

Cross-Border Security over Tangibles

Harry C. Sigman
Eva-Maria Kieninger (Eds.)

Cross Border Security Over Receivables Schriften Zum Gemeinschaftsprivatrecht

William Johnston



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Cross-border Security Over Receivables Harry C. Sigman, Eva-Maria Kieninger, 2009 Receivables transactions play an important role in modern national economies Cross Border Security over Receivables which studies the law of seven European nations provides an in depth examination of the key substantive law issues as well as a detailed examination of the private international law issues particularly the third party effects of assignments National reports use practical cases to explore the issues and to highlight differences and similarities The book will assist market participants and their counsel to better understand the rules of their own countries and those of other countries It will be of great value to academics in the private comparative and private international law fields and will assist those involved in national EU and global reform efforts

Secured Credit in Europe Teemu Juutilainen, 2018-03-22 Winner of the 2016 2018 KG Idman Prize This monograph seeks the optimal way to promote compatibility between systems of proprietary security rights in Europe focusing on security rights over tangible movables and receivables Based on comparative research it proposes how best to tackle cross border problems impeding trade and finance notably uncertainty of enforceability and unexpected loss of security rights It offers an extensive analysis of the academic literature of more recent years that has appeared in English German the Scandinavian languages and Finnish The author organises the concrete means of promoting compatibility into a centralised substantive approach a centralised conflicts approach a local conflicts approach and a local substantive approach The centralised approaches develop EU law and the local approaches Member State laws The substantive approaches unify or harmonise substantive law while the conflicts approaches rely on private international law The author proposes determining the optimal way to promote compatibility by objective based division of labour between the four approaches The objectives developed for that purpose are derived from the economic functions of security rights the conditions for legal evolution and a transnational conception of justice This book is an important contribution to the future of secured transactions law in Europe and more widely It will be of interest to academics policymakers and legal practitioners involved in this field

Introduction to Dutch Law Larissa van den Herik, Ewoud Hondius, Wim Voermans, 2022-01-27 A standard legal resource since its first edition in 1978 this matchless book has proven itself the ideal overview of Dutch law for foreign lawyers This Sixth Edition fully updates its systematic description of the legal sources institutions and concepts in all major fields of law Recent developments covered include the progressive implementation of standards set by international conventions the reorganization of the judiciary the statute on environmental law and the re codification of private international law The continuing influence of European law is evident in many fields perhaps most notably in family law The various chapters are written by experts scholars and lawyers in particular fields and provide an authoritative overview of each field The historical sources of Dutch law are discussed as well as Dutch legal culture legal philosophy judicial organization legal education and the legal profession These chapters are followed by introductions to essential issues of

private and public law and labour law The last chapter examines financial law The only resource of its kind available this book is unmatched as a thorough guide to further research It offers practitioners particularly foreign lawyers a quick and reliable way into any area of Dutch law that they may be required to research It will also be of great value to comparatists especially those studying the influence of European law on national legal systems scholars and students Like previous editions the Sixth Edition has been prepared under the auspices of the Netherlands Comparative Law Association

Introduction to Dutch Law Jeroen Chorus, 2016-04-18 A standard legal resource since its first edition in 1978 this matchless book has proven itself the ideal overview of Dutch law for foreign lawyers This Fifth Edition fully updates its systematic description of the legal sources institutions and concepts in all major fields of law Recent developments covered include the progressive implementation of standards set by international conventions the reorganization of the judiciary the statute on environmental law and the recodification of private international law The continuing influence of European law is evident in many fields perhaps most notably in family law The various chapters are written by experts scholars and lawyers in particular fields and provide an authoritative overview of each field The historical sources of Dutch law are discussed as well as Dutch legal culture judicial organization legal education and the legal profession These chapters are followed by introductions to essential issues of private and public law and labour law The last chapter examines questions of legal philosophy The only resource of its kind available this book is unmatched as a thorough guide to further research It offers practitioners particularly foreign lawyers a quick and reliable way into any area of Dutch law that they may be required to research It will also be of great value to comparatists especially those studying the influence of European law on national legal systems scholars and students Like previous editions the Fifth Edition has been prepared under the auspices of the Netherlands Comparative Law Association

