

Course Unit	Company Recover and Insolvency Law		Field of study	Law	
Bachelor in	Law for Solicitors		School	School of Public Management, Communication and Tourism	
Academic Year	2023/2024	Year of study	3	Level	1-3
Type	Semestral	Semester	2	ECTS credits	6.0
Code	9242-317-3204-00-23				
Workload (hours)	162	Contact hours	T -	TP 60	PL -
			TC -	S -	E -
			OT 20	O -	

T - Lectures; TP - Lectures and problem-solving; PL - Problem-solving, project or laboratory; TC - Fieldwork; S - Seminar; E - Placement; OT - Tutorial; O - Other

Name(s) of lecturer(s) Eduardo Augusto da Igreja Firmino

Learning outcomes and competences

At the end of the course unit the learner is expected to be able to:

1. Identify and integrate concepts and legal institutes specific to the insolvency and corporate recovery process, including alternative insolvency procedures (RERE, PER and PEAP).
2. To identify the different subjects involved, the conduct of each phase of the process and its requirements and consequences, specially for the management of the company and creditors

Prerequisites

Before the course unit the learner is expected to be able to:
Have knowledge of Commercial Law, Civil Law and Procedure

Course contents

Part I - Insolvency and Insolvency Proceeding; Part II - Special regime of insolvency of the natural persons; Part III - Alternative procedures of Insolvency.

Course contents (extended version)

1. INSOLVENCY AND INSOLVENCY PROCEEDING.
 - Introduction: Insolvency law. Notions. Insolvency proceedings. Situation of insolvency (Criteria)
 - Subjects and object: Subjection and exclusions. Insolvent Mass (IM). Credits: concept and classes.
 - Insolvency Administrator (IA): Appointment, function, supervision, responsibility.
 - Creditors Commission (CC); Creditors' Meeting (CM): Competence, summons, participation, voting.
 - Insolvency application: Legitimacy, requirements, opposition, hearing, sentence and effects.
 - Effects on the insolvent: procedural: credits; ongoing business; resolution for the benefit of IM.
 - Insurance claims: Moment, form, content, judgment, sentence. Later complaint.
 - IA report. CM for the assessment of the report. Insolvency qualification incident.
 - Liquidation of IM: sale of assets, deposit, special acts, sale of the company.
 - Distribution order and payments. Termination of the process. Insolvency plan.
2. SPECIAL REGIME OF INSOLVENCY OF THE NATURAL PERSONS
 - Discharge of the other liabilities.
 - Payment plan to creditors
 - Insolvency of the both spouses
3. ALTERNATIVE PROCEDURES OF INSOLVENCY
 - 3. 1. Out-of-court procedures:
 - Out-of-court regime of the recovery of companies
 - Judicial proceedings:
 - Special process of revitalization
 - Special process for payment arrangements

Recommended reading

1. Epifânio, M. (2022). Manual de direito da insolvência. Coimbra: Almedina. ISBN 9789894005599.
2. Martins, A. S. (2022). Um curso de direito da insolvência (Volume I). Coimbra: Almedina. ISBN 9789894003212
3. Martins, A. S. (2022). Um curso de direito da insolvência (Volume II). Coimbra: Almedina. ISBN 9789894008477
4. Leitão, M. T. M. (2023). Direito da insolvência. Coimbra: Almedina. ISBN 9789894014713
5. Leitão, M. T. M. (2020). A recuperação económica dos devedores - (RERE, PER, PEAP, Plano de insolvência, plano de pagamentos e exoneração do passivo restante). Coimbra: Almedina. ISBN 9789724084183.

Teaching and learning methods

Oral presentation of the subjects accompanied by the reading and analysis of the relevant legal precepts using examples and practical situations.

Assessment methods

1. Final Written Exam - 100% - (Regular, Student Worker) (Final, Supplementary, Special)
 - Final Written Exam - 100%
2. Continuous evaluation - (Regular, Student Worker) (Final)
 - Intermediate Written Test - 50% (Intercalate written test on the subject of Part I of the UC program - Minimum grade 7 values)
 - Intermediate Written Test - 50% (Written test on the subject of Parts II and III of the UC program)
3. International mobility students - (Regular, Student Worker) (Final, Supplementary, Special)
 - Development Topics - 100% (Written in Portuguese or English)

Language of instruction

Portuguese, with additional English support for foreign students.

Electronic validation			
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03-03-2024	05-03-2024	06-03-2024	12-03-2024

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