# University Academic Curriculum Vitae

**Personal information**

**Peter Agstner**
E-Mail: peter.agstner@unibz.it

**Present appointment**

- Associate Professor in Business Law (ARF: 12/B1 – Scientific Sector IUS/04 Diritto commerciale), Faculty of Economics and Management Free University of Bozen/Bolzano

**Education since leaving school**

- 2017: Italian National Scientific Habilitation (ASN) as Associate Professor in Business Law "Academic recruitment field: 12/B1 – scientific sector IUS/04 Diritto commerciale"
- 2014-2016: Senior Research Fellow (Wissenschaftlicher Referent) at the Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (Prof. Dr. H. Fleischer).
- 2013: Visiting Researcher at Max-Planck-Institut für ausländisches und internationales Privatrecht, Hamburg (Prof. Dr. K.J. Hopt) and at Ludwig-Maximilians-Universität, Munich (Prof. Dr. M. Habersack)
- 2011-2014: Teaching Assistant at Bocconi University Milan
- 2011: Catholic University Milan, Ph.D. in National and International Business Law. First ranked in the competitive admission exam (114/120 points). Ph.D. thesis on 'Cooperatives in a corporate group structure', recognized with award by the Gian Franco Campobasso Association (2013) as the best Ph.D. thesis in Business and Banking Law
- 2009: Yale University, Law School (USA, CT). Visiting Researcher (Prof. H. Hansmann).
- 2008: Italian Bar Examination with admission to Milan Bar Association
- 2005: Catholic University Milan, J.D. degree, mark 110 *cum laude*, with six-month stay abroad (Overseas Program) at University of Technology, Sydney (Australia). Thesis in Business Law under the supervision of Prof. Dr. Giuseppe Portale ('I principi contabili internazionali IAS/IFRS nell'ordinamento italiano e tedesco'), with two-month research stay at the Max-Planck-Institute for Innovation and Competition, Munich (Germany).

**Current scientific responsabilities**

- Member of the Steering Body of the Competence Center for Management of Cooperatives, Unibz (since 2022)
- Member of the Scientific Board (*Collegio Docenti*) of the Ph.D. Program 'Autonomia privata, Impresa, Lavoro e Tutela dei diritti nella prospettiva europea ed internazionale',

Sapienza University of Rome (since 2022)
- Unibz Contributing Researcher at the Platform for Family Business Management (since 2022)
- Member of the Scientific Advisory Board of the IGA Innsbruck (International Institute of Alpine Cooperative Research) (since 2023)
- Member of the Editorial Board of the following Level A Business Law Journals:
  - Banca borsa e titoli di credito (since 2017)
  - Rivista di diritto societario (since 2017)

**Teaching Portfolio**

I have developed a portfolio of different law courses at both Bachelor and Master program level:
• Applied Business Law
• Corporate Bankruptcy and Restructuring Law
• Intellectual Property Law
• Law on banking and financing contracts

## Professional Experience

Chronological list of previous employments

- Researcher with a fixed-term contract (RTD B)
  From/to: 1.10.2021 – 30.9.2024
  Institution: Free University Bolzano-Bozen
  Responsibilities: research in national and international business and insolvency law; academic teaching; organization of seminars and congresses

- Researcher with a fixed-term contract (RTD A)
  From/to: 1.10.2018 – 30.9.2021
  Institution: Free University Bolzano-Bozen

- Research Assistant (AR)
  From/to: 1.10.2016 – 30.9.2018
  Institution: Free University of Bolzano-Bozen.

- Research Assistant (AR)
  From/to: 1.6.2012 – 31.5.2016
  Institution: Catholic University Piacenza/Milan

- Ph.D. student in National and International Business Law
  From/to: December 2006 – November 2010
  Institution: Catholic University Milan

## Publications
(all cited in the language of their original title)

**Books - Authored**

- P. Agstner, *La gestione dei conflitti tra soci nelle società di capitali chiuse. Fra autonomia ed eteronomia*, Giappichelli, Torino, forthcoming 2024.

- P. Agstner (2017), *Il gruppo cooperativo gerarchico*, Torino, Giappichelli, XII-220 (ISBN: 978-88-921-0955-1), with book review by Prof. Dr. José Miguel Embid Irujo (Universidad de Valencia), available at: http://www.commenda.es/rincon-de-commenda/el-complejo-significado-juridico-del-grupo-

cooperativo/.

