



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Responsabilità da Reato degli Enti: Aspetti Sostanziali

2627-1-FSG02A006-FSG02A00603

Learning objectives

The course aims to provide a basic theoretical knowledge of the rules on corporate criminal liability (substantive aspects). A further objective is for students to acquire the basic tools needed to independently identify and analyse the problematic issues emerging from case law.

By the end of the course, in line with the Dublin Descriptors, students are expected to have acquired:

Dublin Descriptor 1 – Knowledge and understanding

Knowledge and understanding of the general principles and of the criteria for attributing criminal liability to the entity.

Dublin Descriptor 2 – Applying knowledge and understanding

Ability to apply the notions learned to the analysis of concrete cases and to the resolution of legal issues relating to corporate (legal entity) liability.

Dublin Descriptor 3 – Making judgements

Critical ability in interpreting legal provisions and identifying the most appropriate legal solutions, developed through the analysis and discussion of case law concerning organizational models and the criteria for attributing liability.

Dublin Descriptor 4 – Communication skills

Ability to present and discuss legal issues, both in writing and orally, developed through in-class debate and written contributions.

Dublin Descriptor 5 – Learning skills

Ability to pursue independent study, through the use of legislative, doctrinal and case-law sources.

Contents

The course addresses the substantive rules on corporate criminal liability (Legislative Decree 231/2001).

Detailed program

The first part addresses the general principles: the basis and nature of the entity's liability; the notion of interest or advantage; the criteria for attributing the administrative offence dependent on a crime; the autonomy of the entity's liability with respect to that of the perpetrator of the offence; sanctions.

The second part examines specific issues (the organizational-fault criterion and the adoption of so-called organizational/compliance models) in relation to the characteristics of the predicate offence. Topics are addressed by problematic issues, with particular attention to practice and case law.

Prerequisites

Although knowledge of the fundamental notions of criminal law facilitates the understanding of the topics covered in the course, any gaps will be filled through brief digressions.

Teaching methods

Classes are held face to face and are video-recorded.

In accordance with the teaching taxonomy (DE/DI), the course is structured as follows:

- a) Lecturing/interactive nature: the first week is delivered in lecturing mode; from the second week onward, classes are delivered in interactive mode, through the analysis of concrete cases both orally (debate) and in writing (short written contributions completed during class and corrected individually during office hours).
- b) Type of teaching activity: lectures (first week); case analysis through debate and written contributions (from the second week onward).
- c) Hours delivered remotely: no class hours are delivered in synchronous remote mode. Recordings of the in-person classes are made available, after the fact, to: 1) public administration employees, under the "P.A. 110 e lode" agreement; 2) students with documented employment in the private sector; 3) students needing to make up for no more than two missed classes.

Active participation in the analysis of case law and practical problems is required. The course makes use of slides. Students must have an updated Criminal Code and an updated text of Legislative Decree 231/2001 from the start of classes.

Assessment methods

Assessment consists of an optional partial written test, reserved for students taking part in the interactive teaching activities, and a final oral examination, compulsory for all students.

1. Partial written test (optional)

Taken at the end of the module by students who took part in the interactive teaching activities (case analysis in written and oral form), following the methods learned during the course (analysis of a practical case). The test assesses the student's ability to apply theoretical notions to the analysis of a concrete case (Dublin Descriptor 2) and the autonomy of judgement in identifying the problematic issues underlying the case (Dublin Descriptor 3). The result of the test contributes to the overall assessment but does not replace the final oral examination.

2. Final oral examination (compulsory)

It focuses on the written exam, for those who took it, and on the topics in the syllabus and the indicated reference texts, for the others. It assesses knowledge and understanding of the subject matter (Dublin

Descriptor 1), the ability to present and argue legal issues (Dublin Descriptor 4), and the student's ability to navigate independently among legislative, doctrinal and case-law sources (Dublin Descriptor 5).

Assessment criteria

For each test, the Examination Board assesses the technical-legal accuracy of the notions presented, the ability to systematically frame the legal institutions discussed, and the ability to critically argue. For the partial written test, the ability to apply theoretical categories to the concrete case proposed is also taken into account. The final grade, expressed out of thirty, is graduated according to the depth of knowledge demonstrated and, for attending students, takes into account the result of the partial test.

Textbooks and Reading Materials

G. Lattanzi, P. Severino, Responsabilità da reato degli enti. Diritto sostanziale, Torino, Giappichelli, latest available edition, limited to: Parte I, cap. II; Parte II, cap. I-II-III-IV-V (pp. 45-352).

Sustainable Development Goals

GOOD HEALTH AND WELL-BEING | DECENT WORK AND ECONOMIC GROWTH | INDUSTRY, INNOVATION AND INFRASTRUCTURE | REDUCED INEQUALITIES | PEACE, JUSTICE AND STRONG INSTITUTIONS
