UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Bankruptcy Law

2425-5-A5810199

Learning objectives

The main objective of the Course is learning typical, and special, rules of bankruptcy procedures, to 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.

Contents

The course concerns bankruptcy, composition before bankruptcy, extraordinary management for insolvent corporate and crisis negotiations. These procedures are regulated in the law 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 and composition with creditors.

Detailed program

The course concerns:

- the general rules of failure procedures;
- bankruptcy (eligibity; 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);

- composition with creditors (eligibity; phases, effects);
- some elements of other failure procedures.

Prerequisites

Knowledge of civil law, corporate law and civil procedure.

Teaching methods

Lectures are held in Italian.

The Course provides:

14 2-hour frontal lectures delivered in face-to-face mode

5 2-hour interactive lectures delivered in face-to-face mode

2 1-hour lectures recorded and remotely accesible

Assessment methods

Oral exam.
In itinere tests are not planned.
The following will be assessed: achievement of the learning objectives of the Course; knowledge of the contents of the Course.

Textbooks and Reading Materials

1. A. NIGRO - D. VATTERMOLI, Diritto della crisi delle imprese, Il Mulino, latest ed. (section I; section II, chapters V-XVIII; section III, XXIV, §§ I. e II.I)

Or

2. G. D'ATTORRE, Manuale di diritto della crisi e dell'insolvenza, Giappichelli, latest ed. (chapters I, II, III, IV, VI, IX; XI, §§ 1, 3)

Sustainable Development Goals

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