UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Diritto Bancario

1819-4-A5810182

Learning objectives

Understanding and analyzing the fundamental elements and the rationale of the regulation of banks in the Italian and European framework. Understanding and analyzing the practical consequences of banking regulation on the business and banking relationships and on society as a whole.

Contents

The course analyzes the regulation of banking activities with regard both to its regulatory and supervisory implications and to the contractual relationships between the bank and its customers. The first part of the course focuses on the characteristics (and the evolution) of the positive concept of banking activity, on the purposes of the regulation and on the role played by Italian and European supervisory authorities. The second part of the course deals with the general principles that govern every contractual relationship between the bank and its customers and, furthermore, some of the typical banking contracts.

Detailed program

First part: the regulation of banking

1. Banking activity and regulation

a. Historical evolution (from the commercial code to the European Banking Union;

b. Functions of banks;

c. Banks and investment activities;

d. Banks and payment services

2. Supervision: purposes and authorities.

a. The Basel Committee and the FSB;

b. The Singly Supervisory Mechanism in the Eu Banking Union. CERS, ECB and EBA.

c. The Italian authorities (CIRC, MEF and Banca d'Italia).

d. The competences respectively of European and national supervisory authorities.

e. Subject matters of the supervision:

i. Authorization of credit institutions;

ii. Ownership structure;

iii. Directors and officers;

iv. Assets and capital requirements;

v. Governance.

3. The regulation of banking resolution and recovery.

a. Rationale

b. Italian regulation

c. European regulation: the Single Resolution Mechanism;

d. Bail-in.

Second part: banking contracts

1. The general "transparency" principles.

2. Current accounts and deposits.

3. Financing contracts. Credit lines, Advances, Loans.

Prerequisites

Business and corporation law. Private law.

Teaching methods

Lectures, class discussion of cases and materials, class exercises, research on selected topics on a voluntary basis

Assessment methods

Oral exam

Textbooks and Reading Materials

For attending students:

for the first part: Valzer, *Lineamenti di diritto dell'impresa bancaria*, Educatt, 2018 (or: Brescia Morra, *Il diritto delle banche*, 2ª ed., Il Mulino, 2016)

for the second part: Callegari - Cavalli, *Lezioni sui contratti bancari*, 2 ª ed., Zanichelli, 2011, exclusively chapters nn. 2 - 3 - 4 - 5 - 6 - 7 - 10.

For non-attending students.

for the first part: Valzer, *Lineamenti di diritto dell'impresa bancaria*, Educatt, 2018 (or: Brescia Morra, *Il diritto delle banche*, 2ª ed., Il Mulino, 2016)

for the second part: Callegari - Cavalli, *Lezioni sui contratti bancari*, 2 ª ed., Zanichelli, 2011