

Contents

<i>General editors' preface</i>	<i>page xi</i>
<i>Preface</i>	xiii
<i>List of contributors</i>	xv
<i>Table of cases cited by name</i>	xvii
<i>Table of legislation</i>	xxii

Part I Introduction and context

<i>List of abbreviations</i>	3
1 Introduction: security rights in movable property within the common market and the approach of the study EVA-MARIA KIENINGER	6
2 A labyrinth of creditors: a short introduction to the history of security interests in goods WILLEM J. ZWALVE	38
3 Security in movables in the United States – Uniform Commercial Code Article 9: a basis for comparison HARRY C. SIGMAN	54
4 The English law of security: creditor-friendly but unreformed MICHAEL BRIDGE	81
5 The European Bank for Reconstruction and Development's Secured Transactions Project: a model law and ten core principles for a modern secured transactions law in countries of Central and Eastern Europe (and elsewhere!) FRÉDÉRIQUE DAHAN AND JOHN SIMPSON	98

Part II The case studies

<i>List of abbreviations</i>	117
<i>Bibliographies</i>	128
<i>Glossary</i>	150
Case 1: Furniture for a new office	171
<i>Transfer of ownership – general effects of insolvency on property – statutory rights of unpaid seller – resolutive clause – goods in transit</i>	
Discussions	171
Comparative observations	222
Case 2: The deceived seller	230
<i>Transfer of property – effect of fraud – effects of execution on property law questions</i>	
Discussions	230
Comparative observations	243
Case 3: Machinery supplied to be used by the buyer	246
<i>Simple retention of title</i>	
Discussions	246
Comparative observations	282
Case 4: Jackets for resale	287
<i>Simple retention of title – entitlement to resell</i>	
Discussions	287
Comparative observations	298
Case 5: Motor cars supplied and resold (I)	301
<i>Protection of bona fide purchaser – retention of title and resale – consignment – special legislation</i>	
Discussions	302
Comparative observations	343
Case 6: Motor cars supplied and resold (II)	351
<i>Retention of title and resale – claim arising out of sub-sale still existing</i>	
Discussions	351
Comparative observations	362
Case 7: Supply of material to manufacturer (I)	365
<i>Retention of title and products clause – property effects of manufacturing</i>	

	CONTENTS	ix
Discussions		366
Comparative observations		394
Case 8: Supply of material to manufacturer (II)		398
<i>Retention of title – sale of manufactured products – combined products and proceeds clause</i>		
Discussions		398
Comparative observations		414
Case 9: Too many toasters		417
<i>All-monies/sums clause – effects of commingling on retention of title</i>		
Discussions		418
Comparative observations		434
Case 10: Bank loan on the basis of a car fleet		438
<i>Security ownership – sale and lease-back – other non-possessory security rights in individualised movables</i>		
Discussions		438
Comparative observations		473
Case 11: Bank loan for a wholesaler		480
<i>Security right in revolving stock-in-trade – security ownership – enterprise charge – actio Pauliana</i>		
Discussions		481
Comparative observations		525
Case 12: Bank loan on the basis of money claims (I)		531
<i>Security assignment of claims in respect of an identified debtor – distinction between present and future claims – dependence of the secured creditor's rights on communication of the security right to the debtor cessus</i>		
Discussions		532
Comparative observations		568
Case 13: Bank loan on the basis of money claims (II)		573
<i>Security right to a claim against a debtor whose identity is unknown at the time the security right is created – rights of the secured party in execution</i>		
Discussions		574
Comparative observations		592

x	CONTENTS	
	Case 14: Finance leasing of computers	595
	<i>Finance leasing – lessor’s and lessee’s rights in insolvency of the other partner – effects of purchase option</i>	
	Discussions	595
	Comparative observations	619
	Case 15: Indebted businessman sells business to brother	623
	<i>Liability of purchaser of a business for pre-existing debts – actio Pauliana</i>	
	Discussions	623
	Comparative observations	644
	Evaluation: a common core? Convergences, subsisting differences and possible ways for harmonisation	647
	EVA-MARIA KIENINGER	
	<i>Index by country</i>	674
	<i>Index by subject</i>	738