UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Fallimentare

2425-3-E1401A028

Learning objectives

A. Knowledge and understanding
The student will acquire a solid knowledge of the special and typical rules of bankruptcy proceedings, understanding the fundamental principles that govern them both ex latere debitoris and ex latere creditoris.

B. Applying knowledge and understanding
The student will be able to apply the knowledge acquired to analyse and manage concrete situations in the context of bankruptcy proceedings, demonstrating the ability to use a critical and methodological approach in solving complex legal issues.

C. Making judgements
The student will develop the ability to formulate independent judgements and to adopt a critical approach in the analysis of insolvency proceedings, evaluating the legal and economic implications of the various options available to both the debtor and the creditor.

D. Communication skills
The student will be able to communicate the knowledge acquired on bankruptcy procedures clearly and precisely, using the appropriate technical-legal language and demonstrating the ability to interact effectively with professionals in the sector.

E. Learning skills
The student will develop an autonomous research and study method that will allow him/her to constantly deepen and update his/her knowledge in the field of bankruptcy proceedings, adapting to changes in regulations and case law.

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.
In particular, the oral exam consists of an interview on the topics illustrated in the programme and indicated in the recommended study texts; the objective is to verify the ability to understand and explain all the fundamental topics and aspects of the subject in a clear and personal way. The criteria for evaluating the indicated skills are based on knowledge and understanding of the fundamental contents of the discipline and on the ability to apply the acquired knowledge with personal re-elaboration.

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)

Or

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

Sustainable Development Goals

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