UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Banking Law

1920-4-A5810182

Learning objectives

The purpose of the course is to build an essential framework which would provide students with an “anatomy” of this area of regulation and enable them to adapt to its rapid changes.

Contents

The course is focused on the legal setting of the banking business. At the outset we will focus on the economic dynamics which underlie the banking activity and on the fundamental problems that it involves. Then we will examine how and to what extent regulation addresses those problems. Within that setting, we will consider the basics of the legal discipline. We will start with the main aspects that relate to both banks and the other players of the banking industry. And then we will explore more in detail the contractual relationships that a bank typically enters into: first, by analyzing the general discipline which applies to all contractual types; secondly, by focusing on some specific contracts, with particular emphasis on the connection between general and special contract law.
Given the characteristics of the subject matter, we will devote special attention to the latest developments at the regulatory, judicial and business level.

Detailed program

Part I – The banking activity: function and regulation
1) The role of banks in the financial system
- Supply and demand of financial resources
- The need for intermediaries
- Comparison between the banking intermediation and financial markets

2) The discipline of the banking firm
- Historical profile of the discipline
- Access to the banking activity
- Supervisors
- Ownership structure and corporate governance
- Capital requirements
- Groups and financially distressed companies
Part II – Contractual relationships in the banking activity
1) The general discipline of the banking contract
- Customer protection and consumer credit
- Guiding principles: transparency and fairness
2) Financing contracts and guarantees
- Loan, opening of credit, factoring
- Bank guarantees

Prerequisites

Essential elements of privare law and corporate law.

Teaching methods

Lectures and discussions in class.

Assessment methods

Oral exam.

Textbooks and Reading Materials

A. VALZER Lineamenti di diritto dell'impresa bancaria. Appunti delle lezioni. EDUCatt Università Cattolica. Last edition

M. CALLEGARI - G. CAVALLI Lezioni sui contratti bancari. Last edition