10-23 The purpose of this book is to honour the influential and wide ranging work of Professor Hugh Beale It contains essays by twenty five very distinguished authors each of whom has worked with Professor Beale as a co author as a teaching colleague during his time as Law Commissioner of England and Wales or as part of the study groups working in Europe on contract and commercial law The essays reflect different aspects of Professor Beale s interests Some concentrate on English contract law either from a historical or a current perspective while others are focused on aspects of European contract law There are four essays looking at current issues relating to security and financing and as befits a former Law Commissioner three essays on law reform The essays in the final section discuss trends in transnational and European commercial law This book brings together the reflections of eminent writers from all over Europe on important issues facing contract and commercial law and will be of interest to all scholars and practitioners working in these areas

Secured Transactions Law Reform Louise Gullifer, Orkun Akseli, 2016-10-20 Secured transactions law has been subjected to a close scrutiny over the last two decades One of the main reasons for this is the importance of availability of credit and the consequent need to reform collateral laws in order to improve access to finance The ability to give security effectively influences not only the cost of credit but also in some cases whether credit will be available at all This requires rules that are transparent and readily accessible to non lawyers as well as rules that recognise the needs of small and medium sized enterprises This book critically engages with the challenges posed by inefficient secured credit laws It offers a comparative analysis of the reasons and the needs for a secured transactions law reform as well as discussion of the steps taken in many common law civil law and mixed law jurisdictions The book written under the auspices of the Secured Transactions Law Reform Project informs the debate about reform and advances novel arguments written by world renowned experts that will build upon the existing literature and as such will be of interest to academics legal practitioners and the judiciary involved in secured transactions law around the world The text considers reform initiatives that have taken place up to the end of April 2016 It has not been possible to incorporate events since then into the discussion However notable developments include the banks decree passed by the Italian Government on 29th June 2016 and the adoption of the Model Law on Secured Transactions by UNCITRAL on 1st July 2016

**Self-Help, Private Debt Collection and the Concomitant Risks** Cătălin

Gabriel Stănescu, 2015-08-25 The book shows that self help in commercial law is a fast inexpensive and efficient alternative to court enforcement Self help remedies and private debt collection are largely but not exclusively features of common law jurisdictions since remnants of private enforcement can still be found in contract law in civilian systems The book argues that despite their usefulness self help and private debt collection entail significant risks especially for consumer debtors This means that private enforcement needs to be accompanied by the introduction of tailor made consumer debtor protection regulation Specific attention is given to factoring which functions in many instances as a form of pseudo private debt collection and which has been exploited to bypass sector specific consumer protection regulations *Availability of Credit and Secured Transactions in a Time of Crisis* N. Orkun Akseli, 2013-12-12 In the light of the financial crisis it has become clear that the globalisation of financial markets has not been matched by the globalisation of legal certainty relating to financial transactions The ability to give security influences not only the cost of credit but also in some cases whether credit will be available at all Increasing the availability and lowering the cost of credit can make an important contribution to international and domestic economic development Assessing the international challenges posed by inefficient secured credit laws this book explores how these can be overcome to facilitate credit through legal reforms Leading authorities in the field address the key issues surrounding the availability of credit the role of banks in economic development and financial crises UNCITRAL's legislative efforts and international organisations and financial institutions and their involvement in the reform of secured transactions law *The German Law of Obligations* B. S. Markesinis, Werner Lorenz, Gerhard Dannemann, 1997

**Comparative Law Casebook** Stefan Albrecht Riesenfeld, Walter Pakter, 2001 Jurist Riesenfeld 1908 99 and attorney Pakter juxtapose statutes and legal opinions from a number of countries on judicial organization the constitutionalization and internationalization of private rights typical and atypical transactions securing performance and bona fide purchase and acquisitive prescription The notes for each direct readers to further information about the case or topic The collection reflects the increasing role of comparative law in modern practice and the considerable convergence among civil law countries Annotation copyrighted by Book News Inc Portland OR *Germain's Transnational Law Research* Claire M. Germain, 1991 **Der Bestandsschutz besitzloser Mobiliarsicherheiten im deutschen und englischen Recht** Ulrike Müßig, Ulrike Seif, 1997 **Cross-border Transactions of Intermediated Securities** Changmin Chun, 2012-08-04 This work aims to analyse substantive and conflict of laws rules regarding intermediated securities in a comparative way For this purpose it examines major jurisdictions rules for intermediated securities and the intermediated securities holding systems such as the rules of the German US Korean Japanese and Swiss systems as well as the relevant EU regimes and initiatives Above all it analyses the two international instruments related to intermediated securities i e the Geneva Securities Convention and the Hague Securities Convention Through a functional comparative approach based upon legal traditions of the various jurisdictions this book gives readers theoretical and practical information on intermediated securities and their

national and international aspects     Intertax; European Tax Review, la Fiscalité Du Marché Commun, Eropäische  
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