UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

# COURSE SYLLABUS

# Bankruptcy Law

**2223-5-A5810199**

## Learning objectives

Learning typical, and special, rules of bankruptcy procedures let the student achieve skills and a critical approach in the analysis or the 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.

## Assessment methods

Oral 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.

## Sustainable Development Goals

DECENT WORK AND ECONOMIC GROWTH | INDUSTRY, INNOVATION AND INFRASTRUCTURE | PEACE, JUSTICE AND STRONG INSTITUTIONS