

27549 - Insolvency Law

Syllabus Information

Academic year: 2023/24

Subject: 27549 - Insolvency Law

Faculty / School: 109 - Facultad de Economía y Empresa

Degree: 449 - Degree in Finance and Accounting

ECTS: 6.0

Year: 4

Semester: Second semester

Subject type: Optional

Module:

1. General information

The main goal of this subject is for students to acquire a general knowledge of the solutions that the law uses to deal with insolvency. The treatment of the business crisis is of particular importance in view of the legal relationships, of diverse nature, that concur in the company. It should not be forgotten that in the treatment of the crisis business must take into account temporary and material circumstances whose correct attention presupposes training and specific knowledge in order to minimize the cost of pre-insolvency and business insolvency situations. A through the teaching of this subject we seek to contribute to the complete training of future graduates in Finance and Accounting, providing them with tools that allow them to evaluate and resolve situations in their advisory and business management tasks.

{These approaches and goals are aligned with the Sustainable Development Goals (SDGs) of the United Nations Agenda 2030 (<https://www.un.org/sustainabledevelopment/es/>), in particular, the activities planned in the subject will contribute to the achievement of goals 4, 8 and 9 and objectives 4.4 and 8.3. .

2. Learning results

The student, in order to pass this subject, must demonstrate the following results:

1. Identify and prevent business crisis situations
2. To understand the mechanisms for handling pre-bankruptcy situations
3. To understand the legal significance and effects of insolvency of individuals and legal entities
4. -Meet-the consequences on the patrimonial faculties of individuals and legal entities of their declaration of bankruptcy
5. -Identify the consequences that the declaration of bankruptcy has on the creditors of the insolvent party and the credits they claim.
6. -Identify possible solutions to the competition
7. -Know the assumptions and consequences resulting from the classification of an insolvency proceedings of creditors as being at fault.
8. -To know the assumptions and consequences related to the conclusion of the insolvency proceeding
9. -Be able to search for, analyze and synthesize legal information
10. Determine and apply a method in the study and resolution of practical cases

3. Syllabus

Unit 1.- The declaration of bankruptcy

Unit 2.- The organs of the bankruptcy: the judge and the bankruptcy administration

Unit 3.-Effects of the declaration of insolvency proceedings on the debtor

Unit 4.-Effects of the declaration of bankruptcy on creditors and contracts

Unit 5º.- The active mass

Unit 6º.- Determination of the passive mass

Unit 7º.- The agreement and liquidation

Unit 8.- The qualification of the insolvency proceeding

Unit 9.-Conclusion and reopening of the insolvency proceeding. Exoneration of unsatisfied liabilities

Unit 10.-Pre-bankruptcy Law

Unit 11.-Special procedures for micro-companies.

4. Academic activities

Lectures: sessions with the teaching staff in which the course syllabus will be presented in an active way: 30 hours
Practical classes: student intervention in the classroom to help them develop their ability to identify and analyze legal problems, as well as their critical sense and oral presentation skills. In addition, in this way, the student becomes familiar with the use of the technical-legal language of the subject: 30 hours

Personal Study: 88 hours

Assessment tests. 2 hours

6 ECTS = 150 hours

In principle, the teaching methodology and its evaluation is planned to be based on face-to-face classes . However, if circumstances so require, they may be carried out online.

5. Assessment system

The subject will be evaluated in the first call by means of continuous and/or global evaluation, and by means of global evaluation in the second call.

In the FIRST CALL:

Continuous assessment:

Students who attend class regularly will be able to pass the course by means of the evaluation of the following activities:

- The elaboration and presentation in class of a work on any of the subjects that appear in the program according to guidelines indicated by the teacher: 70%
- The resolution of the theoretical-practical questions that are raised in class: 30%

Global Assessment:

It will consist of a single global written test of theoretical-practical nature that will deal with the 11 topics of the course and the case studies that have been solved in class. The test will contain open-ended questions: 100%

For those students who do not pass the subject in the first call, there will be a **SECOND CALL** with **global assessment** that will consist of a final written test following the same criteria as in the first call.

Assessment Criteria:

To pass the subject, by both evaluation systems, the student must obtain a score equal to or higher than five (5) out of a total of ten (10) points.