**Banking and Financial Institutions law**

Prof. Paolo Flavio Mondini

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

The course aims to provide students with a systematic explanation of the foundations of the legal framework of credit and financial intermediaries and of the main contracts that exist with customers.

*Knowledge and understanding*

At the end of the course, students will have acquired a critical awareness of the reasons and functions of the main discipline institutions and, therefore, they will be able to distinguish and define in essential terms the main operators of the banking and financial market and will know the most relevant investment services and banking contracts; they will acquire the basic knowledge of primary and regulatory source discipline, as well as the main jurisprudential interpretations. Students will also acquire the subject-related legal terminology.

*Ability to apply knowledge and understanding*

At the end of the course, students will be able to:

1. distinguish the subjects that operate on the banking and financial markets and know the essential rules of internal functioning and relations with the Supervisory Authorities
2. identify the individual services and investment activities and know their main regulatory elements
3. identify the individual banking contracts and know the main discipline elements
4. understand a legal text and in particular the jurisprudential rulings on the subject and the decisions of the Authorities, knowing how to contextualize the main justification passages in the regulatory framework;
5. identify the relevant regulatory sources in the examination of the specific case and the relevant application references; consequently, they will be able to express simple motivated legal opinions on theoretical and practical cases that deal with the matter.

***COURSE CONTENT***

1. The reasons for the regulation of the banking and financial markets.
2. History of banking and financial legislation.
3. The Italian and European supervisory authorities.
4. Banks and banking business.
5. Investment firms.
6. Forms of supervision.
7. The discipline of crises.
8. The main investment and ancillary services
9. Banking services
10. The discipline of customer and investor protection.
11. General and special rules of contracts

***READING LIST***

For attending students, study and discussion materials will be promptly published on the Blackboard platform.

Non-attending students can prepare the exam on M.Cian (edited by), *Diritto commerciale. IV. Diritto del sistema finanziario,* ed. 2020, Giappichelli, pp. 1-259.

For all students, we also recommend the reading of Amedeo Valzer, *Lineamenti di diritto dell’impresa bancaria. Appunti dalle lezioni*, EduCatt, Milan, 2018.

For the study of the subject, we suggest consulting updated regulatory texts, in any case not older than six months from the exam date. Consultation of the institutional website of the Bank of Italy and Consob is recommended to find the regulatory texts.

***TEACHING METHOD***

Frontal lectures.

The theoretical discussion of legal issues will be combined with the analysis of some application profiles.

***ASSESSMENT METHOD AND CRITERIA***

The exam consists of an oral interview. Students are also required to be informed of any legislative or regulatory changes that may occur during the year.

The exam is aimed at assessing the knowledge acquired, the logical and argumentative ability, the clarity, completeness and effectiveness of presentation, as well as the acquisition of adequate language skills.

***NOTES AND PREREQUISITES***

Prerequisiste of the course is good knowledge of private law and commercial law.

Since this is a course aimed at acquiring a method of analysis and developing logical-argumentative skills, active attendance of the course is strongly recommended.

Information on office hours available on the teacher's personal page at <http://docenti.unicatt.it/>.