UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Banking Law

2223-4-A5810182

Learning objectives

The course aims to discuss, from an inter-disciplinary and critical perspective, the Italian and European banking law, discussing with the students the fundamental economic and regulatory principles of the banking system.

Contents

In the first part of the course, it will be discussed the economic function of the banking system, focusing - from a Law & Economics perspective - on the main market failures that characterize such a system. The main features and functions of law intervention will thus be examined. The second part of the course will focus on the problems related to the exercise of the banking activity and the regulatory solution as well. The third part of the course, instead, will deal with the general principles of banking contract law.

Detailed program

1?? Part - The Banking Intermediation System

i - money circulation in the financial markets and the role of banks

ii - the rationale for law intervention

iii - the role of supervisory authority

2?? Part - The Regulation of Credit Institution

i - the banking activity and the authorization process

ii - prudential regulation and supervision of credit institutions

iii - recovery and resolution of credit institutions

iv - deposit insurance scheme

3?? Part - Contracts in the banking activity

i - transparency and fairness

ii - functions and characteristics of the main banking contracts

Prerequisites

In-depth knowledge of private law, corporate law and European Union law.

Teaching methods

The course is aimed to promote discussion and the development of critical skills.

Assessment methods

Oral exam aims to assess the students' knowledge of the subject, their ability to carry out a critical analysis of the topics indicated in the course content, and the use of a proper terminology.

The final mark will take into account: the accuracy of the answers (60%), the ability to explain statements, analysis, and judgments (30%), and the use of communication skills (10%). Also, participation in class will be taken into account to determine the final mark.

Textbooks and Reading Materials

For the first and second part of the course:

C. BRESCIA MORRA, *Il diritto delle banche. Le regole dell'attività*, Il Mulino, 3?? ed., 2020

or

M. DE POLI, *Fundamentals of European Banking Law*, Wolters Kluwer, last ed. (RECOMMENDED)

For the third part of the course:

M. CALLEGARI e G. CAVALLI, *Lezioni sui contratti bancari*, Zanichelli, last ed., ch. 2, 3, 5, 7 and 10

Sustainable Development Goals