

REAL ESTATE TRANSACTIONS

Teaching Guide

Academic Course:

2026/2027

Academic Center:

807 - Masters Centre of the Department of Law

Study:

8078 - Advanced Master in Legal Sciences

Field of study:

748 - Law and Legal Specialities: MOACCJJ

Subject:

33007 - Real Estate Transactions (*Negocios Civiles Inmobiliarios*)

Credits:

4.0

Type of course:

Elective

Teaching language:

English

Instructor:

Prof. J. Santdiumenge (LL.M. Yale)

Teaching Period:

First trimester

Presentation

The course will provide an overview of the rules governing the acquisition of land and dwellings, the legal duties of landowners, the rights of tenants and lessees, the requirements of conveyancing, the variety of real rights upon property, the condominium regime, the guarantee rights most frequently used to secure lending contracts, to finance construction and to provide services.

Through this course, students will understand the key concepts of property law and learn how to conduct legal analysis to apply those concepts to a variety of factual situations. Students also will learn how to think critically about legal rules and the functioning of the legal system, understand the role of lawyers, notaries and registrars in establishing real rights, and understand current issues of law in action.

The course materials draw on case law, statutes, theory and policy from a variety of jurisdictions, including European, Spanish and Catalan law.

The course will develop along a full term, with twelve two-hour sessions. Each of them will consist of a lecture by the professor, a discussion about the required readings, and in some cases additional activities addressed to specific issues of the course (such as guest lectures by invitation).

The course is divided into 9 modules (see below Contents). Each module is structured around:

- Key Points: Concepts, rules, and key principles.
- Statutes and Case Law: Main legal regulations and principal cases to illustrate the legal concepts and its actual implementation by both the Spanish Courts and the ECJ.
- Practical Exercises: Selected activities to discuss and share ideas on occasion of the class sessions.
- Explore Further: Additional resources to look at beyond the class sessions.

Examples of practical exercises will include the discussion of new regulations dealing with: Street art and mural artworks: ownership issues and public discourse. Which natural resources have been granted legal personality? Sharing property: shared ownership, temporal ownership, timesharing, fractal ownership. Partition of assets subject to tenancy in common (an island, an apartment). Should digital assets fall under ownership rules? The future of registering title: blockchain or electronic land registries. Analysis of actual clauses included in a mortgage contract (between a bank and a consumer) to finance the acquisition of a dwelling.

Attendance and participation

Students are expected to attend all class sessions and to complete beforehand the readings for lectures. Consistently active participation, demonstrating that you have read and thought about the class assignment, is expected.

Students will have at their disposal at the *Aula Global* website several materials related to the course's contents. These materials are: hand-outs; PowerPoint presentations used in the classroom; translations into English of the relevant legal provisions; complementary reading assignments; recent court rulings; and abstracts of judicial decisions to highlight how the relevant rules are applied in cases from the real practice.

Learning outcomes

The student will be able to recognise recent developments in the area of property transactions and housing legislation in Spain and in the EU.

The student will be able to identify the applicable law to different scenarios.

The student will be able to interpret different sources of research, whether legislative, jurisprudential or doctrinal.

The student will be able to examine legal issues from different perspectives and to identify the solution to practical cases from the applicable legislation.

Contents

1. Introduction to Property Law in Europe

Common principles and functions. Standardization of property rights (*numerus clausus vs numerus apertus*). Types of in rem rights. EU directives regarding property rights. *Lex rei sitae* and conflict of laws (Rome I).

2. New Theories and Methods in Property Law and their Practical Applications

Economic and empirical analysis (H. Smith; Y. Chang). Civic ownership (G. Alexander; J. Singer). Social obligations in property law (B. Akkermans). Functional comparative method (C. Godt; S. v. Erp).

3. The Constitutional Scope of the Rights of Property and to Housing

Limits and restrictions of the property clause: the essential content; the social function. Takings and regulations: the compensation issue. The right to housing: making homes affordable. Reforming the legislation on urban lease contracts: tense areas, large tenants, rent control.

4. Digital Assets as a new type of property

Crypto assets and digital goods: possession; control. Current developments: between amending civil codes and enacting specific statutes. Key issues: acquisition; conveyancing; cryptocurrencies as security; digital assets and insolvency; electronic wills and succession.

5. Sustainable Property Law

Energy transition for buildings: regulating towards net zero. Retrofitting residential property: real estate developers, condominium associations, green loans. Contracts and limited real rights for the preservation of natural resources

6. Resilient and Evolving Real Rights

Acquiring title through adverse possession. Easements and servitudes. The right of usufruct: from land uses to money deposits and portfolio investments. The right of emphyteusis to enable housing developments. The misuse of the right of antichresis as security type.

7. Security Rights over Movable Assets

Securities for businesses: possessory and non-possessory secured transactions. Right of retention (mechanic's lien). Pledge: non-shifting pledge and floating pledge. EU Financial Collateral Directive. Other mechanisms: reservation of title.

8. Security Rights over Immovable Assets

Guarantees for the repayment of loans. Consumer protection rules. Differences between hypothec, mortgage and land charge (*Grundschuld*). The 2014/17/EU Directive and the 2019 LCCI Act: legal requirements for credit contracts on residential property. Key court rulings in consumer protection law (ECJ and TS). Other mechanisms: Sale and lease back; Financial lease. Pros and cons.

9. Security through Land Registration in Europe

Legal certainty of recorded titles: advantages and costs. Types of land registries within Europe and differences among them. The Property Registry in Spain. Principles and requirements for recording real rights on property. On-going projects for cooperation of land registries within the EU (Eulis, Imola).

Evaluation and grading system

The evaluation of the course will always include an in-person exam scheduled according to the Pompeu Fabra University exam calendar. The annual learning plan, which will be posted at the Aula Global website, will specify the exam's weight and percentage in relation to the final grade, as well as its characteristics and nature.

Final exam: This examination will consist in a closed-book, two-hour exam, which is to be held on site at the campus facilities. The exam will contain both multiple choice and essay questions on topics that have been duly analysed in class. The official examination will take place in the early weeks of December (please check time and room at the Department of Law Master's Office website).

Re-sit exam: Another official examination will take place in mid-January (please check time and room at the Department of Law Master's Office website) for those students who did not pass the final examination. The re-sit exam will have identical format and will also contain both multiple choice and essay questions.