UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Bankruptcy Law

1920-5-A5810199

Learning objectives

Learning special and typical rules of bankruptcy procedures let the student 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 procedures are regulated in the law n. 14/2019 ("Codice della crisi d'impresa e dell'insolvenza") 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. 848/2015 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:

- the general rules of failure procedures;

- 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; 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. L. GUGLIELMUCCI, Diritto fallimentare, Giappichelli, ultima edizione.

Or

2. G. FAUCEGLIA, Il nuovo diritto della crisi e dell'insolvenza, Giappichelli, ultima edizione.