UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Diritto Fallimentare

1819-5-A5810056

Learning objectives

Learning special and typical rules of competition procedures should let the student to achieve skills and a critical approach in professional management of bankruptcy proceedings both ex latere debitoris and ex latere creditoris.

Contents

The course concerns bankruptcy, composition before bankruptcy, extraordinary management for insolvent corporate and crisis negotiations. These regulations are mentioned in the law n. 267 dated 16 march 1942 and following modifications for bankruptcy law and as far as extraordinary management n. 270 dated 8 July 1999 and n. 347 dated 23 December 2003 and following modifications. Other regulations being contained in the Civil Code, in the Code of Civil procedure, in REG. CE n. 1346/2000 e UE n. 2015/848 and other special laws. The course aims at giving a general outline of every form of company failure and in particular of bankruptcy.

Detailed program

The course concerns:

- bankruptcy: eligibility; adjudication; trustee, bankruptcy judge and bankruptcy court; effects on debtor and creditors; fraudulent and avoidable transfers; executory contracts; proof and allowance of claims; dismissal of the case; composition; compulsory winding-up; composition before bankruptcy; bankruptcy closure;

- some elements of other failure procedures.

Prerequisites

Knowledge of civil law, corporate law and civil procedure.

Teaching methods

Lectures and, in the second part of the course, casuistic case study method.

Assessment methods

Oral exam.

Textbooks and Reading Materials

1. A. NIGRO - D. VATTERMOLI, Diritto della crisi delle imprese, Il Mulino, ultima edizione.

Or

2. L. GUGLIELMUCCI, Diritto fallimentare, Giappichelli, ultima edizione.

Or

3. AAVV, Diritto commerciale, a cura di M. Cian, II. Diritto della crisi dell'impresa, Giappichelli, ultima edizione.