UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto delle Assicurazioni

1920-4-A5810184

Learning objectives

- Master the essential dynamics of the insurance phenomenon and the foundations of insurance law.
- Understand the main contents of insurance law.
- Learn to apply analytical tools that are necessary to understand legal problems concerning the insurance phenomenon.

Contents

The course is focused on the insurance business and is aimed at providing students with essential tools and categories in order to understand the status and the evolution of insurance regulation. First, we will examine the fundamental economic dynamics of the phenomenon and the essential steps of its historical development. Against this background, we will explore the main components of the Italian regulation concerning insurance firms and contracts, analyzing with more detail some selected topics that are currently debated by scholars and judges.

Detailed program

General summary

- Overview and evolution of the insurance phenomenon.
- Regulation of insurance firms: foundations, developments, essential features.
- Regulation of insurance intermediaries: types of intermediaries and clients' protection.
- Regulation of insurance contracts: general provisons; insurance against pecuniary losses; life insurance; insurance against injuries.

For attending students

- Foundations
    - Economic bases of insurance.
    - Historical development of insurance.
    - Rationales and goals of insurance law.
- Regulation of insurance firms
    - General characteristics of the regulation.
    - Overview of the regulation.
    - Structural constraints: authorization for the taking-up of insurance business and for qualifying holdings acquisitions; object limitations.
    - Prudential regulation: insolvency and crisis procedures; general setting, principles and pillars of Solvency II.
- Contractual relationships
    - Consumer protection regulation: insurance intermediaries; new insurance distribution regulation (IDD).
    - Insurance contracts: underlying principles and general provisions.
    - Non-life insurance contracts: main legal profiles and selected cases.
    - Life insurance contracts: main legal profiles and selected cases.
    - Personal accident insurance: classificatory problem and legal implications.

For non-attending students

- General coordinates of the insurance phenomenon.
- General setting of insurance regulation and role of public supervision.
- Regulation of insurance e re-insurance firms: authorization; ownership; organizational structure; capital requirements; cross-border activity; structural changes; preventive measures and resolution schemes; competition.
- Regulation of insurance products distribution.
- Insurance contract: general legal provisions and issues.
- Insurance against pecuniary losses: rules and essential taxonomy; mandatory vehicle insurance; sketch of maritime and aeronautic insurance.
- Life insurance: rules and related contracts; indexed policies.

Prerequisites

Essential elements of both the law of contracts and the law of business organizations.

Teaching methods

Lectures, discussions of hypothetical problems and cases, reading assignments, tests.

Assessment methods

Oral exam. Written exam for attending students, on a voluntary basis.
Exam instructions, in addition to instructions already provided by the University and the Law Department, can be read on the course webpage.

Textbooks and Reading Materials

- Donati - Volpe Putzolu, Manuale di diritto delle assicurazioni, latest edition.
- IVASS, Guida a Solvency II, available at: https://www.ivass.it/pubblicazioni-e-statistiche/pubblicazioni/altre-pubblicazioni/2016/guida-solvency-ii/Guida_SolvencyII.pdf

The final exam for students attending classes will be based on class notes and readings that will be assigned during the course.