UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto delle Assicurazioni

2122-3-E1401A101

Learning objectives

- Grasp the essential dynamics of the insurance phenomenon and the foundations of insurance law.
- Know the main contents of insurance law.
- Acquire 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 law and regulation. First, we will examine the 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 law and 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 distribution: types of intermediaries and client protection.
- Regulation of insurance contracts: general rules; non-life insurance; life insurance; personal accident insurance.

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 holding acquisitions; business limitations.
    - Prudential regulation: insolvency and crisis procedures; foundations, 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: classification 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.
- Non-life insurance: 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. Optional written exam for attending students.

Textbooks and Reading Materials

- DONATI - VOLPE PUTZOLU, *Manuale di diritto delle assicurazioni*, Giuffrè, latest edition, o in alternativa DE LUCA, *Diritto ed economia delle assicurazioni*, Giappichelli (to be published)
- 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.