- P. Agstner (2017), *Beiträge zu einer Untersuchung zum Gesellschaftsrecht in Europa und den USA*, Borsdorf, Winterwork, 1-137 (ISBN: 978-3-96014-306-2).
- P. Agstner/F. Bordiga (2014), *Legge sulle società per azioni della Repubblica federale tedesca*, in Studi e documenti di diritto comparato e straniero, a cura di E. Ginevra, V. De Stasio, M. Mazza, Giuffrè, Milano, 1-521 (ISBN: 9788814183690).

**Chapters in books**

- P. Agstner, *EU Takeover Regulation: Some 'Hot' Research Topics*, in P. Giudici/J.A. McCahery (eds.), Research Handbook on EU Securities Regulation, Edward Elgar, accepted and forthcoming 2024.
- P. Agstner/S. Costa, *Sistema di controllo interno e di gestione dei rischi*, in A. Abu Awwad/F. Bordiga (eds.), Commentario Codice di Corporate Governance, Giappichelli, Torino, accepted and forthcoming 2024.
- P. Agstner, *§ 17 Italien: Società benefit*, in H. Fleischer (ed.), Rechtsformneuschöpfungen im in- und ausländischen Gesellschaftsrecht, Mohr Siebeck, Tübingen, accepted and forthcoming 2024.
- P. Agstner, *§ 5 Italien*, in H. Fleischer (ed.), Personengesellschaften im Rechtsvergleich, C.H. Beck, München, 2021, 225-256.
- P. Agstner, *Gli azzardi morali dei soci nelle s.r.l. in crisi*, in Società, banche e crisi d'impresa. Liber amicorum Pietro Abbadessa, diretto da M. Campobasso, V. Cariello, V. Di Cataldo, F. Guerrera, A. Sciarrone Alibrandi, vol. III, Torino, Utet, 2014, 2463-2508.
- P. Agstner, *Commento all'art. 2545 c.c.*, in Commentario del codice civile, diretto da E. Gabrielli, in Delle Società, dell'azienda, della concorrenza, a cura di D. Santosuosso, Torino, Utet, 2014, 400-412.
- P. Agstner, *Commento all'art. 2545-bis c.c.*, in Commentario del codice civile, diretto da E. Gabrielli, in Delle Società, dell'azienda, della concorrenza, a cura di D. Santosuosso, Torino, Utet, 2014, 412-424.
- P. Agstner, *Il diritto al ristorno tra resistenza legislativa e prospettive di riforma*, in La struttura finanziaria e i bilanci delle società di capitali. Studi in onore di Giovanni E. Colombo, Torino, Giappichelli, 2011, 310-329.

**Articles in academic journals (<u>all Class A journals</u>)**

- P. Agstner, *New Legal Forms and Rules for Italian Innovative Enterprises*, in European Business Law Review, accepted and forthcoming in 2024.
- P. Agstner, *Le s.r.l. aperte: uno sguardo comparatistico*, in Rivista Orizzonti Diritto commerciale, 2024, 198-216.
- P. Agstner/N. de Luca, *L'insolvenza di gruppo nel diritto concorsuale tedesco*, in Il dir. fall. e soc. comm., 2024, 1-23.
- P. Agstner, *Short-termism nel diritto azionario e dei*

*mercati finanziari: a proposito di un recente libro tedesco*, in Banca borsa tit. cred., 2023, I, 769-776.

