**JOPJ476XA0 Comparative Property Law: Principles of Property Law in Europe**

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| **Basic data** |
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| Code: **JOPJ476XA0** |
| Name: **Comparative Property Law: Principles of Property Law in Europe** |
| Original subject name: |
| Credit: **6 ECTS** |
| Requirement type:**Report (three-scale)** |

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| Notes: - |
| Responsible lecturer:**Dr. Szilágyi Ferenc** |
| Organizational unit:JÁK Polgári Jogi Tanszék |
| Classes per week **Practical: 2** |
| Classes per term **Practical: 2** |

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| **Scope of the course:**The aim of the course is to provide an introduction to the principles and central issues of property law in Europe by taking reference to the major legal systems, such as French law, Italian law, German law, Dutch law, the Scandinavian approach with focus on Swedish law and the common law approach with focus on the Law of England and Wales, as well as to Hungarian law. While pursuing this, the relevant model rules in the so-called Academic Draft Common Frame of Reference (DCFR) are also taken as point of reference. The primary objective of the course is to provide introduction and access to central issues of property law in Europe for non-Hungarian speaking European students also, with the benefit of explanation gained by applying the methods of comparative law. Schedule of the course: 1.      General introduction and presentation of the method used during the course; international treaties, EU legislation concerning the area of property law2.      Defining the area of property law as covered by the course; place of property law within private law: understanding of and the area covered of property law in continental Europe and common law; identifying so-called general principles of property law3.      Doctrinal background of property rights and personal rights; the ‘implied feature’ of third party effect, eventual stages of it4.      Comparative overview on the objects of property rights and the various property rights in continental Europe and common law: the notion of  ‘goods’, the distinction between movable – immovable, other objects; property rights in respect of movables, immovables and other objects 5.      Ownership and its relation to other property rights; the category of limited proprietary rights in continental legal systems and its doctrinal background; property rights as they relate to each-other in common law6.      Protection of property rights in continental Europe and common law: possession and protection of possession; protection of ownership and its limits (e.g. extinctive prescription, accidental loss or destruction of the goods, etc.)7.      Acquisition of ownership and other property rights other than by way of transfer (accession, commixture, processing, acquisitive prescription, creation by agreement, by operation of law etc.)8.      Acquisition of ownership and other property rights by way of transfer (systems of transfer with regard to movables and immovables; consequences when the transfer has failed)9.      Registries and property law: models of registry; land registry, registry for certain types of movables; registry for certain types of property rights, e.g. security rights10.  Termination of property rights: destruction of the object; abandonment; other instances of termination11.  Proprietary security rights in continental Europe and common law: types, objects, its creation and realisation12.  Management positions: Trust, Treuhand, Fiducie  Books, recommended readings (to be completed):  1. Van Erp, Sjef and Akkermans, Bram (eds.): *Ius Commune Casebooks for the Common Law of Europe; Cases, Materials and Text on National, Supranational and International Property Law,* Oxford 2012. ([www.casebooks.eu/propertylaw](http://www.casebooks.eu/propertylaw))

 1. Von Bar, Christian and Clive, Eric (eds.) - (prepared by Study Group on a European Civil Code/Research Group on EC Private Law (Acquis Group)): *Draft Common Frame of Reference (DCFR). Full Edition (vol. 5.). Principles, Definitions and Model Rules of European Private Law,*Munich 2009.

 3.     In German: *von Bar, Christian*:  *Gemeineuropäisches Sachenrecht*, Bd. I; München 2015With regard to Hungarian property law in English1. Harmathy, Attila (ed.):*Introduction to Hungarian Law,*The Hague 1998, pp 81-90 and pp 95-134.
2. Szilágyi, Ferenc: *National Report on the Transfer of Movables in Hungary*, in: Faber, Wolfgang/Lurger, Brigitta (eds.): National Reports on the Transfer of Movables in Europe. Volume 3: Germany, Greece, Lithuania, Hungary, Munich 2011, pp 409-701.
3. Szilágyi, Ferenc: *Wind Power under Hungarian Private Law*, in European Review of Private Law, 2013/1, pp 371-386.

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