UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Fallimentare

2122-3-E1401A028

Learning objectives

Learning typical, and special, rules of bankruptcy procedures let the student achieve skills and a critical approach in analysis or professional management of bankruptcy proceedings both ex latere debitoris and ex latere creditoris. This is the main objective of the course.

Contents

The course concerns bankruptcy, composition before bankruptcy, extraordinary management for insolvent corporate and crisis negotiations. These procedures are regulated in the law n. 267/1942 ("Legge fallimentare") and 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.

Until the end of the coronavirus outbreak (COVID-19), lessons will be recorded and uploaded in the course 2020/2021 e-learning page. Specific on-line lessons will be anyhow scheduled.

Assessment methods

Oral exam.

Until the end of the coronavirus outbreak (COVID-19), exams will be made through Webex paltform via the e-learning campus website, where a special link will be provided for students and any other attendees.

It is important recalling that:

1) enrolling via Segreterieonline is still required, preferably within 5 days before the exam date;

2) joining the e-learning page 2020/2021 of the course is mandatory to access the exam link;

3) any other technical infos will be published in the 2020/2021 e-learning page of the course;

4) students are invited to check their internet connection before the exam.

Textbooks and Reading Materials

1. A. NIGRO - D. VATTERMOLI, Diritto della crisi delle imprese, Il Mulino, latest ed. (pp. 1-507)

Or

2. G. D'ATTORRE, Manuale di diritto della crisi e dell'insolvenza, Giappichelli, latest ed.

Or

3. L. GUGLIELMUCCI, Diritto fallimentare, Giappichelli, latest ed.