

University Academic Curriculum Vitae

Personal information

Peter Agstner

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Education since leaving school

- 2024: Italian National Scientific Habilitation (ASN) as Full Professor in Business Law “Academic recruitment field: 12/B1 – scientific sector IUS/04 Diritto commerciale”
- 2017: Italian National Scientific Habilitation (ASN) as Associate Professor in Business Law “Academic recruitment field: 12/B1 – scientific sector IUS/04 Diritto commerciale”
- 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
- 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-UTS, Sydney (Australia). Thesis in Business Law under the supervision of Prof. Dr. Dr. h.c. 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).

Present appointment

- Associate Professor in Business Law and Bankruptcy Law, at the Faculty of Economics and Management of the Free University of Bozen/Bolzano

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

External appointments at national and international level

- 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)

- Member of the pre-selection committee for DAAD scholarships and research grants (since 2023)
- Member of the Scientific Advisory Board of the IGA Innsbruck (= International Institute of Alpine Cooperative Research) (since 2023)
- Team member of national and international scientific projects
- Co-Investigator (CO-I) of national scientific projects

Research and Scholarships

Interdisciplinary collaborations

I have been involved in research projects with colleagues from the Faculty of Economics and Management, specialized in different scientific fields (Management, Accounting and Family Business: see in particular my collaboration within different Unibz Competence Centers: above section 'Current scientific responsibilities'). I am also collaborating with some colleagues of the Faculty of Economics and Management in teaching activities on sustainability issues (see above section 'Third Mission Activities').

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).

Editorial board of Class A-Journals

- Banca borsa e titoli di credito (since 2017)
- Rivista di diritto societario (since 2017)

Peer-reviewer of Class A-Journals

- European Business Organization Law Review (since 2022)
- Banca borsa titoli di credito (since 2024)

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

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 nel prisma dell'economia comportamentale del diritto*, 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, *Beschlussmängelrecht in Italien*, in H. Fleischer (ed.), *Das Beschlussmängelrecht der Kapitalgesellschaften*, ZGR-Sonderheft 2, De Gruyter, Berlin, 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 (all Class A journals)

- P. Agstner, *Le s.r.l. aperte: uno sguardo comparatistico*, in *Rivista Orizzonti Diritto commerciale*, 2024, 198-215.
- P. Agstner, *New Legal Forms and Rules for Italian Innovative Enterprises*, in *European Business Law Review*, accepted and forthcoming in 2024, available on www.ssrn.com.
- 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. Agstner, EU Takeover Regulation: Some 'Hot' Research Topics, 10 May 2024, available at: <https://blogs.law.ox.ac.uk/oblb/blog-post/2024/05/eu-takeover-regulation-some-hot-research-topics>.
- 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>.

Further data (Scientific Conferences)

I have taken part into numerous **international and national conferences and seminars (during the last three-year period)**, acting as paper presenter (**always on invitation**), with presentations in three languages (Italian, German, English).

- Speech on "The new legal regime on quotas issued by the

- Italian limited liability company (Srl)", Conference on The Impact of Restructuring on Corporate Governance and other Modern Trends in European Company Law, UAM, Madrid, 30-31 May 2024.
- Speech on "Shoot-out-Clauses in Shareholders' Agreements before German and Italian Courts, Conference on Shareholder Rights, Duties and Remedies from an Italian-German Perspective, University of Padua, 23-24 May 2024 (together with Prof. Dr. Dr. h.c. Holger Fleischer).
 - Speech on "Il panorama comparatistico", Conference on Il finanziamento tramite Venture Capital, University Sapienza Rome, 1 December 2023.
 - Speech on "Venture capital e private equity", Executive programme on START-UP. Nuova impresa ed investitori tra organizzazione, finanziamento, tutele ed opportunità, University of Florence, 3 November 2023.
 - Speech on "Le s.r.l. aperte: uno sguardo comparatistico", Online-Seminar on Le s.r.l. aperte nella recente legislazione speciale: uno sguardo nel vaso di Pandora (organized by Rivista Orizzonti Diritto commerciale), 27 October 2023.
 - Speech on "Enforcement of Takeover Law", Workshop on 20 Years Takeover Directive, Stockholm, 12-13 October 2023.
 - Speech on "L'evoluzione della disciplina delle cooperative in Germania", Conference on L'impresa cooperativa, caratteristiche e opportunità: ambiti d'intervento, University of Parma, 21-22 September 2023.
 - Speech on "New Legal Forms and Rules for Innovative Enterprises", Second Italian-German Symposium on Company Law, Max-Planck-Institut für ausländisches und internationales Privatrecht Hamburg, 20-21 April 2023.
 - Speech on "I conflitti tra soci nel passaggio intergenerazionale delle imprese familiari", Camera di Commercio di Bozen-Bolzano, 15 November 2022.
 - Speech on "Work for Equity", Conference on Le tecniche contrattuali di finanziamento delle startup in Italia, University of Bozen-Bolzano, 7 October 2022.
 - Speech on "Enterprise Foundations and Family Firms: An Italian Perspective, Fifth Hamburg Conference: Law and Management of Family Firms, Max-Planck-Institut für ausländisches und internationales Privatrecht Hamburg, 22-23 September 2022.
 - Speech on "Directors' Duties and Liability in the Italian Benefit Corporation: Shareholder Primacy or Stakeholder Empowerment?", First Italian-German Symposium on Company Law. New Types of Business Organizations, University of Padova, 28-29 April 2022.
 - Speech on "Il Venture Capital", Conference on L'economia degli "intangibili" e le sue regole, University of Siena, 20-21 October 2021.
 - Speech on "Listed Family Companies: A View from Italy", Conference on Law and Management of Family Firms, Max-Planck-Institut für ausländisches und internationales Privatrecht Hamburg, 16-17 September 2021.
 - Speech on "Sovraindebitamento: opportunità

nell'applicazione della disciplina normativa in ambito locale, esperienze a confronto e prospettive per le imprese", Camera di Commercio di Bozen-Bolzano, 25.11.2021.

Statement of Interest

My research topics cover the area of business law, including co-operative law, insolvency and restructuring law, law on innovative enterprises and close corporations. I hope to become a valuable asset to the faculty and, above all, contribute to its success by means of my strongly interdisciplinary and comparative approach to research and teaching. Here, I am sure that significant synergies can be created with colleagues from the field of management and finance. This is especially true in light of my actual research interests, focusing on the financing of innovative startups, shareholder conflicts in close corporations and issues relating to sustainable corporate law. In part, collaborations already exist, especially with various competence centers at Unibz and also with the NOI Technology Park. In this perspective, precious could prove also the existing collaborations with other Italian Universities (Sapienza, Padua) and foreign research centers (especially, Max-Planck Institute Hamburg).

Language competence

- German: mother tongue
- Italian: C2
- English: C1
- French and Spanish: good knowledge in speaking and reading

Bozen-Bolzano, 23.1.2026

Prof. Avv. Dr. Peter Agstner