- P. Agstner/G. Romano, *Ein weiterer Schritt auf dem Weg zur Harmonisierung des Insolvenzrechts in Europa. Der Richtlinienvorschlag vom 7.12.2023*, in EuZW, 2023, 364-371.
- P. Agstner/S. Costa, *Il consiglio di amministrazione nel sistema di controllo interno e di gestione dei rischi di società quotate*, in Rivista Orizzonti Diritto commerciale, 2022, 749-807.
- P. Giudici/P. Agstner/A. Capizzi, The Corporate Design of Investments in Startups: A European Experience, in European Business Organization Law Review, 2022, 787-820.
- A. Capizzi/P. Agstner/P. Giudici, *Il design contrattuale delle startup VC-financed in Italia*, in Analisi giuridica dell'economia, 2021, 227-256.
- P. Agstner/C. Nigro, Obbligazioni convertibili e corrispettivo dell'opa volontaria nell'esperienza tedesca (con uno sguardo al diritto italiano), in Rivista diritto societario, 2021, 753-785.
- P. Agstner, Designing Generation Change in Family Firms: Lessons from Italy, in European Business Law Review, 2021, 419-435.
- P. Agstner/A. Capizzi/P. Giudici, *Business Angels*, *Venture Capital* e la nuova s.r.l., in Rivista Orizzonti Diritto Commerciale, 2020, 353-452.
- P. Agstner, *Shareholder Conflicts in Close Corporations between Theory and Practice: Evidence from Italian Private Limited Liability Companies*, in 21 European Business Organization Law Review, 2020, 505-543.
- P. Agstner/Davide Marchesini Mascheroni, *Breach of the Mandatory Bid Rule: Minority Shareholders' Protection in the Public vs. Private Enforcement Debate*, in European Company and Financial Law Review, 2020/6, 726-759.
- P. Giudici/P. Agstner, *Startups and Company Law: The Competitive Pressure of Delaware on Italy (and Europe?)*, in 20 European Business Organization Law Review, 2019, 597-632.
- P. Agstner, *Interesse sociale tra contrattualismo e istituzionalismo nella giurisprudenza del Supremo Tribunale Federale tedesco:* Viel Lärm um wenig*?*, in Rivista di diritto societario, 2017, 947-950.
- H. Fleischer/P. Agstner, *Personengesellschaften in Italien und Deutschland. Grundlagen, Entwicklungslinien, Strukturmerkmale*, in Rabels Zeitschrift für ausländisches und internationales Privatrecht, 2017, 299-343.
- H. Fleischer/P. Agstner, *L'invalidità delle deliberazioni assembleari di s.p.a. Comparazione di sistemi tra path dependency e prospettive di riforma*, in Rivista delle società, 2014, 1217-1268.
- P. Agstner, *Le società cooperative a mutualità non prevalente e la (presunta) unitarietà del fenomeno cooperativo nella riforma del diritto societario*, in Rivista di diritto societario, 2012, 714-732.
- P. Agstner, *Il Supremo Tribunale federale tedesco e i consiglieri di sorveglianza con funzione consultiva. Spunti*

*interpretativi per l'ordinamento italiano?*, in Rivista di diritto commerciale, 2012, 376-393.

**Posts in Business Law Blogs**

- P. Giudici/P. Agstner/A. Capizzi, The Corporate Design of Investments in Startups: A European Experience, The FinReg Blog (Duke Financial Economics Center), 1 December 2022, available at: https://sites.duke.edu/thefinregblog/2022/12/01/the-corporate-design-of-investments-in-startups-a-european-experience/
- P. Giudici/P. Agstner/A. Capizzi, The Corporate Design of Investments in Startups: A European Experience, Oxford Business Law Blog, 13 February 2023, available at: https://blogs.law.ox.ac.uk/oblb/blog-post/2023/02/corporate-design-investments-startups-european-experience.
- P. Agstner/D. Marchesini Mascheroni, Breach of the Mandatory Bid Rule: Minority Shareholders' Protection in the Public vs Private Enforcement Debate, Oxford Business Law Blog, 6 February 2020, available at: https://blogs.law.ox.ac.uk/oblb.
- P. Giudici/P. Agstner, Startups and Company Law: The Competitive Pressure of Delaware on Italy (and Europe?), Oxford Business Law Blog, 30 September 2019, available at: https://blogs.law.ox.ac.uk/oblb.

**Research grants and scholarships**

- Max Planck Society (awarded 2013): 3-month scholarship.
- German Academic Exchange Service DAAD (awarded 2013): 3-month scholarship.

**Scientific Awards**

- Gian Franco Campobasso prize (8th ed.) for the best Ph.D. thesis in Commercial and Banking law during the year 2011 (awarded 2013).
- Fondazione Famiglia Legnanese prize for J.D. thesis (awarded 2006).

**Membership in scientific associations**

- Italian Society of Yale Students and Affiliates (since 2011)
- Freunde des Hamburger Max-Planck-Instituts für ausländisches und internationales Privatrecht, Hamburg (since 2014)

**Membership in research entities**

- Member of the Research Cluster "Law, Economics and Institution", Faculty of Economics and Management, Free University of Bozen/Bolzano

**Language competence**

- German: mother tongue
- Italian: C2

- English: C1
- French and Spanish: basic knowledge

Bozen-Bolzano, 1.10.2024

Dr. Peter Agstner
(digitally signed)