UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto delle Assicurazioni

2627-4-A5810184

Learning objectives

1. Knowledge and understanding skills: acquire an understanding of the essential dynamics of the insurance phenomenon and the fundamental principles of its legal discipline.
2. Ability to apply knowledge: develop practical skills to critically analyze insurance contracts and solve legal problems related to the insurance sector, using analytical tools and specific legal categories.
3. Autonomy of judgment: be able to independently evaluate legal issues related to insurance, considering scholarly opinions and case law.
4. Communication skills: acquire the technical terminology of insurance law to effectively communicate with both professionals and non-specialists in the sector.
5. Learning ability: develop the ability to stay up to date on regulatory and case law developments in the insurance field.

Contents

The course is focused on the insurance business and is aimed at providing students with essential tools and categories in order to understand the status and the evolution of insurance law and regulation in the Italian legal system, within the international horizon. First, we will examine the economic dynamics of the phenomenon and the essential steps of its historical development. Against this background, we will explore the main components of the Italian law and regulation concerning insurance firms, distribution and contracts, analyzing with more detail some selected topics that are currently debated by scholars and judges.

Detailed program

General summary

- Overview and evolution of the insurance phenomenon.
- Regulation of insurance firms: foundations, developments, essential features.
- Regulation of insurance distribution: types of intermediaries and client protection.
- Regulation of insurance contracts: general rules; non-life insurance; life insurance; personal accident insurance.

Students can choose between two alternative learning paths, of equal difficulty.

First option

It requires regular participation to classes and constant work during the course on the assigned material and exercises.
WARNING: studying only class notes and materials will not enable students to pass the exam.
Detailed Program

1. Foundations

- Economic bases of insurance.
- Historical development of insurance.
- Rationales and goals of insurance law.

2. Regulation of insurance firms

- General characteristics of the regulation.
- Overview of the regulation.
- Structural constraints: authorization for the taking-up of insurance business and for qualifying holding acquisitions; business limitations.
- Prudential regulation: insolvency and crisis procedures; foundations, principles and pillars of Solvency II.

3. Contractual relationships

- Consumer protection regulation: insurance intermediaries; new insurance distribution regulation (IDD).
- Insurance contracts: underlying principles and general provisions.
- Non-life insurance contracts: main legal profiles and selected cases.
- Life insurance contracts: main legal profiles and selected cases.
- Personal accident insurance: classification problem and legal implications.

Second option

It requires an in-depth study of the texts listed in the Syllabus.
Detailed Program

- General coordinates of the insurance activity and the insurance contract.
- The main types of insurance: liability insurance; property insurance; life and health insurance.
- Regulation of insurance firms and distributors.

Prerequisites

Essential elements of both the law of contracts and the law of business organizations.

Teaching methods

42 academic hours of in-class lectures, discussions of hypothetical problems and cases, reading assignments, tests.

Assessment methods

Oral exam: discussion on the topics addressed in class and/or studied in the textbook, aimed at assessing the preparation on the program.
The preparation is assessed according to the following criteria: knowledge of the fundamental contents of insurance law; ability to apply such knowledge to practical cases; level of mastery acquired of the method and the interpretative keys of the insurance phenomenon.

Textbooks and Reading Materials

First option
Class contents and readings that will be assigned during the course.

Second option

- DE LUCA, *Diritto ed economia delle assicurazioni*, Giappichelli, latest edition, and, in addition
- IVASS, Guida a Solvency II, available at: https://www.ivass.it/pubblicazioni-e-statistiche/pubblicazioni/altre-pubblicazioni/2016/guida-solvency-ii/Guida_SolvencyII.pdf

Sustainable Development Goals

GOOD HEALTH AND WELL-BEING | INDUSTRY, INNOVATION AND INFRASTRUCTURE | SUSTAINABLE CITIES AND COMMUNITIES | RESPONSIBLE CONSUMPTION AND PRODUCTION | CLIMATE ACTION | PARTNERSHIPS FOR THE GOALS