# Banking and Financial Criminal Law

## Prof. Alessandro Provera

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

* ***Course Aims***

The course aims to illustrate the different aspects characterising the phenomenon of financial crime, focusing on the most frequent criminal offences in the banking and financial sector. The first part of the course frames the unique features of financial criminal law from an ethical and criminological point of view. The course will also provide the essential elements of the subject's criminal categories of reference, with an in-depth study of the issues relating to the identification of responsible subjects in complex organisations, the corporate criminal liability and the compliance tools to counter criminal risk. The second part of the course examines the crimes most frequently involving the banking and financial sector In addition to analysing the main criminal offences, we will illustrate the most common criminal behaviours in practice, including with reference to judicial cases.

* ***Intended learning outcomes***

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

- recognize the most common criminal behaviours in the banking and financial sector;

- deal with the legal framework, identifying the rules and the various forms of liabilities applicable to concrete cases;

- properly analyse the most relevant criminal offences in the financial sector;

- adopt an independent approach in the analysis of questions arising from the management of criminal risks related to financial activities.

***COURSE CONTENT***

1. Financial scandals: criminological traits.
2. Overview on basics of criminal law. - Subjects and criminal liability in complex organisations. - Liability and compliance tools for offences committed by entities as laid down by Legislative Decree no. 231/2001. Whistleblowing system.
3. Market abuse. - Common provisions and penalty system. - Insider trading. – Manipulation.

4. Corporate crimes. False corporate statements – Obstacle to public supervisory authorities.

5. Bankruptcy crimes.

6. Banking crimes (legislative decree no. 385/1993).

7. Bribery of public officials and bribery among private persons.

8. Disloyalty in business management – Usury. – Fraud.

9. Money laundering and law enforcement measures.

10. Banking Scandals (Banco Ambrosiano e Parmalat).

***READING LIST***

Attending students will be able to take the exam on the lecture notes, supplemented by supporting material indicated during the course and made available on Blackboard.

Non-attending students may take the exam by studying the topics listed in the programme in the indicated sections of the following text:

E.M. Ambrosetti - E. Mezzetti - M. Ronco*, Diritto penale dell’impresa*, V ed., Zanichelli, 2022, Part I, Chaps. II, (pp. 40-113); Part II, Chaps. I, Section II (pp. 119-167) Section V (pp. 187-202 e 210-214); Chaps II (pp. 221-252); Chap. III (pp. 275-374); Chaps. IV (pp. 376-417).

Further reading indications for non-attending students may be provided or made available on Blackboard at the beginning of the course.

Non-attending students are, in any case, required to check Blackboard for any changes or additions to the reading indications.

***TEACHING METHOD***

Frontal lectures - to which external guests, academics or representatives of the financial world may be invited - covering single topics or practical cases of interest within the course.

***ASSESSMENT METHOD AND CRITERIA***

* *Assessment method*

Those students attending lectures will be required to take the oral exam on the lecture notes, supplemented with the materials provided by the lecturer during the course.

Those students not attending lectures will be required to take the oral exam on the entire course contents indicated in the degree course guide, and following the reading list indicated therein.

* *Assessment criteria*

Students will be assessed on the relevance of their answers, the reasoned and coherent structuring of their discourse, and their ability to identify conceptual links and critical issues.

***NOTES AND PREREQUISITES***

* *Notes*

Attendance is highly recommended.

* *Prerequisites*

During the course, students who do not have specific legal training will be provided with the fundamental notions for understanding the subject matter.

***STUDENT RECEPTION***

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