**Bankruptcy Law**

6 Credits

(Prof. Alberto Maria Tedoldi)

Bankrupcty law studies the business crisis through bankruptcy in the event of insolvency or through contracts and agreements to solve the crisis. The Bankruptcy Act (decree No. 267 of 1942) has been changed by numerous reforms designed to make bankruptcy proceedings more modern and flexible. The study of the subject matter is completed with the discipline on the composition of the crisis of over-indebtedness and liquidation of the debtor's property when the debtor cannot be declared bankrupt, under Law n. 3 of 2012.

Syllabus:

The function of bankrupcty and the general characteristics of the proceeding.

The prerequisites.

Jurisdiction and standing for the declaration of bankruptcy. The bankruptcy decision and the means of appeal.

Organs: The Bankruptcy Court; the delegate Judge (giudice delegato); the Trustee (*curatore*); the creditors’ committee.

The effects of bankruptcy on the debtor and the creditors. Clawback actions. The fate of existing legal relationships.

Valuation of the debtor’s liabilities.

The liquidation and distribution of assets.

The closure of the bankruptcy. The bankruptcy agreement.

Liberation from debts

The Company’s bankrupcty.

The negotiated solutions to the crisis. The arrangement with creditors.

The composition of the indebtedness crisis and the liquidation of the property of the debtor that cannot be declared bankrupt.

Recommended texts for the exam:

SANDULLI, D’ATTORRE, Manuale delle procedure concorsuali, Giappichellli Editore, Torino, in the latest edition available (excluding sections VII, IX, X and XI);

Indispensable tool for the preparation is the updated text of the Bankruptcy Act (267/1942 royal decree) and the law on the composition of the crisis of over-indebtedness (Law n. 3/2012).

Examination:

Oral examination. Only attending students will have the option to take at the end of the course and on a date before the one set for the oral examination a test (*preappello*), written or oral.