# Banking and Markets Law

## Prof. Gianluca Mucciarone

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

The course aims to provide the basic lines of the special regulation of banking activity within the framework of the common company and contracts regulations. It also aims to grasp the interrelationships between the company and the contracts regulations and with the regulation of other financial companies and listed companies.

At the end of the course, students will be able to approach the subject with autonomy and critical ability, how it is regulated by the sources of the company and contracts in general and by sources specific to the company and to primary and secondary banking contracts, how it is applied by supervised bodies, by the Supervisory and judicial Authorities, developing both a systematic-functional and an operational vision of the regulations, and always being aware of the interrelationships between the various sectors and levels of the regulations and of the economic impacts of their possible interpretations.

***COURSE CONTENT***

− The sources of the regulation of the banking sector.

− Banking activity.

− Supervision.

− Starting the business.

− Ownership structure.

− The internal organisation.

− Capital adequacy.

− Business concentrations.

− Banking crises.

* Transparency regulations of banking contracts: information and form.
* The economic content: interest, commissions, and expenses.
* Termination of relations at will of the customer.
* Payment fraud.
* The Financial Banking Arbitrator

***READING LIST***

− C. Brescia Morra, Il diritto delle banche, third edition, Il Mulino, 2020.

− G. Cavalli e M. Callegari, *Lezioni sui contratti bancari*, third edition, Zanichelli, 2019, chapter 2 and chapter 10, § 3.

Attending students will be able to refer to the contents of the lessons.

We recommend reading G. Mucciarone, L’adeguatezza degli “amministratori” della banca, UTET, 2019

***TEACHING METHOD***

Classroom lectures.

***ASSESSMENT METHOD AND CRITERIA***

Written tests (with open-ended questions) or oral exams, if the number of students allows it. The questions will be aimed at verifying the students’ degree of knowledge, their critical and argumentative skills and the ability to apply knowledge to reality. The assessment will take into account the clarity and linearity of the presentation, command of the specific lexicon, ability to synthesise and develop the passages.

***NOTES AND PREREQUISITES***

Prerequisites for attending the course is specific knowledge of private “property” law: obligations, contracts, debt securities, business and society.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

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.