# Banking Law

## Prof. Claudio Frigeni

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to provide students with the general framework of the banking system by focussing both on the rules concerning the organisation of banking companies and those for conducting banking activities involving customers, with special attention to the main banking transactions.

*Intended learning outcomes*

At the end of the course, students will be able to identify the conditions for the legitimate performing of banking activities by banking and financial intermediaries and understand the *rationale* of public controls and the role of the supervisory authorities. They will also identify the fundamental elements that characterise the bank-customer relationship in the different stages of the contractual relationship (pre-contractual and contractual) and the rules applicable to the main banking transactions.

***COURSE CONTENT***

The course is divided into three parts. The first part examines the organisation of banking companies and focuses on the special regulation concerning the public controls on the conduct of banking business and on the role assigned in this context to the regulatory and supervisory authorities. The second part focuses on the performance of the banking activity and the general principles that characterise the bank-customer relationship in contractual terms, with special reference to transparency and correctness in the different phases of the relationship (formation of contract and information to the customer, form of contract and delivery of a copy of the contract, nullity of protection, information on the conduct of the relationship and request for information, *jus variandi*). The third part focuses on some of the main bank transactions through which the activity of collecting savings, credit activity, and the provision of payment services is carried out.

***READING LIST***

For the first part:

* C. Brescia Morra, *Il diritto delle banche. Le regole dell’attività*, Bologna, Il Mulino, 3rd ed. 2020

For the second part:

* A.A. Dolmetta, *Trasparenza dei prodotti bancari. Regole*, Bologna, Zanichelli, 2013.

For the third part, the reference reading list will be published on the lecturer's personal webpage at the start of the course.

***TEACHING METHOD***

The course will consist of frontal lectures.

***ASSESSMENT METHOD AND CRITERIA***

Students' preparation will be assessed through oral exams.

The oral exam consists of the formulation of questions concerning the contents of the programme. Together with the knowledge of normative and jurisprudential data, the exam will assess the students’ systematic reasoning aptitude, and in particular, their ability to connect banking transaction themes to civil law categories.

***NOTES AND PREREQUISITES***

Prerequisites for the study of banking law are: for the first part, knowledge of the basic principles of company law, for the second and third parts, knowledge of private “property” law (obligations, contracts, debt securities, companies , etc.).

Students are required to be aware of any legislative or regulatory changes that may occur during the year and that will be made known via Blackboard or through a notice published on the lecturer's personal web page (<http://docenti.unicatt.it/ita/claudio_frigeni/>).

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.