Vollharmonisierung im Europäischen Verbraucherrecht Michael Stürner, 2010-12-23 Die Grenzen innerhalb der Europäischen Union sind durchlässig geworden für Verbraucher aber gilt dies nur bedingt Denn trotz vielfältiger Anstöße das Verbraucherrecht in Europa zu harmonisieren werden grenzüberschreitende Geschäfte von Verbrauchern selten getätigt Die Europäische Kommission fördert das auf ein fehlendes Vertrauen der Verbraucher zurück und hat im Herbst 2008 den Entwurf einer Richtlinie vorgelegt die einen in allen EU-Ländern gleich hohen Schutzstandard von Verbraucherrechten garantieren soll eine Harmonisierung von Verbraucherrechten Dieser Vorschlag steht in deutlichem Gegensatz zu dem bisher bei verbraucherprivatrechtlichen Richtlinien verfolgten Konzept der Mindestharmonisierung Die wegweisenden Ergebnisse der im Juni 2010 veranstalteten internationalen Fachtagung zu diesem Thema präsentiert der Band *Vollharmonisierung im Europäischen Verbraucherrecht*

Sanktionen für die Verletzung vorvertraglicher Informationspflichten Andreas Börger, 2010-12-23 Während die Informationspflichten in den gemeinschaftsrechtlichen Verbraucherschutzrichtlinien immer ausgeprägter geregelt wurden beschränken sich die Vorgaben zu Sanktionen bei Informationspflichtverletzungen in den allermeisten Fällen auf eine allgemeine generalklauselartige

Vorschrift Den Mitgliedstaaten wird auferlegt für geeignete wirksame und abschreckende Sanktionen zu sorgen Die konkrete Ausgestaltung der Sanktionen wird in der Regel in das Ermessen der Mitgliedstaaten gestellt An dieser Stelle setzt die Arbeit an Die Informationspflichtenkataloge in sechs Verbraucherschutzrichtlinien werden zunächst auf funktionelle und wertungsmäßige Gemeinsamkeiten hin untersucht um den Informationspflichten dann funktional adäquate Sanktionen zuzuweisen Auf Basis der gemeinschaftsrechtlichen Vorgaben werden rechtsvergleichend die Sanktionsregime Deutschlands Frankreichs und Großbritanniens mit ihren unterschiedlichen Traditionen und Ansätzen in der Verbraucherpolitik in den Blick genommen und an den gefundenen gemeinschaftsrechtlichen Vorgaben gemessen Vor dem Hintergrund des Kommissionsvorschlags einer Richtlinie über die Rechte der Verbraucher schließen sich Überlegungen zur Notwendigkeit gemeinschaftsrechtlicher Sanktionsvorgaben an

Cross-Border Security over Tangibles Harry C. Sigman, Eva-Maria Kieninger, 2009-04-27 As cross border trade and cross border financing continue to increase while security rights over tangible property are governed by the law of the place where the moveable is situated comparative knowledge of national secured transactions law is crucial for everyone using security rights over tangibles in a cross border context This book provides an in depth examination of the key issues that arise when security rights are created perfected and enforced in different European countries Authored by experts on German English Dutch French Belgian Italian and Spanish law the national reports use practical cases and highlight differences and similarities A special focus is placed on the way in which national courts deal with security interests created elsewhere A comprehensive introductory chapter analyzes significant secured transactions issues summarises the comparative data and compares them with Art 9 of the Uniform Commercial Code U S and suggests guiding principles for a European harmonization measure or national reform efforts The book will assist market participants and their counsel to better understand secured transactions law and relevant private international law rules of their own and other countries and assist those involved in national EU and global law reform efforts

Security Over Receivables William Johnston, 2008 *Security Over Receivables An International Handbook* is a practical guide to the key issues involved in taking security over receivables in 39 jurisdictions Adopting a jurisdiction by jurisdiction structure each chapter examines the key matters to consider when taking security over debts in a particular region Each analysis is followed by a case study to exemplify and elucidate the central principles which arise in practice A comparative table is also included to outline and illustrate the distinguishing aspects of taking security over debts in each country The chapter from UNCITRAL gives a useful explanation of the position from an international law perspective This work is a valuable preliminary reference point for practitioners advising on finance transactions which involve security over receivables in a foreign jurisdiction Jurisdictions covered include Argentina Australia Austria Belgium Brazil Canada Chile China Czech Republic Denmark England Finland France Germany Hong Kong India Indonesia Ireland Israel Italy Japan Kuwait Luxembourg Mexico Netherlands New York New Zealand Poland Russian Federation Scotland Singapore South Korea Spain Sweden Switzerland Turkey Ukraine United Arab Emirates

and Venezuela With contributions from well respected lawyers from leading international firms in each jurisdiction this book provides practitioners worldwide with considerable assistance when dealing with cross border transactions in a number of different jurisdictions

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