UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Business Crisis and Insolvency Law

2425-2-F7701M123

Learning objectives

Students will have the chance of acquiring a good mastery in bankruptcy matter both from a theoretical point of view and from a practical point of view, in relation to possible future professional engagements of the ones who will be appointed to the title of liquidator and/or attester, within the practice of the profession of chartered accountant.

At the end of the course students will be able to estimate the premonitory signs of bankruptcy and its consequences. Students will be encouraged to participate in discussions and lessons related to legal cases and speeches by Magistrates.

At the end of the course:

1. Knowledge and understanding.
   Students will have to demonstrate the acquisition of at least a basic knowledge of the discipline of judicial liquidation.
2. Applied knowledge and understanding.
   Students will have to demonstrate the ability to apply the notions learned to concrete cases.
3. Making judgements.
   Students will have to demonstrate that they are able to express legally based argumentative paths.
4. Communication skills.
   Students will have to demonstrate that they have developed argumentative skills and language properties.
5. Learning skills.
   Students will have to demonstrate that they have developed the ability to understand the discipline of insolvency procedures, its evolution and its main interpretative problems.

Contents

The teaching matter of Bankruptcy Law is the in-depth analysis of traders' bankruptcy, excluding composition with

creditors and other minor collective actions. Lectures will highlight the so called “privatization” of bankruptcy proceedings in a broad sense and they will especially focus on creditors’ active role, by examining the effects of bankruptcy on pre-existing legal relationships. Special attention will be given to jurisprudence and to routine procedures of main Italian Courts as well as of liquidators.

Detailed program

The negotiated composition (Composizione negoziata). Conditions of bankruptcy. Notion of insolvency. Opening of bankruptcy proceeding. Bankruptcy administration. Effects of bankruptcy on actions adversely affecting creditors and pre-existing legal relationships. Bankruptcy avoiding action. Bankruptcy and liquidation of assets. termination of bankruptcy proceeding. Bankruptcy of companies.

Prerequisites

Knowledge of principles regarding obligations and contracts.

Teaching methods

A mix of delivery teaching and interactive teaching will be adopted. The first will be responsible for providing the fundamental notions of the competition subject while the second will try to develop a learning process based on the presentation and discussion of concrete cases, favoring the operational approach aimed at analyzing real cases in the light of the judicial decisions taken by the case law on the merits and legitimacy. Compatibly with the teaching needs, we will also try to give space to experts and magistrates who deal with insolvency procedures.

Assessment methods

The exam will be exclusively oral and there are no intermediate tests. The exam will focus on the contents covered in the classroom and illustrated in the reference manuals, with the aim of assessing the degree of learning of the students, their argumentative ability, the clarity of exposition and the property of language.

Textbooks and Reading Materials

Any manual of business crisis and insolvency law may be adopted, as long as it is updated.
The following manual is recommended:
Giacomo D'Attorre - Handbook of crisis and insolvency law - Giappichelli - Third edition - 2024
The Civil Code integrated by the Code of Business Crisis and Insolvency (CCII) will be absolutely necessary.

Semester

The teaching will be held during the first academic semester.

Teaching language

Italian.

Sustainable Development Goals

INDUSTRY, INNOVATION AND INFRASTRUCTURE