

Ulrich Ernst

Mobiliarsicherheiten in Deutschland und Polen

Sicherungseigentum – Registerpfand – Kollisionsrecht

[Securities in Movables in Germany and Poland. Security Transfer of Title – Registered Pledge – Conflict of Laws]

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Ulrich Ernst compares the German security transfer of title to the Polish security transfer of title and the registered pledge in substantive law, judicial execution and insolvency. He examines the conflict of laws provisions valid in the relationship between Germany and Poland and analyzes specific cases pertaining to these. A comparison shows that the Polish security practice of transfer of title is similar to that in Germany. In legal relations between Germany and Poland, a change of locality of the object of security does not mean its loss, but there are new formalities required by Polish insolvency law which endanger the German security transfer of title. The only solution seems to be a uniform substantive law. When planning a European registered security interest, from a German point of view it would be worthwhile to take a good look at the Polish solutions, since the legal systems of both countries are similar.

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